

**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 Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Adv Nwabisa Ntshizana (for Adv RC Macadam)
Adv Ebenezer Propy (for SAPS)
Adv KD Moroka (SC) – DoJ representative
Adv Anisa Kessery-DOJ Representative

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PROCEEDINGS ON 27 AUGUST 2026

CHAIRPERSON: Mr Semenya, good morning to you all.

ADV SEMENYA: Good morning, Chairperson, and to the Commissioners as well. Chair, there is something of a little technical glitch, which should be of no consequence, if you permit us to proceed. The voice is good, we are good there. The image though is too narrow but would still be able to have a visual image of Mr Cele.

CHAIRPERSON: Yes.

ADV SEMENYA: With that qualification, we are ready to proceed.

10 CHAIRPERSON: Thank you. Mr Seme, you are ready?

ADV SEME: I am ready, however, it is Mr Varney who must cross-examine.

CHAIRPERSON: Yes. Mr Varney, are you ready?

ADV VARNEY: Yes, Chairperson. Good morning to you and the Commissioners and to Mr Cele. I am ready, I hope I am audible and visible.

CHAIRPERSON: Yes, you are both audible and visible. General Cele, good morning.

20 GENERAL CELE: Good morning, Justice. Good morning everybody that is on the platform. Thank you.

COMMISSIONER KGOMO: Good morning, General.

CHAIRPERSON: We can see you.

GENERAL CELE: Unfortunately, I cannot see you and I would have loved to see you but I can see Adv Varney.

CHAIRPERSON: Yes. Mr Varney, you may proceed.

ADV VARNEY: As the Chairperson pleases. General, firstly, thanks for coming back. We know that you have an extremely busy schedule.

CHAIRPERSON: Mr Varney, sorry to interpose. General Cele, you are reminded that you are still under your former oath.

GENERAL CELE: Thank you very much, Justice. I remember very well.

BHEKOKWAKHE HAMILTON CELE: (still under oath)

CHAIRPERSON: Thank you. You may proceed, Mr Varney.

10 ADV VARNEY: Thank you, Chairperson.

CROSS-EXAMINATION BY ADV VARNEY: Yes, General, thanks again for coming back to assist the commission. We are fully aware of your hectic schedule. I should disclose that our paths have crossed way back in the early 90s when we were both dealing with the political violence in KwaZulu-Natal. I think our paths might have crossed subsequently as well. I cannot remember exactly.

20 Firstly, and on behalf of the families, we want to acknowledge the sacrifices that you have made for the liberation of South Africa. We wanted to place that on record. Now, we do not want to keep you very long this morning. We have provided you with our questions and we hope that that has assisted you with your preparation. We are going to largely follow the order in the questions, which are set out in the application to cross-examine. Can I just check before we proceed? Do you have a copy of that document and the attached bundle?

GENERAL CELE: Yes, I think this is the correct document I have, “Calata Group bundle to cross-examine Bheki Cele.” I think that is how it is outlined.

ADV VARNEY: Yes, that is correct. Wonderful. Thank you. All right. Well, then you will see that at the top of page 2, there is a title called “References to Colonel Botha.” And you will recall, General, that in your evidence-in-chief, as well as your statement, you made a number of references to Colonel Botha.

10 You pointed out that it was the conduct of Botha and perhaps others that motivated you to initially refuse funding for the legal costs of apartheid-era police officers. Firstly, we want to check, this Colonel Botha, was this Hendrik Johannes Petrus Botha, also known as Hentie Botha?

GENERAL CELE: Thanks very much, Mr Varney. Maybe acknowledging my presence here. Today is National Executive Committee meeting, finalising the election list of which I am part of it, but I have apologised to the NEC to be here. As you said, that we are busy and I am very much busy with the KZN machinery of elections. So, one has lost a serious day on that platform today.

20 And also, thank you for the acknowledging. And I concur with you that we met. There were many days and many times where we ran to the place where you were based in Diakonia, in the Legal Resources Centre, when we were pursued and prosecuted by the very same group of people we are talking about today. I must say that I would not be very sure, I am sure that he is Botha, but I would

not be sure about his first name. Yes, the name Hentie does come back, but I would not put my head on the block, but the Botha surname, I will not forget that one.

ADV VARNEY: Okay. Thank you. Now, you also made reference in your evidence-in-chief to one of your comrades and that was Sbho Phewa. I just want to put us all on the same page. So, I am going to read from paragraphs 9 to 11.4. It is just some context about Comrade Phewa, as well as Kubheka, and then we are going to tie them up with Botha, this Colonel Botha. We believe it is the same

10 Hentie Botha. So, I will just read this into the record.

“In May 1987, Sbho Phewa, a UDF activist, was abducted by askaris and handed over to the security branch at Winklespruit on the Natal coast. He was never seen again, and his body has not been recovered. At least three of the perpetrators, including the notorious Andy Taylor, died before they could face justice. On 24 October 2022, the NPA and DPCI announced in a joint statement the opening of four inquests into

20 apartheid-era crimes involving murders and disappearances of ANC activists and MK operatives committed in KZN, including Ntombi Kubheka and Phewa. Kubheka was abducted, tortured, and murdered near Winklespruit by the security branch, also in May 1987.”

Paragraph 11.

“In November 2023, the DPP of KZN decided to pursue a prosecution of four persons, Hendrik Johannes Petrus Botha, (the Hentie Botha we have referred to), Johannes du Preez and Martinus Dawid Ras (Jnr) and Jakob Albert Coetzer for the murders of Phewa and Kubheka.

10 11.1 On 12 November 2024, Lawrence Gerald Wasserman was also charged with murder and all five accused appeared before the Umlazi Magistrate's Court, when the matter was remanded.

11.2 Four days later, it was reported that Wasserman died while travelling on a plane between Durban and Johannesburg on 16 November 2024.

20 11.3 On 16 February 2026, one of the accused (Ras) launched proceedings in the High Court to review the decision of SAPS, refusing his application for assistance with the payment of legal costs in the criminal matter and declaring that he is legally entitled to the appointment of an attorney and a counsel of his choice to represent him. A copy of the Notice of Motion is

annexed marked "A". Ras has apparently been joined by Botha in that application.

11.4 The trial of the accused has been set down for 24 to 28 August 2026 in the regional court and will proceed unless interdicted by the High Court on the question of legal representation."

So I can tell you that that is exactly what happened this week. It has been postponed to December 2026 because of that application to the
10 High Court on the question of legal representation. Now, we have attached an affidavit by Mbuso Khoza, the son of the late Sbhlo Phewa. That was a statement that Mbuso made out in support of the application for constitutional damages. It is annexed marked "B".

Now, in your evidence-in-chief, you will recall that Ms Seme asked you about a certain biography, and at that time I think all of us made the assumption, if I am thinking correctly, that you had written a biography, and I think you stated in your evidence that you intended to write one and indeed you will have lots to write about, but you had not done so as yet.

