

**IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS REGARDING
EFFORTS OR ATTEMPTS HAVING BEING MADE TO STOP THE INVESTIGATION
OR PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES**

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1.

BEFORE THE JUDICIAL COMMISSION OF INQUIRY TO INQUIRE INTO
ALLEGATIONS REGARDING EFFORTS OR ATTEMPTS HAVING BEEN MADE TO
STOP INVESTIGATION OR PROSECUTION OF TRUTH AND RECONCILIATION
COMMISSION CASES.

AFFIDAVIT

I, the undersigned

JÜRGEN KÖGL

Do hereby state under oath that:

1. I am an adult businessman residing in Johannesburg, South Africa.
2. The facts deposed to in this affidavit are within my personal knowledge and are to the best of my belief true and correct.
3. On or about 29 May 2025 the President of the Republic of South Africa, Mr Matamela Cyril Ramaphosa issued the Proclamation Notice 264 of 2025 which established a Commission of Inquiry into allegations regarding efforts or attempts having been made to stop investigation or prosecution of Truth and Reconciliation Commission ("TRC") Cases ("the Commission").
4. The Terms of Reference of the Commission require that the said Commission must inquire, formulate findings, report and make recommendations amongst other things but with specific regard to:

"1.1.....whether, why and to what extend and by whom, efforts were made to influence or pressure members of the South African Police Services or the National Prosecuting Authority to stop investigating or prosecuting TRC cases."...

And

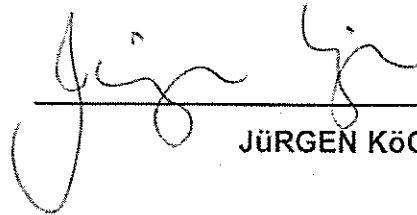
"1.2whether any members of the South African Police Service or the National Prosecuting Authority improperly colluded with such attempts to influence or pressure them".



5. I confirm that I have no knowledge of any collusion, influence or pressure on members of the South African Police Service or the National Prosecuting Authority to stop investigating or prosecuting TRC cases. I further confirm that I have never interfered nor was I involved in attempting to prevent or halt any investigation or prosecution in respect of the TRC cases.
6. I confirm that I acted in the capacity of facilitator between the various stakeholders from 1998 until approximately March 2003, at which time the process was concluded.
7. In my role as facilitator, my functions were limited to arranging and providing forums for meetings and offering logistical and practical support during the stakeholders' deliberations, involving principals and related parties.
8. In my capacity as facilitator, I did not contribute to or influence the substance of the deliberations between the parties involved, who at all times retained ownership and responsibility for the content of their respective submissions.
9. The aforesaid support was rendered voluntarily, in my private capacity and utilising my own material resources.
10. The deliberations were guided by the provenance provided by the Indemnity Act 35 of 1990 and the Promotion of the National Unity and Reconciliation Act of 1995.
11. As facilitator at the time, I neither authored, generated, nor assumed ownership of the content arising from the stakeholders' deliberations. Consequently, I have no knowledge of any efforts or attempts made to halt or interfere with the investigation or prosecution of any TRC matters.
12. The aforesaid is the extent of my knowledge and involvement with regards to the Terms of Reference of the Commission.

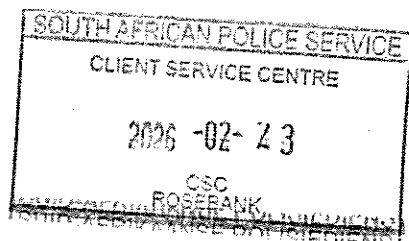


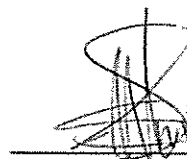
13. In the circumstances, I respectfully reiterate that I am not in a position to assist the Commission in uncovering or advancing the substantive aspects of its mandate, as I possess no direct knowledge of, nor involvement in, the content of the deliberations in question. I trust that the above clarifies my role and position in this matter.


