

WEBBER WENTZEL

in alliance with > **Linklaters**

Justice S Khampepe

Chairperson: Commission of Inquiry, Stopped TRC Investigations
and/or Prosecutions

By email: secretary@trc-inquiry.org.za

90 Rivonia Road, Sandton
Johannesburg, 2196

PO Box 61771, Marshalltown
Johannesburg, 2107, South Africa

Docex 26 Johannesburg

T +27 (0) 11 530 5000

F +27 (0) 11 530 5111

www.webberwentzel.com

Your reference

Our reference

Date

A Thakor / J Venter / LM Doubell /
S Tlhaole / 4017862

11 September 2026

Dear Justice Khampepe

Boqwana Burns clients: statements, appearance and cross-examination

1. We act on behalf of the Calata Group.
2. We refer to the letter from Boqwana Burns Inc dated 9 September 2026 regarding the statements, appearance and cross-examination of the Boqwana Burns clients (**“the Boqwana Burns letter”**). A copy of the Boqwana Burns letter is attached for your convenience.
3. The Commission Secretary invited the parties to respond to the Boqwana Burns letter by 14 September 2026.
4. We address our response to you because rule 8.1 of the Commission’s Rules affords the Chairperson a discretion to determine the order or sequence in which witnesses will be called before the Commission.
5. We disagree with the proposed timelines for the delivery of the statements and the scheduling of the Boqwana Burns clients to appear before the Commission.
6. The Boqwana Burns clients were issued summons to testify from 15 to 18 September 2026 and on 21 September 2026. However, with the exception of one witness,¹ Boqwana Burns now proposes that:

¹ They propose that Ms Didiza’s statement be filed on 17 September 2026 and that she give oral evidence on 21 September 2026 (as per her summons).

- 6.1 the statements of Mr Mbeki, Ms Mabandla, Mr Kasrils and Mr Nqakula only be filed on 18 September 2026; and that they testify between 19 and 23 October.
- 6.2 Applications to cross examine unnamed witnesses be filed on 18 September 2026; and that these cross examinations take place in the week of 12 October.
7. The proposal to adjust the original dates of their appearances as set out in their summonses is impractical.
 - 7.1 The unnamed witnesses they seek to cross examine will almost certainly include witnesses of the Calata Group, whose lead counsel will then be entitled to reexamine.
 - 7.2 They propose that this take place in the same week that our lead counsel will be unavailable. As previously indicated, our lead counsel is involved in the PEBCO 3 inquest between 6 and 16 October 2026, which is taking place in the Gqeberha High Court.
 - 7.3 We must point out that our lead counsel is also not available in November as he is involved in an international mission to Syria in that month. These dates were scheduled before the Commission's lifespan was extended on 9 June 2026.
8. Boqwana Burns claim that their clients need "a reasonable period to finalise their statements, given the volume of documentary evidence before the Commission and the transcripts of over 80 days of oral evidence, which will take considerable time to work through. They also require adequate time to prepare for their appearances before the Commission."
9. The Boqwana Burns clients have had nearly twelve months to finalise their statements and to prepare for their appearances before the Commission. This period of time is more than reasonable. Any delay on their part is of their own making.
10. In this regard we note that the Commission issued Rule 3.3 Notices to:
 - 10.1 Mr Mbeki on 19 September 2025;
 - 10.2 Ms Mabandla on 25 September 2025;
 - 10.3 Ms Didiza on 25 September 2025;
 - 10.4 Mr Kasrils on 9 October 2025; and
 - 10.5 Mr Nqakula on 20 October 2025.
11. The claim that they need more time to prepare must be rejected.
 - 11.1 It cannot be that their legal teams suddenly have to read and consider transcripts of 80 days of oral evidence.
 - 11.2 They would have known all along that there was a reasonable possibility that their clients would have to appear. This is particularly the case since they chose not to seek to interdict the Commission's operations from proceeding pending the outcome of their review.

- 11.3 It would have been grossly irresponsible not to have monitored the proceedings and prepared for the possibility that their clients would have to appear.
- 11.4 Any dilatory conduct on their part cannot now be visited upon the Commission and the other parties. Any delay in their preparation has been entirely of their own making.
12. Accordingly, there is no reason why the Boqwana Burns clients' statements should not be delivered to the Commission by 16 September 2026. Furthermore, the Boqwana Burns clients should have already identified the witnesses they wish to cross-examine and filed their applications to cross-examine.
13. In our respectful view, we anticipate grave problems in the Commission being able to complete its work in the remaining time available. It is a concern we expressed in previous correspondence. Even without the Boqwana Burns clients there will be a crunch of witnesses in the closing days of the Commission, since a number of witnesses sought postponements to later dates and others have yet to be scheduled for their cross-examination. Now the Commission has to find time to accommodate:
 - 13.1 All these outstanding existing witnesses;
 - 13.2 Cross examination of unnamed witnesses by the Boqwana Burns clients (and possibly also by the team representing Mr Jacob Zuma);
 - 13.3 Leading of the Boqwana Burns witnesses (and possibly Mr Zuma);
 - 13.4 Cross examination of the Boqwana Burns clients (and possibly Mr Zuma).
14. We doubt that the remaining time will accommodate all these tasks, especially if the Boqwana Burns clients only testify in the second last week of October.
15. We note that the Commission previously proposed concluding hearings by the end of September 2026, followed by approximately two to three weeks in October for the parties to prepare and present closing arguments. The remaining time would be used to prepare the final report, which must be delivered to the President by 31 December 2026.
16. If the proposal of the Boqwana Burns clients is accepted it will be difficult if not impossible for the Commission to complete its work and deliver its report on time.
17. We respectfully submit that the Boqwana Burns witnesses must testify during the week commencing 21 September 2026.
18. The Commission, the parties and the public at large cannot be prejudiced by the Boqwana Burns clients who elected not to participate in the Commission proceedings over the past 12 months. They did so at their own peril. They cannot now decide their preferred schedule and impose this on the Commission.
19. The Commission's operations cannot be allowed to run out of time with witnesses whose evidence and cross-examination have not been concluded. Time must also be set aside for closing arguments and report writing. A further extension from the President is unfortunately not guaranteed.
20. In the light of the above we implore the Chairperson to direct the Boqwana Burns clients to:
 - 20.1 Deliver their statements by 16 September 2026;

- 20.2 Appear before the Commission during the week of 21 September 2026 for examination in chief and cross-examination where so permitted.
21. We also request clarity regarding the timeline for the delivery of Mr Zuma's statement and the scheduling of his appearance before the Commission.

Yours faithfully

p.p. L Doubell

WEBBER WENTZEL

Asmita Thakor

Partner

Direct tel: +27 11 530 5875

Email: asmita.thakor@webberwentzel.com

COPY TO:

Evidence Leaders

Commission of Inquiry, Stopped TRC Investigations and/or Prosecutions

By email: evidence.leaders@trc-inquiry.org.za

Mr I Armoed

Boqwana Burns Inc

By email: irvine@boqwanaburns.com; lutho@boqwanaburns.com