20 So we first wanted to clear up the misnomer, the misnamed document biography. So let us turn to the statement of Mbuso Khoza. It is at page, and we can just jump to the relevant paragraphs 16 and 17. It is at page 39 of the bundle, and when we refer to page numbers, these are the big red numbers that are on the top right hand corner.

GENERAL CELE: I am there. I am there at page 39.

ADV VARNEY: Thank you. You were quicker than me. So at paragraphs 16 and 17, just to deal with this biography, he says:

“In 2002, my aunt, Zama Phewa, submitted an application on my behalf to the Department of Finance that I could benefit from my father's special pension. My aunt had to submit supporting documents, which included my father's certificate of service, and a biography that was
10 authored by my father's close ally, Bheki Cele.”

So let us then turn to that biography. It is at page 56, and perhaps it should not be referred to as a biography, although it is titled that in the handwriting at the top.

GENERAL CELE: I am there.

ADV VARNEY: So you will see that it is on the letterhead of the African National Congress, KZN Province. It is titled, “To Whom It May Concern.” And the date stamp, it looks like it is 12 September 1997, and we do not have to go through it. Essentially, you confirm in this statement, which looks like it was sworn before perhaps a police
20 officer, that you knew Musa Phewa. He was involved with you in political activities. He was in the thick of things, as you say in that first paragraph, and you point out that he has disappeared. You do suggest that he opted for exile or that you accept that before he could go into exile, he was abducted and subsequently murdered by the security branch.

GENERAL CELE: Are you asking?

ADV VARNEY: Yes, I am asking.

GENERAL CELE: Well, I think, as I said in my, I concur and confirm the document. The document was part of the finding the facts, because the people that would claim to have been part of the struggle, sometimes underground, so they would get some people to confirm.

So for me, it could not be difficult at all to confirm knowing very well Musa Phewa, of which I stand by it, that I know him, but as I
10 say, I am not very sure, I was not sure that he was abducted. What I knew and what I was told is that he had gone to exile and he was missing between leaving the country and arriving in the camps.

I had some inquest about him because he is one person that was always in my mind as I come back for operation that would be part of the structures, knowing him well, that I would love to work with him. So when I enquire his whereabouts, this is information that I received that he had left the country for exile.

So now I know with the new information that he was abducted. What I do not know whether on the way or from home and what was
20 the situation, but my understanding was from me trying to find out to work with him again, as I came back for the underground operations.

ADV VARNEY: Thanks, thanks for that clarification. Then if we can return to the application to cross and incidentally, I am also going to be referring from time to time to your statement before this commission. That is your statement that you made out on the 20

June 2026. You have a copy of that as well?

GENERAL CELE: Yes, I do. Starting from page 13. Yeah, I do.

ADV VARNEY: Okay, good. So we will definitely come to your statement a bit later. Perhaps I can just then refer to an annex that was attached to Mbuso Khoza's statement. We make reference to it in paragraph 12. And perhaps let us just go to it. I think looking at the source documents is probably the best. So it is referred to in paragraph 12 of the application to cross-examine. But let us turn to page 34 of the bundle. That is red number 34. So that is the
10 beginning of the statement of Mbuso. And then he attaches an email as MHK1 and that is at page 47. So this is an email from, I believe, the uncle of Mbuso, a man by the name of Vusi Gama. Are you at page 47?

GENERAL CELE: Yes, I am there.

ADV VARNEY: Okay. So it is an email that is dated 13 August 2008. It is addressed to yourself at your Kzntransport email address. Am I correct in saying that at that time you were KZN MEC for transport?

GENERAL CELE: That is correct.

20 ADV VARNEY: And it is copied to one of your officials, somebody by the name of Sharon Gaehler.

GENERAL CELE: Yes.

ADV VARNEY: The subject is the late "Sbho Musa Phewa from Lamontville."

GENERAL CELE:

Correct.

ADV VARNEY: And essentially, I do not want to read the entire email, but you know, he gives the background to Phewa that you would be familiar with, the mysterious circumstances under which he died. And then he refers to the fact that they are battling for financial assistance. Would I be correct that you did receive the email and that then led to you providing that document to assist the family in extracting the special pension?

GENERAL CELE: Yes, I confirm that.

10 ADV VARNEY: Then if we can just go back to Mbuso's affidavit. And I am going to refer you to perhaps, let us start at paragraph 20. That is on page 40.

GENERAL CELE: Page 40.

ADV VARNEY: Yeah.

GENERAL CELE: Okay.

ADV VARNEY: And perhaps paragraph 20 sums up the issue raised by Mbuso. He says:

20 “Given the fact that my father was closely involved with comrades who climbed the ranks with the ANC, like Bheki Cele, Mvusi Ngcubo and Zimba Gumede, we remained hopeful that when the ANC government came to power, time and resources would be allocated to find out what happened to my father. This turned out not to be the case.”

So there is the, I suppose, allegation that this matter was raised with you and others and was not taken up. Can I just ask you to respond to that?

GENERAL CELE: Well, I would not fully agree with the paragraph. As you have said, Mr Varney that the request was made for me to confirm knowing Sbho. At that time, I was a provincial leader in both the ANC and the government and I did what I could to confirm that I know Sbho, but the leadership that time, would have been at the national level dealing with these matters. These matters, I do not
10 think they were dealt provincially. They would be at the national level in all departments relevant to deal, including the Office of the President, Treasury, Police, Justice and all that.

So that one could have done more than that, I do not fully agree, but it would have been foolish for me to say I do not know Sbho when I know him, and I think in that particular time, that is a confirmation that was needed and that confirmation was given.

ADV VARNEY: Thank you. So if we return to the application to cross-examine, we also make reference to the statement of Thuli Kubheka, the daughter of the late MK Operative and Ntombi
20 Kubheka. She is also an applicant in the claim for constitutional damages. And her statement is attached as well. There is no need for us to go to it. Can I just check, you are familiar with Ntombi Kubheka and the role she played in the underground?

GENERAL CELE: Was Ntombi the daughter?

ADV VARNEY: Thuli is the daughter, and she was the daughter of

Ntombi Priscilla Kubheka.

GENERAL CELE: I think I would know mother and the uncle more than the daughter. Thuli, I know her well, and the father we met before, and we met when he was an ambassador. But I do not know their kids very well, including Ntombi. I do not think I know her very well.

ADV VARNEY: Okay. But of course, her mother, she was presumably one of your comrades at that time.

GENERAL CELE: Actually, the whole family, including her mother,
10 was a very active family. The brother, the sister, the whole family was in it. So I would not be surprised when you tell me that Ntombi was part of that family that was very active.

ADV VARNEY: Right. Well, now we are on the same page. And essentially, in Mbuso Khoza and Thuli Kubheka, in their statements, they indicate the various steps that they have taken over the years, in particular, since the advent of democracy, you know, to get justice for their parents. And as we see, that matter is only being attended to now. It was only... The case was only really reopened, literally a few years ago. And then the indictments were only issued towards the
20 end of 2023.