JÜRGEN KÖGL

SIGNED AND SWORN before me at Rosebank on the 23 day of February 2026, the deponent having acknowledged that he knows and understands the content of this Affidavit, the regulations contained in Government Notice R1258 of 21 July 1972, as amended, having been complied with, the deponent having stated that:

- He knows and understands the content of the declaration;
- He has no objection to taking the prescribed oath; and
- He considers the prescribed oath as binding on her conscience
- The deponent thereafter having uttered the following words: *"I swear that the content of this declaration is true, so help me God."*




56744-1 CST
Mlungwana

COMMISSIONER OF OATHS

FULL NAME (IN PRINT): Mlungwana S.

BUSINESS ADDRESS: 15 Sturdee Aven

DESIGNATION: Constable

AREA ROSEBANK

**BEFORE THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS REGARDING
EFFORTS OR ATTEMPTS HAVING BEEN MADE TO STOP INVESTIGATION OR
PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES**

AFFIDAVIT

I, the undersigned,

JÜRGEN KÖGL

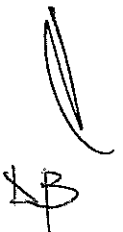
do hereby make oath and state as follows:

INTRODUCTION AND CAPACITY

1. I am an adult businessman residing in Johannesburg, South Africa.
2. I studied South African Economic History and Civil Engineering at the University of Cape Town. I later practised as a JSE-approved stockbroker and dealer, including throughout the period of the South African debt crisis from approximately 1986 to 1992.
3. Over the years I have held mandates for the management of money and assets, been involved in private equity enterprises, served on boards in a non-executive capacity and operated a strategic risk assessment consultancy.
4. Until approximately 2015, the companies with which I was associated had their registered offices at ERA House, 39 Jan Smuts Avenue, Johannesburg. A shared switchboard serviced the various occupants conducting business from those premises.
5. I was born in Namibia and am a third-generation Namibian. I have not, however, carried on any business in Namibia since the late 80's.



6. I make this affidavit to assist the Commission in the execution of its mandate, insofar as my historical role as a facilitator between various stakeholders is relevant to it. This affidavit supplements my previous affidavit to the Commission dated 23 February 2026.
7. I wish at the outset to clarify the nature and extent of my involvement.
8. I have previously confirmed to the Commission that, from approximately 1998 until approximately March/April 2003, when the relevant process was substantially concluded, I acted as a facilitator between various stakeholders in the process concerning the Forum referred to below. As appears from what follows, I acted in a similar capacity on earlier occasions from 1989 onwards.
9. My role as facilitator was limited to arranging meetings, facilitating communication and access between the stakeholders, and providing logistical and practical assistance where required.
10. I was not a decision-maker in any of the processes referred to in this affidavit. I did not represent any of the political parties, government institutions, military structures or other stakeholders involved, and I did not determine, formulate or adopt the substantive positions of any of them.
11. In particular, I did not negotiate any agreement on behalf of any stakeholder, and I had no authority to bind any of the persons or institutions involved. The engagements in which I assisted from 1998 onwards took place within the framework of the adopted Constitution, the ongoing TRC process and an established system of constitutional governance. To my knowledge, no person was at any stage given any mandate or authority to act outside or contrary to that constitutional framework.
12. Where I refer to matters discussed at meetings, or to positions advanced by particular persons, I do so only to the extent that I personally observed them or became aware of them in my capacity as facilitator. Where I rely on what I was told by others, I say so.

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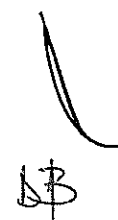
13. I do not seek to advance any substantive position. My purpose is to place before the Commission the facts of my involvement and of the meetings and processes in which I assisted as facilitator.

THE HISTORICAL CONTEXT

14. I have read transcripts of the evidence published on the Commission's website and have watched recordings of its proceedings on YouTube. From these I have become aware of various issues concerning the historical development of the processes surrounding indemnity, amnesty and the Truth and Reconciliation Commission ("the TRC"), and the later attempts to deal with matters arising from that process.
15. I accordingly wish to place before the Commission factual information on matters within my personal knowledge, or which I observed in the course of my involvement as facilitator.
16. I do not purport to give expert opinion on the historical, constitutional or legal issues arising from these matters, nor do I express any view on whether any political or legal course adopted at the time was correct or appropriate.