So we are looking at a delay in taking action of some decades, and sadly, as we pointed out, you know, like Wasserman have died. Three of the other suspects died some years back. Needless to say that the families are aggrieved that it took so long. Would you agree that that kind of delay is unacceptable?

GENERAL CELE: Yes. I do not know if I could make a little bit of a statement on this one.

ADV VARNEY: Yes, please go ahead.

GENERAL CELE: For me, Mr Varney and Justice, cases like this could not, for me, could not have gone even through the court. There were very obvious cases, really, that the dispensation should have sorted with ease. There are those categories. This is a category we talk about, the category of Griffiths, the category of Victoria, the category of Steve, of Matthew and his comrades there.

10 So those are the people that just needed the confirmation because nobody did not know about them. Maybe there will be a second category where we need to confirm and all that. And as I sit here and I look back, they did not even need to go through these processes, we are going to. They should have been obvious, those cases.

To answer directly to your question, I fully agree that even delaying them this far, they should not have been. And indeed, something better should have been done to respond quickly to those families and those generations that come from them.

20 ADV VARNEY: Noted. Thank you. And I think that statement is important for the families, not just of Phewa and Kubheka, but the others as well. So let me then turn to paragraph 16 on page 4 of the application to cross. And we point out that part of the terms of reference of this commission is to look at whether there should be any payment of constitutional damages to any person.

So we want to ask you, in relation to the families of Phewa and Kubheka, who have waited for ... [intervenes]

GENERAL CELE: Where are we on the document?

ADV VARNEY: Apologies. We are back at the application to cross-examine, page 4, at the top, paragraph 16.

GENERAL CELE: Okay.

ADV VARNEY: So I was just pointing out that it is ... [intervenes]

GENERAL CELE: I see that.

ADV VARNEY: Yes, thank you. That it is part of the terms of
10 reference of this commission to advise the president as to whether
any constitutional damages should be paid to any person. So
invoking the terms of reference, and now that we have considered the
story of the families of Phewa and Kubheka, who have been waiting
decades for truth and justice. In your view, should this commission
be suggesting to the president that they be awarded constitutional
damages for the decades-long delay in pursuing their cases?

GENERAL CELE: Well, I am sure the short statement I have made
before I see this says that. It should not have been even debated. It
should have been just confirmed, the list of those people. And I
20 would not have qualms and I would not have a problem to confirm the
statement that, for me, knowing these people, that would be the right
thing to do.

ADV VARNEY: Thank you. I think that also carries meaning for the
families. Let us then turn to the next heading. As you can see, it
says, "Refusal to fund legal costs of apartheid-era perpetrators." And

you dealt with this topic at length in your evidence-in-chief, as well as your statement. That is from page 21 onwards.

Firstly, let me commend you, General, for taking responsibility. And I have to say that is a really refreshing and welcome approach that we have not seen from many officials. We first acknowledge the fact that you acknowledge, you accept responsibility for the initial decision and that when you were advised about the outcome, you changed course. And we are grateful for that. Although we do need to put it to you that that decision had some impact on the Nokuthula
10 Simelane and Cosas 4 matters, because it did delay both cases for some years, as we point out in paragraph 18.

Now, let me say to you that I do have some sympathy, or empathy, perhaps. You have pointed out that this is a very sore point for you, that people like Botha, who tortured and committed crimes against yourself and others, that they should now be sponsored by a democratic state in their legal defence. And I should tell you that for the families, and those of us who represent the families, we share those sentiments. It sticks in the throat that such individuals should be supported.

20 Now, I just want to put to you the rationale, you know, the legal ramifications behind providing such support. People like Hentie Botha, Eugene de Kock, and others, they acted in terms of the apartheid state's sanctioned policy of carrying out targeted hits, and murders, and abductions, and the like. They acted under instructions, they were not carrying out private frolics.

So, it is on that basis that a court has held that they are entitled to state-funded legal representation. I agree that that representation should not be unlimited, it has to be reasonable, not limitless. Do you accept that that is the essential rationale?

GENERAL CELE: Mr Varney, well, it took me on my statement, of which I agree with you, that they were sanctioned, they were ordered. But also, we must remember that they were ordered by the criminal state, and it is not me saying so, it is the United Nations that declared apartheid as criminality against humanity. You and me, we know that
10 one very well, that those were criminals ordered by criminal state to commit untold crimes against the people that now they must pay them and thank them for committing that crime against them.

But also, as within the law, as you put it, that it will be within the law, that will be accepted, but not without the moral understanding that it flows from the wrong moral understanding, because it is not just them forced to do wrong things under the correct system. Unless we say we do not agree with the United Nations that apartheid was a crime against humanity, so they were instructed by good clean hands to do that, I would accept that.

20 But indeed, I have made the statement to say for me, it should not even have been a debate that we are doing now, if those comrades, if those people who suffered under that, it does not even need the eye of the needle to go through it. It was just supposed to be put there. Unfortunately, we are debating how to take care of the perpetrators of the crime against humanity and forgetting that there

are people that need our assistance more than them. The case in hand now is Steve Biko case. Nobody is taking that very serious as we do take serious what we are debating at the present moment.

Indeed, delaying that on the moral question, I would not have a problem, but it is a law that comes with it, and as a South African, I need to still respect the law.

ADV VARNEY: Thank you, General. Look, I must say I am in complete agreement with you. And, yes, thanks for pointing out what is going on in the Steve Biko matter. You know, it is just
10 unacceptable that the families do not have the same kind of support that the perpetrators do. Indeed, it is grating. You are correct to ask the question, why should perpetrators get support? And we do not.

For example, at this commission, we do not have any support from the state. We are dependent on *pro bono* services. Indeed, in all the cases going back many years, we have had to look to charitable foundations and *pro bono* lawyers who have spent hundreds of days working on these kinds of cases without any support at all on a *pro bono* basis.

You are also correct in pointing out that the United Nations
20 has declared apartheid as a crime against humanity. Actually, not just the United Nations, it is a crime under the Rome Statute. I also represent the Cosas 4, and I am pleased to tell you that we managed to persuade eventually the NPA back in 2022 to include apartheid as a crime against humanity in the indictment in that case. Frankly, we think all the indictments should have included apartheid as a crime

against humanity, but at least we have got it into one matter. It is now on appeal before the Supreme Court of Appeal.

All right, I think, unless you have a comment on that, I think we can move on from this topic.

GENERAL CELE: I do, I do, but this should not be looked at as me undermining the work of the legal teams that are doing this free or *pro bono*. For me, it should not have even reached that level. It should have, if those lawyers were involved, would have been saying, go and work with the affidavits of people that know these people.