NAMIBIA AND THE INDEMNITY PROCESS

17. Following the conclusion of the relevant international agreements in 1988, Mr Theo-Ben Gurirab, SWAPO's representative at the United Nations and Mr Martti Ahtisaari, the UN Special Representative for Namibia asked me to provide strategic and logistical assistance during the implementation of United Nations Security Council Resolution 435 and Namibia's transition to independence. In that capacity, I facilitated communication and logistical arrangements between various stakeholders. From that time, Advocate Anton Lubowski was my designated interlocutor.
18. I mention these matters only as background to my later involvement in facilitating discussions between stakeholders in the region.



19. During the implementation of the process overseen by the United Nations Transition Assistance Group ("UNTAG"), various meetings and discussions took place concerning the transition to independence and the peaceful conduct of the elections. I assisted with the arrangements for certain of those engagements.
20. On 5 November 1989, Messrs Sam Nujoma, President of SWAPO and Hage Geingob, Secretary General of SWAPO asked to use the boardroom of my former family business for a meeting with Namibian-based SADF generals and the Commissioner of SWAPOL, General Gouws.
21. Again, my role at that meeting was that of facilitator and host. I did not participate in the negotiations or make decisions on behalf of any of the persons present.
22. What was discussed, and any assurances exchanged, at that meeting were matters between the political, military and governmental representatives concerned.
23. I record these matters because they form part of the background to my later involvement in facilitating engagements between stakeholders in South Africa.

SOUTH AFRICAN NEGOTIATIONS AND MY ROLE AS FACILITATOR

24. During or about May 1993, I became involved in arranging and facilitating meetings between representatives of the ANC and General Constand Viljoen and his various teams, then of the Afrikaner Volksfront and later leader of the Freedom Front.
25. The substantive negotiations and decisions were those of the parties themselves. I did not represent General Viljoen, the Afrikaner Volksfront, the Freedom Front or the ANC, and I did not formulate or determine the terms of the agreement ultimately reached between them.
26. On 23 April 1994, an agreement (the Accord on Afrikaner Self-Determination) was signed at the Union Buildings by General Viljoen, on behalf of the Freedom Front; Minister Roelf Meyer, on behalf of the South African Government; and Mr Walter Sisulu

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and Mr Thabo Mbeki, on behalf of the ANC. I co-signed the agreement as facilitator, solely in recognition of my role in facilitating the negotiations between the parties

27. I refer to this history because it illustrates the nature of my involvement throughout. I facilitated access and communication between stakeholders, while the stakeholders themselves retained responsibility for their respective positions, negotiations and decisions.

THE TRC PROCESS

28. After the 1994 election, and during the constitution-making process that followed, discussions began about how to deal with matters arising from the country's past.
29. The Promotion of National Unity and Reconciliation Act 34 of 1995 was then enacted and the TRC established.
30. During 1995, Advocate Dumisa Ntsebeza SC, then the Commissioner for the TRC's research and investigation function, asked me to engage with General Viljoen about his cooperation with the TRC's research requirements.
31. I then arranged and facilitated a meeting at Bishopscourt between General Viljoen, General Tienie Groenewald and Dr Corné Mulder, Freedom Front members of Parliament, on the one hand, and Archbishop Desmond Tutu and Dr Alex Boraine, on the other.
32. At that meeting, General Viljoen supported the proposal that a "friend-of-a-soldier" principle be made available to members of the statutory forces who were required or willing to give evidence before the TRC. Archbishop Tutu and Dr Boraine did not support the proposal. The meeting lasted approximately 45 minutes and produced no substantive outcome. In General Viljoen's view, the refusal to support the proposal contributed significantly to the reluctance of members of the statutory forces to cooperate with the TRC.

33. General Viljoen and his fellow MPs remained responsible for the position they advanced, as Archbishop Tutu and Dr Boraine did for the position of the TRC. I did not formulate any of the proposals or positions advanced.