10 As I have said that, it should not have gone through the eye of the needle this matter. It should have been just done and straight away corrected. And maybe if we are dealing with those that were in the borderline, we are not sure if they were there, because quite many of them that they have taken the chances that they were there, even those that they were selling out that we know they have come back, some of them to say we were there, but we know what they did.

 For me, I would thank the work that the legal fraternities are doing, but it should have been done not to put the argument on the table, but to facilitate that these things they go quicker than they have
20 up to this point.

ADV VARNEY: Yes, and I think that has been one of the driving purposes behind this work. Let us, if we can, let us then turn to your time as National Commissioner, and you deal with this in your statement from page 26, paragraph 40 onwards, and we deal with it in the application from paragraph 19.

So I first just want to make a correction to the heading that you have in your statement on page 26. Yes, am I right in saying that the exact dates are July 2009 to October 2011?

GENERAL CELE: That is correct. The correction is correct.

ADV VARNEY: Now, at paragraph 41, you say you take responsibility for the delays that occurred during that period. Again, General, I want to place on the record that we are grateful for that statement and as you can see in paragraph 20 of the application, the family say it is accepted as an act of principled leadership and moral
10 accountability. So thank you. Thank you for that. And as mentioned, this is refreshing because we have not heard officials coming forward to take responsibility as yet.

So let us then turn to a context, and we bear in mind that much of this context takes place before you assumed office. So when I point out the context, we were not holding you accountable for that context. So I am going to read a couple of paragraphs which we have pasted into the application from paragraph 22 onwards, and essentially what we are trying to show here is a picture of the fact that these TRC cases are not being attended to. In particular, they are
20 not being investigated.

So firstly, we point to an email that Adv Chris Mcadam, who was with the NPA, and in particular, he was with the Priority Crimes Litigation Unit, the PCLU, which was handling the TRC cases. So in May of 2009, he sent an email to one of the deputy NDPPs, Adv Willie Hofmeyr, and at that time, there was an expectation that he was

about to be appointed the head of the DPCI, which, as we know, did not happen. And essentially, he says he met with Commissioner Lalla concerning the appointment of SAPS investigators to investigate the TRC cases. The victims have asked the NPA to look at prosecutions.

GENERAL CELE: Where are you reading, Mr Varney?

ADV VARNEY: So it is on the application, so that first document, page 4, in paragraph 22.

GENERAL CELE: Okay. Okay. I am there.

10 ADV VARNEY: Thanks. So I will just start from the quote again. So Mcadam writes:

“I met this morning with Commissioner Lalla concerning the appointment of SAPS investigators to investigate the TRC cases where victims have asked the NPA to look at prosecutions. We have been taking quite a beating due to the fact that nothing has been done on these matters for a number of years, and in fact, in certain cases, the victims are
20 threatening us with *mandamus* applications.”

A *mandamus* application is an application to court to compel somebody or some institution to do something. And let us turn to paragraph 23 on page 5. We note that Hofmeyr was not appointed to head up the DPCI. So then Mcadam approaches the SAPS again. And now he writes an email, which is also attached at page 65. We

do not have to go to it. We will just look at the extract. So in July of 2009, he pens an email to Superintendent Colla Bezuidenhout at SAPS HQ seeking a meeting with the Commissioner to discuss the TRC cases.

Now, of course, you have only just arrived on the office on the 1 July. You might not even have been there. Nonetheless ... [intervenes]

GENERAL CELE: No, I came at the end of July.

10 ADV VARNEY: End of July. Okay. So yes, you would not have been there.

GENERAL CELE: No.

ADV VARNEY: So Mcadam writes:

20 “We are under intense pressure and have been called upon to report on the progress to the Minister and the Justice Portfolio Committee. The one matter which requires investigation prescribes on 12 September 2009 and this case must be fully investigated and the family afford an opportunity to exercise their right to a private prosecution before the crime prescribes.”

Now, as far as we know, that crime does end up prescribing. But let me pause here. Do you accept that in relation to the period before you came to office, and we know that of course you have no personal knowledge of this, am I right in saying you have no grounds to dispute what Adv Mcadam is saying to Superintendent Bezuidenhout and

others?

GENERAL CELE: Not at all. Not at all. I was not there and I have no reason not to believe that that happened.

ADV VARNEY: So then paragraph 24, I think we can skip over it. Mcadam was told to meet with Commissioner Anwar Dramat, who was the newly appointed head of DPCI. He was not able to secure a meeting through 2009. But I do want to draw your attention to a reference that Lukhanyo Calata, the son of the late Fort Calata, he stated in his affidavit just before this commission that the family of
10 Nokuthula Simelane, that they attempted to send messages. I see it says to the Minister of Police, I thought it was the Commissioner of Police at the time to appoint investigators on the TRC cases. Do you recall whether you were ever approached or sent a message during the course of 2009, perhaps towards the end of 2009, either from family members or legal representatives asking for investigators?

GENERAL CELE: No, I would not remember that in 2009, Mr Varney.

ADV VARNEY: Okay.

GENERAL CELE: Was it sent to the National Commissioner or the
20 Minister?

ADV VARNEY: Yes, well, that is a good question. I was under the impression that it was the Commissioner. It says here that it was the Minister. Obviously, you were not the Minister. But nonetheless, you know, you cannot recall receiving any such communication, so I think we can just leave it.

So then in paragraph 26, we note that Mcadam then met with Assistant Commissioner Godfrey Lebeya, in November of 2009 about the question of investigations. He addressed a letter, which we have attached. It is at page 66.

GENERAL CELE: Before you go there, why do you not look at paragraph 25 and read it all?

ADV VARNEY: Okay.

GENERAL CELE: Because I think it gives some clarification towards the end.

10 ADV VARNEY: Yes, okay.

GENERAL CELE: Paragraph 25.

ADV VARNEY: Is this in the application or your statement?

GENERAL CELE: No, paragraph 25, page 5, as you were reading Mcadam, so 25, the statement made by Lukhanyo that in his affidavit dated 17 January 2025, indicated that he was advised that at the time, the family of the late Nokuthula Simelane and their representatives were working behind the scenes to persuade the Minister of Police to appoint investigators to take on the TRC cases.

20 So if they wrote that in September 2009, I was not a minister, if they write now, January 2025, I am not a minister, I am no more there.

ADV VARNEY: Yes, yes, we have noted that, yeah.

GENERAL CELE: Okay.

ADV VARNEY: Yeah. All right, unless there is anything further on that, let us move on.

GENERAL CELE: No, I am fine.

ADV VARNEY: Okay, so Mcadam, as we point out in paragraph 26, he then meets with Commissioner Lebeya, Assistant Commissioner Lebeya, at the end of November 2009, to talk about investigations on these cases. He then addresses a letter to Lebeya in January 2010, we have annexed that letter. Unless you have a comment, in the interest of time, I am going to skip the contents of that letter.

He simply raises a concern that one of the, amongst other concerns, that one of the investigators was very keen to prosecute
10 the liberation movements, and that is one Senior Superintendent Bester. But if you do not have a comment on that, we can move on.

GENERAL CELE: Okay, let us move on.

ADV VARNEY: Then let us turn to page 7. And I want to draw your attention to paragraph 28, because we have an extract from the NPA's annual report of 2009 / 2010, which is annexed at page 68. But we have the relevant extracts in the document. Basically, it is noting that the TRC cases had to be investigated before decisions could be made on prosecutions. I will just read it into the record.

20 "TRC cases: The PCLU is required to advise the NDPP in making decisions whether or not to prosecute in cases arising from the TRC process. Matters need to be fully investigated before any final prosecution decision can be made. Since 2003, the NPA has struggled to secure the necessary cooperation in this regard. With the

establishment of the DPCI, the responsibility of such investigation was transferred to this unit.

The PCLU had to recommence its negotiations *de novo*."

I am not sure if that should read investigations. Although we were also aware that they were negotiating with SAPS, so that is unclear.

10 "Currently, the DPCI has indicated that it will conduct the necessary investigations only after the conclusion of the 2010 FIFA World Cup, due to the fact that it has a number of special responsibilities in connection with this event."

Now, you do make reference to the World Cup in your statement. Perhaps we can go there. It is at paragraph 42. In fact, 42 through to 44. And you point out that this event required focused attention. It was an historic occasion.

GENERAL CELE: Paragraph of my statement.

ADV VARNEY: Of your statement, yes. That is right. I will wait for you to get there. It is paginated page 26.

GENERAL CELE: 42. Yes, I am there.

20 ADV VARNEY: Okay. So, if you look at paragraphs 42 all the way to 44, you make the point that the World Cup in 2010 required focused attention. It could not be disrupted by criminals. It was an historic occasion. And you just could not afford any adverse consequences for the country and the economy.

And in 43, you know, you describe, I think, eloquently that this

was a very onerous responsibility which fell on your shoulders. And then perhaps I will just read paragraph 44 to the record because then I can pose some questions.

10 “South Africa hosted a safe World Cup because of the dedication of SAPs resources. The price we paid was indeed high, as most resources were diverted to this goal. In my respectful view, given the circumstances, as a country, we did well and enhanced the country's reputation for major international events. That our obligations in respect of other matters were delayed is the unfortunate price that had to be paid.”

Now, would I be right in saying that you decided to include these paragraphs on the 2010 World Cup because SAPS had indicated, as we have previously seen, that they could only start with the TRC cases after the conclusion of the World Cup?

20 GENERAL CELE: Mr Varney, can I raise a coincidental point here that when I made this observation of 2010 World Cup, I did not know about this statement. You remember, where is that statement you read of delay of 2010?

ADV VARNEY: It is in the NPA annual report that we just dealt with for 2009 and 2010.

GENERAL CELE: So, I really did not know that statement. That coincides with my thinking. But one other thing, when I joined the police end of July as a National Commissioner, these budgets were

there. I do not think that it was most of the police that diverted. I think it was the treasury business that put the money that was ring-fenced, really, to work on 2010.

Maybe diversion from other things would not have been directly done by the police, but more at the treasury level. This money, and I guess, would have been taken from some other programs of the police, but thereafter ring-fenced to deal with 2010 World Cup.

ADV VARNEY: Noted, thank you. Can I ask then why you decided
10 to include these paragraphs on the 2010 World Cup in your affidavit dealing with the TRC cases?

GENERAL CELE: Well, I think it would have been me trying to make the point that TRC cases, we talk about them now, but I do not think it is the only thing that suffered in other work of the police, many other things that suffered. For instance, when we went for 2010 World Cup, there was a lot of training of the South African Police, and they were at a high number.

I think there were 195 000 members of the South African Police in different units. As I came back as a minister, I found there
20 were almost 180 with a 60 million population. So recruitment was increased, I guess, towards 2010. Training, many units like Public Order Policing were there. So TRC did not suffer alone, but other areas of policing did suffer as we were concentrating on 2010, Mr Varney.

ADV VARNEY: Okay, thanks for that clarification. So, yes, and

while we are talking of resources, I see in paragraph 41, you know, aside from taking responsibility, you say in your capacity as Commissioner, there were several matters that required my attention and to which police resources had to be deployed.

So when it comes to the deploying of resources, so this is, you know, obviously important decisions because it deals with the decisions around allocating personnel, police officers, detectives, other staff, perhaps equipment, and of course, you know, money and budgets. These are the results of decisions that one takes in a
10 position like you held?

GENERAL CELE: Not necessarily. The budget is not done by the minister. It would have been a real pleasure to choose the budget. The budget is done by the min-bat. There is a group of ministers, and I must say today, from the security cluster, we have been really complaining because there is no minister that came from the security cluster that was sitting on this min-bat. So that starts from there.

And then as a minister, you are given that this is a budget, but even so, it is not passed or denied by you. It goes to Parliament. Yours is to read in Parliament. And you go to portfolio committee.
20 Portfolio committee can help you. So when you see the budget, minister has a minimal or zero kind of input in the processes of coming of the budget.

Yours is to oversee it that it does the job that has been given through min-bat, portfolio committees, Parliament itself, until it becomes a proper budget that is read by the minister, of course, and

is passed by Parliament.

ADV VARNEY: Thanks. Thanks for that useful background. Chairperson, I see it has gone 11:30. I can indicate that I will need perhaps about another 20 minutes. I just wanted to alert you that an hour has gone, and if you wish to take a break at this stage.

GENERAL CELE: Are you asking the Chair?

ADV VARNEY: I am asking the Chairperson.

GENERAL CELE: Okay. Okay.

CHAIRPERSON: Mr Varney, since you need 20 minutes, I suggest
10 that we proceed.

ADV VARNEY: I am grateful, Chairperson. Thanks for that background on the resources when it comes to budgets and money. But would I be right in saying that in terms of allocating your own personnel, your own officers, that is when we talk about those resources, that is a decision that the police make?

GENERAL CELE: Well, if you say my own personnel, you mean the whole police or the ministerial staff?

ADV VARNEY: So, for the moment, we are not talking about your role as minister. We are talking about your role as Commissioner of
20 Police. So, within SAPS itself, although you might be constrained by decisions that others have taken in relation to the money you get, you were able to come up with your own strategic focus. You can decide where to allocate your police officers.

GENERAL CELE: No. No. You are given the money, and there are things called programs. By the time it gets out of Parliament, it is in

programs already. The biggest program is administration, where salaries and everything goes. Last time I checked, we were close to 80% of that amount of money. And then there are operations. And then there are investigations. So, by the time it becomes a budget, it is already fixed and ring-fenced. We are not going to be taking money from operations to investigation or vice versa. It is already there.