THE CONTACT BUREAU AND THE 1997 DISCUSSIONS

34. Towards the latter part of 1995, I became aware that retired SADF leadership had established what became known as the Contact Bureau, led by Major-General Dirk Marais.
35. As I understood it, the Contact Bureau was established as a result of the meeting at Bishopscourt and, in particular, the refusal to adopt the proposed "friend-of-a-soldier" principle. It was intended to serve as a body to which members of the statutory forces could turn for guidance and assistance if they were subpoenaed or otherwise required to appear before the TRC.
36. During 1997, various discussions took place concerning the political transition and the unresolved issues relating to the TRC process. These discussions took place against the backdrop of the adoption of the Constitution in 1996, in which the IFP did not participate in the parliamentary vote, they were not present in the chamber, and from which General Viljoen's Freedom Front abstained, and the withdrawal of Mr De Klerk's National Party from the Government of National Unity. By this stage, the ANC was in effective control of the government.
37. Among the outstanding issues was whether there was an alternative avenue through which matters concerning members of the statutory forces could be addressed.
38. The 1997 discussions ultimately came to an end once the ANC and the IFP reached a resolution of the conflict in KwaZulu-Natal.

THE 1998 MEETINGS AND THE FORUM

39. During early 1998, I was asked to assist with arrangements for meetings between Deputy President Thabo Mbeki and Mr Jacob Zuma, and former Chiefs of the SADF.
40. The meetings were held at my home in Parktown. The meeting of particular relevance was attended by Deputy President Mbeki and Mr Zuma, on the one side, and the Chiefs of Staff of the SADF, Generals Viljoen, Geldenhuys and Liebenberg, on the other. General Malan was represented by his attorney. I arranged and facilitated the meeting.
41. I did not represent any of the participants, took no part in the substantive decision-making, and did not determine the purpose or outcome of the discussions.
42. The discussions resulted in an agreement to establish a forum of former Chiefs of the SADF ("the Forum") to address what was described as "unfinished business", including matters concerning possible remedies and stable socio-economic conditions.
43. The "unfinished business" considered by the Forum included issues arising from the unresolved Shobashobane massacre and from the acquittal of Generals Malan and Geldenhuys in the KwaMakhutha matter. It also included matters arising from the 1997 discussions, cases that remained unresolved, matters in which amnesty had not been granted, and discussions on what would happen with cases brought before the TRC that remained outstanding when the TRC closed.
44. During this period, General van der Merwe, then associated with the SAP, attended one technical meeting involving lawyers.
45. At that meeting, General van der Merwe said that he would not participate in any process unless it led to an unconditional blanket amnesty for members of the police.
46. The Forum also considered concerns raised by former senior members of the SADF about matters involving junior SADF officers.
47. I assisted with the facilitation of, and practical arrangements for, the process. I was not a member of the Forum in any capacity that conferred decision-making authority on me, and I had no authority to make decisions on behalf of the Forum or any of its participants.

I did not determine the legal position ultimately adopted by any participant, nor did I draft or formulate any proposed legal remedy on behalf of any participant.

THE PURPOSE OF THE FORUM

48. As I understood it, the Forum's work involved the consideration of possible constitutional and legal remedies for persons who had not participated in the TRC process and who might face prosecution for human rights violations. I did not formulate that objective.
49. I became aware of the discussions through my role in facilitating the process. To the extent that I am able to say what occurred, I did not understand the discussions to constitute an agreement to prevent lawful prosecution or to circumvent due legal process.
50. I was not aware of any agreement, formal or informal, aimed at preventing the prosecution of TRC-related offences. Nor was I involved in formulating any further amnesty process.
51. I have never seen, and had no knowledge of, the unsigned letter allegedly produced by Major-General Marais. I therefore cannot give the Commission any evidence on its contents or authenticity.

MINISTER MADUNA AND THE DEPARTMENT OF JUSTICE

52. In or about 2000, Dr Penuell Maduna, then Minister of Justice, established a corporate management board within the Department of Justice.
53. I became aware of the work of the Department and its efforts towards constitutional governance and professional management.
54. I am aware of one TRC-related matter involving Dr Maduna and Archbishop Tutu, concerning the possible use of the United States Alien Tort Statute of 1789.

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55. I was not a decision-maker on that issue and did not determine the position adopted by either Minister Maduna or Archbishop Tutu. I mention it only because it forms part of my knowledge of the events surrounding the TRC process.
56. To my knowledge, Minister Maduna did not attend the work sessions of the Forum. A legal scholar was involved as an adviser to the Forum. I was not responsible for the legal advice given to the Forum.
57. Dr M Phosa was never part of any of the deliberations since 1997.