Unfortunately, all departments, I guess, the biggest would be personnel, administration and personnel, where money goes. So,
10 you come to manoeuvre to the little you have on the investigations. One thing that has suffered big time in the police is investigations and the investigators themselves. In many ways, their training, their recruitment, their advancement. No promotion, nothing. And you find that the bleeding of the South African Police comes from there, because the other entities, even the private, you would be surprised when I tell you how much police are bleeding towards the private industry.

You know, just a little bit, there is a, there are two units in the police. One is called the Special Task Force, other is called the
20 National Intervention Unit. You know, I was so surprised and taken, I had to do something, when I realised that the taxi industry has taken 56 of the Special Task Force from the South African Police. To train one Special Task Force member to be around is 1.1 million. So, 56 of them are taken there. So, there are those issues where we try to pursue and then all that. So, but you manoeuvre within what is

already budgeted, you do not have much as a minister to move in the whole budget.

ADV VARNEY: Right. Thanks. And that is very sobering to hear. If we could move away from budgets and money down to the operational level, and since you raised investigations, would I be correct in saying that at the operational investigative level, it is police management that takes decisions on which cases to focus on, which cases to prioritise?

GENERAL CELE: Indeed, that is true.

- 10 ADV VARNEY: Yes. So, you have pointed out that in relation to the World Cup that certain things had to give way. And unfortunately, we are aware that the TRC cases were one of the groups of matters that had to give way. But would you accept that the TRC cases were not recent, they did not crop up around the time of the World Cup?

- These are quite old cases that have been on the books for some time that they in fact should have been investigated in previous years. And so this decision about suspending work on these cases, not even suspending because they had not really started, but would you agree that that should not have been a decision that needed to
- 20 be taken because there should have been already live cases being investigated?

GENERAL CELE: Well, maybe I am biased on this one, because myself, I would have loved to know what happened to me. So, definitely, maybe people that were there can give us better answers. Why it did not happen that quick. I concur with that, that the

families out there, especially those that they lost. But, Mr Varney, besides the comrades we lost on the way, those that disappeared, like Sbho, we do not know where they went, and those that were still digging their graves today, and those that are living with a lot of scars, by the way.

This Friday, no, this Sunday, we are having a memorial lecture of Pila Ndwandwe. And I think that is one woman that faced a serious brutality, serious brutality towards her end of her life. And I would really love to know what happened. We were pretty close with
10 her. So, I would really love to know what happened.

Indeed, I would not take any qualms to say they should have been given some form of facilitation and priority, those cases of the TRC.

ADV VARNEY: Noted, and thank you. So, as mentioned previously, there is evidence before this commission that, by and large, the TRC cases were not investigated between 2003 and 2010. First World Cup is when things started to really happen. Now, we were aware, of course, that you only assumed office at the end of July 2009. We do not hold you accountable for what happened before you were there.
20 But you have correctly and, I think, bravely accepted responsibility for what happened during your tenure from July 2009, through to October of 2011.

So, now, if we turn to the TRC cases, which I think you know were being handled by the PCLU at the NPA, they had been declared priority crimes. We know that the PCLU did not just deal with the

TRC cases. They had a host of other priority matters, which included terrorism, violations of arms control provisions, crimes dealing with nuclear and biological weapons, but the list goes on.

Now, we have heard evidence from individuals such as Adv Mcadam that these other cases continued in a normal course and SAPS carried on, always investigated those cases without interruption. It was only the TRC cases that were not taken forward. And there is a narrative emerging that, before this commission, that it was a question of resources.

10 Now, would you agree with me that when it comes to decisions around which cases to investigate and which not, and where to apply resources and which not, that requires decisions to be taken?

GENERAL CELE: Well, if I can make a short statement on the taking responsibility that is within the context that I have explained 2009 to 2010, 2011. So, I am sure the context there has been explained. The police would give the responsibility of investigation from the level of operations, and that level would be at the level of the National Commissioner, not of the Minister.

20 The Minister could be reported to, especially if you are seeking the report to go to the Portfolio Committee, because the minister reports there. You might delegate, but it is the minister that reports to the Portfolio Committee when everybody answers and all that. So, I would agree with you that those that determined the kind of investigation maybe would have more responsibility of telling why

not this. I do not know if I can make some form of a bizarre kind of statement.

ADV VARNEY: Please go ahead.

GENERAL CELE: That I understand. You see, when the new dispensation came, there were no buses and trains that took the police that were there out of the work, and buses brought the new. The same people continued. Those are the people that had to investigate the same thing.

For instance, you read somewhere, I cannot remember, where
10 there was somebody that had more zeal and oomph of investigating the liberation and all that, rather than investigating this. So, I, from me, I would guess that maybe that did on the individuals that would have done the job, that to say, why should I investigate myself? Because, as I am saying to you, there were no buses that took everybody out of the offices, and new buses brought the, so those people continued.

So, for me, that could have been that you go and check yourself what you have done, and tell me what you have done. I would be lazy to do that, and be more keen to do other things than
20 looking after myself. That is just my thinking. I do not think there are facts about that.

ADV VARNEY: Noted. And, you know, it is useful to have those insights. Can I put the following to you, and this is now from the perspective of the people I represent, the families? This is their response to the assertion that, but for the lack of resources, the TRC

cases would have gone ahead. But it is somehow just a coincidence that that group of cases did not go ahead. Although, if the police had the resources, they would have gone ahead. Here I am talking about that period before you came to office. But from the perspective of the families, that is insulting their intelligence. Would that be a fair statement?

GENERAL CELE: Unless I amend the statement, Mr Varney, it could not have been just the police. The police do not make their budget. For me, it would have been across the government, especially some
10 specific departments, including Treasury, by the way. Because I would have taken the statement by the families to say, here is the money given to deal with this matter, but you did not do it. So for me, Treasury would be part of it. For me, NPA would be part of it. The police would be part of it.

So I would not blame the police alone, but it would be across some departments within the government. And indeed, ending up at the government, if it needs to be, rather than the police as a department. That would be my take. Expanding the cry of the families.

20 ADV VARNEY: Yes, and I think we are in agreement that responsibility is not just of the police alone. It does cut across. I think we have to look at the role of the NPA and, as you say, government more generally. But just to wrap up the question of resources as an excuse for these cases not going ahead, the families will be putting it to this commission that they do not buy that excuse. It was not just a

question of resources. Shortage of resources applies across the board, not just to one group of cases. And that the failure to take the cases forward through the decade of the 2000s, that that was the function of management decisions.

GENERAL CELE: But you mean the families saying they are not buying the story from the police or across the departments and the government responsible for the whole thing, so it is specific to the police?

10 ADV VARNEY: To the extent that the police or any other department say that, oh, we could not go ahead because we did not have the resources, the families reject that claim.

GENERAL CELE: Well, I would not fight the families for that particular understanding. But knowing having gone inside these structures, there is something, Mr Varney that says there is a lack of resources. There are many things that we can put as a lack of resources having done the job, both administratively and politically, where I come from. But that does not mean that I say families should not believe that way.

20 ADV VARNEY: All right. Let us move on. If I can draw your attention back to the application, and at page 7 at the bottom.

GENERAL CELE: Okay, I am there.

ADV VARNEY: Paragraph 31 at the bottom. We just point out a stark statistic that between 2007 and 2016, no inquests involving TRC cases occurred and no TRC matters were enrolled for prosecution until early 2016. And that was, in fact, the Nokuthula Simelane case,

but that only happened after Thembi Simelane went to court. Do you accept that that is an appalling record?

GENERAL CELE: Well, indeed, something should have happened. I agree with that.

ADV VARNEY: All right. Let us turn to your time as Minister of Police. And you deal with this in your statement from page 25 onwards. And let me first say that the families make no allegations of interference on your part as Minister of Police. So, that is simply not on the table. But we do want to draw your attention to what you say
10 in paragraph 38 of your statement. You say:

“As a minister during my time, I never stopped,
interfered with any investigation of TRC cases.”

We do not dispute that.

“During my tenure as I never received complaints
or concerns. The police were not providing
investigative support for the investigation of TRC
cases. Nor can any evidence be adduced, to my
recollection, pointing to such a failure.”

There, we do want to take some issue because we want to point to
20 some communications in which you were either addressed or copied.
And let us start with 35.1. And that is a letter that dated 4 October.

GENERAL CELE: 35.1?

ADV VARNEY: Sorry, it is a paragraph. It is on the same page 8.

GENERAL CELE: Page 8.

ADV VARNEY: Sorry to confuse you. We are between documents.

If I can bring you back to the application.

GENERAL CELE: I am at page 8 now.

ADV VARNEY: Yes. So, we are going to drop down to 35.1. And we make reference to a letter from a firm of attorneys by the name of Cliffe Dekker Hofmeyr. So, their *pro bono* departments represent the Cradock Four families. And on 4 October 2020, they sent a letter to you as the Minister and the National Commissioner seeking your intervention on the case of the missing Cradock Four docket. And we have annexed that. And actually, can I ask you to turn to it? It is at
10 page 73 of that bundle.

GENERAL CELE: I am there.

ADV VARNEY: So, you can see it is on the CDH letterhead. It is addressed to the Minister of Police. And as well as the National Commissioner of Police. And the heading is "Refusal by SAPS to open a criminal case into the missing Cradock Four docket." So, the quick background is that the docket apparently went missing around 2013. And then it had to be reconstructed in 2019.

So, when the families heard about that, they were incensed and Mr Lukhanyo Calata attempted to open up a case. He went to
20 the police station in Cape Town. They turned them away. His attorneys tried to open a case at a police station in Pretoria and they were also turned away. And that then prompted this letter to yourself.

And perhaps if I can just read into the record, paragraph 16 of that letter on page 75. "

GENERAL CELE: I am there.

ADV VARNEY: It reads as follows.

“The prosecution of those responsible for the brutal murders of the Cradock Four is a matter of national importance. The removal, disposal, destruction or concealment of the original docket amounts to a serious offence. It has considerably inhibited and delayed the murder investigations. We accordingly seek the intervention of your good officers to ensure that a criminal investigation ensues without further delay.”

10

Now, on the one hand, I am pleased to say that not long after this letter, a case was actually opened. And we are assuming that it was because it had come to your attention. But would you agree with me that this is an example of a concern around the TRC cases being brought to your attention?

GENERAL CELE: Well, the issue here, Mr Varney, are the investigations. And the investigations are not for the minister. Actually, the day the ministers get in the investigation part of things that would be a sad day. And maybe the things that we see as we speak, that are ventilated somewhere else where the ministers can even suggest that, Mr Varney, it cannot be.

20

Some of them, they are done at the ministerial level to speak. That does not mean that we do not speak with National Commissioners. But sometimes the National Commissioners would not, and it would not be a crime. You do not know how many cases I

read on the papers that the minister has lost the case and must pay the money to Mr Varney. Some of the millions of rands, something that you have never had. And you call Mr Commissioner, the legal head, what is this? We went to court, we lost and all that. And I would not ask why you did you not come to me, but the problem, when Mr Varney comes, he will not go to the National Commissioner for litigation. He will go to the, to the...

So those are some of the structural things that even sometimes when these things are written, it will be said to the
10 minister. The office of the minister, the chief of staff and everybody, can without referring, take it straight where it belongs, to the National Commissioner's investigation.

So some of these things will be remembered. Some of these things would not be remembered. But when the commissioner ...
[intervenes]

COMMISSIONER KGOMO: Sorry General, sorry General, can I just come in here? But the point that you need to make is, this is one of the cases that were brought to your attention. Can you recall that it was brought to your attention? And maybe you can help us as to
20 what did you do when it came to your attention?

GENERAL CELE: Well, I cannot remember specifically, but I remember that I did discuss matters later with the head of Hawks. I did have meetings. Maybe I could have been part of it, but the discussion did take place between the minister and the head of Hawks, which happened to be General Lebeya.

COMMISSIONER KGOMO: Yes, thank you, Mr Varney.

ADV VARNEY: Thank you, Commissioner. I am grateful. So let us move on to the next matter, which actually is also in relation to the Cradock Four matter, and that is at 35.2 at the bottom of page 8. And there we point to the launching of a legal application by the families of the Cradock Four in July 2021, to compel the police and the NPA to finalise their investigations and take a decision in the case.

And there you, as Minister of Police, were cited as the fourth respondent. We have attached the Notice of Motion, but no need to
10 go to it. I just raise it as an example of something that probably did come to your attention because this was quite a well-publicised application to court to get the police and the NPA to finalise their work on the Cradock Four case after many, many years and reach a decision.

GENERAL CELE: Well, indeed, it could have been. Remembering exactly, I would not. But as I have explained, that there are many cases that they will go on behalf of the minister without the minister having heard at all about it. But I am not saying that happened on this particular time that I did not hear about it. But indeed, it could
20 have been or it could have not been. But the minister, once it is cited, the legal people take sometimes with the knowledge, sometimes without the knowledge of the minister.

ADV VARNEY: That is, I have to say, a little disturbing to hear that sometimes they act without the knowledge of the minister. I think I can believe that. So that actually happens from time to time.

GENERAL CELE: That is a statement I made, Mr Varney, before this, that sometimes you read on the Sowetan that the minister is supposed to pay so many millions and it is only then that you call somebody to say what these millions, they will take you through that there was a case that has gone through and all that. Having nobody, nobody has come to you before the case goes to the, I do not know, because of the interference and all that, but that has happened not once, many a times.

ADV VARNEY: Thank you. Then let us move to the last example.