THE MEETING OF 17 FEBRUARY 2003

58. The work on the proposed legal remedy culminated in a presentation meeting in Cape Town on 17 February 2003, which Minister Maduna attended.
59. Minister Charles Nqakula was not present and, to my knowledge, had not attended any earlier meeting of the Forum while serving as Minister of Safety and Security.
60. Those present on behalf of the generals included General Malan and his attorney, General Geldenhuys and Major-General Marais. General Liebenberg had died in late 1998.
61. The purpose of the meeting was to discuss the legal process concerning the proposed special plea and a possible announcement in Parliament. I assisted with the facilitation and practical arrangements for the meeting. I did not determine whether any announcement would be made, or the legal process to be followed.
62. Minister Essop Pahad advised the meeting that the proposed parliamentary announcement would not be made, after which the generals returned to Johannesburg. I had no authority to alter or influence that decision.
63. On 21 March 2003, Archbishop Tutu handed the final volumes of the TRC report to President Mbeki, who made his statement in Parliament on 15 April 2003.

64. I understood this to bring the TRC process, and effectively the work of the Forum, to an end.

MY POSITION REGARDING THE COMMISSION'S TERMS OF REFERENCE

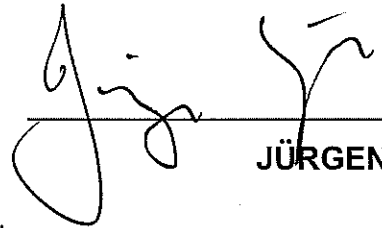
65. I have considered the Commission's Terms of Reference, including the inquiry into whether, why, to what extent and by whom efforts were made to influence members of the South African Police Service ("SAPS") or the National Prosecuting Authority ("NPA") to stop investigating or prosecuting TRC cases.
66. I have no knowledge of any collusion, influence or pressure upon members of the SAPS or the NPA to stop investigating or prosecuting TRC cases.
67. I have never instructed, directed, pressured or attempted to influence any member of the SAPS or the NPA to discontinue or prevent a TRC-related investigation or prosecution.
68. I did not have, and did not purport to exercise, any authority to grant indemnity, amnesty or immunity. I did not formulate any policy concerning the prosecution or non-prosecution of TRC-related offences.
69. Nor did I instruct any person within the SAPS, the NPA or any other law-enforcement institution concerning the investigation or prosecution of TRC cases. Where I was present at meetings, it was as facilitator and, where necessary, as host or provider of logistical support. The participants themselves retained responsibility for the substance of their respective submissions, positions and decisions.

CONCLUSION

70. I make this affidavit because I understand that the Commission is investigating whether efforts were made to interfere with the investigation or prosecution of TRC cases.
71. My evidence is confined to my personal involvement and knowledge, and I do not suggest that my role was greater than it was. Equally, my previous affidavit should not

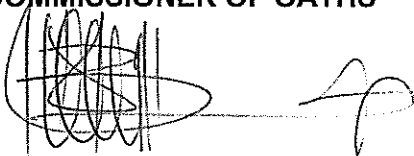
be read as suggesting that I was unaware of meetings or discussions which took place in my presence or which I helped to arrange.

72. What my previous affidavit sought to make clear is that, although as facilitator I was exposed to various meetings and discussions, I did not participate in the substantive decision-making and did not influence the positions adopted by the stakeholders.
73. My role was one of facilitation, logistical assistance and communication, not negotiation, decision-making or substantive participation. I did not formulate the proposals discussed by the stakeholders or determine the outcome of their deliberations. That is the extent of my knowledge and involvement relevant to the Commission's Terms of Reference.


JÜRGEN KÖGL

Thus signed and sworn to before me at Bryanston on this 08 day of October 2026, the Deponent having acknowledged that he knows and understands the contents of this affidavit, that he has no objection to taking the prescribed oath and that he regards the prescribed oath as binding on his conscience, and the regulations contained in Government Notice R1258 of 21 July 1972, as amended, having been complied with.

COMMISSIONER OF OATHS



COMMISSIONER OF OATHS (RSA)
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