10 Between 2020, and this is at 35.3 at the top of page 9.

“Between 2020 and 2023, the Foundation for Human Rights addressed correspondence to the NDPP, the DPCI and Ministers of Justice and Police seeking the establishment of a specialised dedicated unit to investigate and prosecute the TRC cases. The reason why these proposals were made over those years was because in their view of the dire lack of delivery on the TRC cases after so many years with suspects and witnesses dying.”

20

Now, we have attached that correspondence from pages 98 to 117. I am not going to take you to them, but I just raise it as another example where concerns were raised and in matters, which there was communications where you were copied. So, I suppose I just want to put it to you that concerns were brought to your office. Whether you

got to see them directly, we do not know, but they were raised.

GENERAL CELE: Well, I would not argue against that that were raised with me. So, but the same principle will prevail here to say I might have, I might not have seen it, but I do not remember specifically seeing and dealing with it specifically, Mr Varney.

ADV VARNEY: Okay, so then finally you can see from paragraph 36 onwards that we quote certain DPCI figures and we put them in the table and we did make the point that of the TRC cases, 80% of all cases, 140 out of 176 were opened in two years. And I am pleased to
10 advise that they coincided with your time as minister, 2021 and 2022.

But, you know, this was more than 20 years after the TRC had submitted its report. And then we point, you know, to other stark figures that between 2003 and 2025, period of some 23 years, there were only seven cases in which convictions were secured. And five of those were between 2003 and 2007 in matters that the NPA took forward, because in those cases there were already investigations completed. And then we have another one in 2023 and another one in 2025.

Now, what we want to put to you is that we accept the
20 courageous responsibility you have taken for things that happened during your term as Commissioner. But we want to put it to you that these were not just unfortunate lapses. They are from the perspective of the families. The TRC cases were singled out, not for prioritisation, but for neglect. And that ultimately explains why today we are in the situation we found ourselves in.

GENERAL CELE: My response?

ADV VARNEY: Yes, please.

GENERAL CELE: My comment? No, I would, I think I will leave with the context of my period as the National Commissioner, Mr Varney, that the neglect, if it is called a neglect, was spread beyond the TRC during the time of 2010. That would be 2009 to 2011 that I was there. I do not think they would be deliberate. There would be that kind of thing. So, claiming no easy victories, the period where there is 21, 22, 23 up to 24, I remember that we did have discussion with the
10 head of Hawks, after I have become the Minister.

Maybe, as I want to repeat, claiming no easy victories on this one, and but maybe those discussions could have put these figures that you see here streaming and coming from such discussions, but I would not sit here and say I know exactly where anybody sat down and deliberately said we are not going to be dealing with these cases of TRC. But I would understand that there were problems on the broader kind of dealing with crime situation, especially when it comes to the investigations. Thanks.

ADV VARNEY: Thank you, General. General, we are grateful for
20 the time that you have given this commission on two separate days. I know that you have to get back to some pretty important business. We have no further questions for you. Thank you, Chairperson.

CHAIRPERSON: Thank you, Mr Varney. Ms Seme?

ADV SEME: Chairperson, I just have one question or one aspect.

RE-EXAMINATION BY ADV SEME: You were led, you were asked

to comment on your role in the Sbho Phewa case. And in this respect, can I refer you to page 56 of the bundle?

GENERAL CELE: 56. I am there.

ADV SEME: If you look at that document, we just need to clarify that that document was not in response to the email that was sent to you in 2008, because the document is dated 120997. So this process of verifying people happened in the 90s. The process where you were verifying that indeed Musa Phewa was well known to you.

GENERAL CELE: Yes, Chair, I was verifying that, hence to whom it
10 may concern, and then I see the date. And I can assure you that this is not the only question that came to me about the people that I knew. But it was a verification of whoever wanted to know who Sbho was vis-à-vis the underground and his contribution to the struggle in that particular time. And indeed, I knew him well. I did not have any other thing to say about him except what I wrote here.

ADV SEME: So just to confirm, this note was not in response to the email you received from the family of Phewa in 2008 and could not have been just on the date alone.

GENERAL CELE: Well, I do not know the date, I do not know the
20 date when it was written, but I think it would be after written by the family. But the verification, it started much earlier of many other askaris that we had too. And I guess this, I do not know, I think this is 97, 120997 or 99.

ADV SEME: Yes, General.

COMMISSIONER KGOMO: Yes, you have been given the answer,

General. Ms Seme gave you the answer. Do you accept her suggestion? Ms Seme, put it again to the General, please.

ADV SEME: The email that was written to you by Gama, the member of the family of Musa Phewa, was written to you in 2008. This document at page 56 was commissioned in 1997. Just on that basis alone, the conclusion that Mr Varney sought made that you received the email in 2008 and therefore you penned this confirmation to allow Musa Phewa's family to receive a pension cannot be true or sustainable on the facts.

10 CHAIRPERSON: Yes or no, General?

GENERAL CELE: Yes.

ADV SEME: Okay. Thank you, Mr Cele. And thank you, Commissioners. That is the only question I had.

CHAIRPERSON: Thank you.

ADV VARNEY: Chairperson, I wonder if I can just propose one question arising from that email.

CHAIRPERSON: Yes, you may, Mr Varney.

ADV VARNEY: Thank you, Chair.

FURTHER CROSS-EXAMINATION BY ADV VARNEY: Firstly,
20 General, I must apologise and I thank my learned friend Ms Seme for pointing that out. That actually is correct. It could not have been in response to that email. Would I be correct in saying that family members would have approached you in some other way in 1997 to secure that document?

GENERAL CELE: Well, indeed, it could have been family members.

I think there was a process of verification from the other structures. But as I say, there are people that would claim. So, family members on those structures, not without family members knowing. Yes, indeed, then I would have confirmed.

ADV VARNEY: And lastly, if one just looks at that email from Mr Gama on 13 August 2008, in paragraphs, this is on page 47, paragraphs 7 to 10, beyond the financial assistance he talks about, he also asks for whether the investigation could be reactivated. And he humbly appeals to you for assistance to discover what happened
10 to Phewa, saying that time is not on our side.

And according to Mr Gama and the son, there was no response to that.

GENERAL CELE: Well, Chairperson, through you, Justice, I would not know, but I was in the Province in that particular time. And really, 2008, I was just an MEC for Transport. I could have spoken to somebody. I cannot remember who, if I did. But I have been always very much keen to help when it comes to Sbho matters. And generally, those people that I had the recollection of knowing who they were. But I do not think that nothing completely did not happen.
20 There was completely no response. I do not believe so.

ADV VARNEY: Thank you, General. Thank you, Chairperson.

CHAIRPERSON: General, we thank you for having accommodated us in your busy schedule. You are now excused as a witness, and you may go and resume your duties, your important duties.

NO FURTHER QUESTIONS

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

ADV VARNEY: As the Chair pleases.

GENERAL CELE: Thank you very much.

INQUIRY ADJOURNS UNTIL 28 AUGUST 2026

CERTIFICATE OF VERACITY

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

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