

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

STATEMENT

I, the undersigned,

CHARLES NQAKULA

do hereby make oath and state that:

1. I am an adult pensioner and the former Minister of Safety and Security.
2. Unless otherwise stated or so indicated by the context, the facts set out in this affidavit are:
 - 2.1 within my personal knowledge and are both true and correct;
 - 2.2 alternatively, obtained through affidavits and documents in previous proceedings; and
 - 2.3 further alternatively, obtained through public records.
3. I will attach any documents that I rely on in substantiation of the averments I make.

A BRIEF OVERVIEW OF MY HISTORY IN THE STRUGGLE

4. I was born and raised in Cradock in the Eastern Cape. As a young boy, I was guided and influenced by the late Reverend James Aurthur Calata, the

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grandfather of Fort Calata. He was involved in the struggle for a free South Africa. He became the Secretary-General of the African National Congress ("ANC") from 1936 to 1949. He was a pillar of our community and a figure I held in the highest esteem.

5. In my older years, I became an underground activist for the ANC. I was frequently arrested and detained because of my involvement in the ANC. In 1984 my underground unit received information that I was going to be arrested and advised that it was best for me to leave the country immediately for exile. I went to Lesotho and stayed there until the middle of 1985, when the ANC arranged for me to go to Zambia. I was taken to the uMkhonto weSizwe ("MK") camps in Angola where I trained as a soldier. I also trained in Russia and in Germany. In 1988, I returned to South Africa clandestinely, as one of the senior MK cadres who were charged with the responsibility of building underground structures inside the country. I was a commander in the Eastern Cape.
6. I ceased operating underground in 1991 when I was granted amnesty by the Apartheid government. This enabled me to be a part of the talks towards the building of a democratic South Africa. In the same year, I was elected as the Deputy General Secretary of the South African Communist Party ("SACP"). This was a full-time job that I conscientiously performed. I became the General Secretary of the SACP when Cde Chris Hani was assassinated by right-wingers in 1993. In 1999 I joined the public service under the ANC government..

HISTORY IN THE PUBLIC SERVICE

7. I have had a long history in the public service.




- 7.1 In 1999, I was an ordinary member of Parliament.
- 7.2 In January 2001, I was appointed Deputy Minister of Home Affairs by President Mbeki;
- 7.3 When Minister Tshwete passed away on 26 April 2002, I became the Minister of Safety and Security (now the Ministry of Police) from May 2002 to September 2008 – also under President Mbeki;
- 7.4 I was Minister of Defence from September 2008 to May 2009 under President Kgalema Motlhante;
- 7.5 I served as South Africa's High Commissioner to the Republic of Mozambique from 1 June 2012.
8. The allegations against me (as set out in the summons that the Commission issued to me on 13 August 2026) relate to my role as Minister of Safety and Security. My tenure as Minister of Safety and Security ended more than eighteen (18) years ago, in 2008. This is a long time ago, and as a result, I do not recall all the events. I no longer have access to documents and records which may have assisted me to recall specific events.

THE SUMMONS

9. On 13 August 2026, this Commission issued a summons to me, to appear before it for purposes of:

“giving evidence before the Commission on all matters relating to the Commission's Terms of Reference of which you have knowledge and in addition being questioned about matters arising from the relevant parts of

the affidavits/statements and the transcripts of the evidence listed in Annexure "A" to this Summons . . ."

10. I am aware that the Commission was established on the back of an application by families and victims of apartheid-era crimes in the Gauteng Division of the High Court ("**Calata matter**"). In that case, the applicants seek declaratory orders and constitutional damages for the failure to investigate or prosecute cases identified by the Truth and Reconciliation Commission ("**TRC**") and referred to the National Prosecuting Authority for investigation and prosecution ("**TRC cases**").
11. I note that the summons does not require me to make this statement, but I nevertheless do so, in the hope that it will be of assistance to the Commission.
12. The summons does not set out a formal list of questions for me to respond to. I also note that Annexure "A" comprises two extracts from Mr Calata's affidavit in the Calata matter concerning alleged meetings: one, allegedly convened at the home of the late Minister Zola Skweyiya, the former Minister of Social Development of the Republic of South Africa from 17 June 1999 until 10 May 2009; and another meeting of security-cluster Ministers.
13. As discerned from Annexure "A" to the summons, I am alleged to have:
 - 13.1 participated, in late 2006, in a meeting at Minister Skweyiya's home, alongside other Ministers including former Minister of Defence, Mosiuoa Lekota, Thoko Didiza (Acting Minister of Justice), and Mr Loyiso Jafta from the Presidency. This meeting, allegedly called by Acting Minister Didiza is said to have dealt with the prosecution of the Chikane matter and the fear



by us that the prosecution would lead to calls for prosecuting ANC members for pre-1994 activities.

13.1.1 Vusi Pikoli alleges that I was: “concerned about the decision to proceed with the prosecution and with Advocate Ackermann’s involvement in the process and the issue of whether it was Advocate Ackermann or [Pikoli] who was behind the decision to prosecute” and that by the end of the meeting I “appeared to continue to be worried about the involvement of Advocate Ackermann”.

13.2 participated in another meeting of Ministers in the security cluster at my office attended by Minister Skweyiya, Acting Minister Didiza, Jackie Selebi (former Director General (“DG”) and the Commissioner of Police), various DGs, Mr Jafta and myself. It is alleged that at this meeting the proposal for the establishment of a TRC cases working group was put to the Ministers and accepted.

14. I must note at the outset that these allegations lack specificity, and I have not been provided with any documents such as minutes or agendas of the meetings that could assist me.

15. I will nevertheless address each of these allegations in turn below, after I locate the operations of the Security Cluster.

**CABINET COMMITTEE ON JUSTICE, CRIME PREVENTION AND SECURITY
(SECURITY CLUSTER)**



16. Clusters were established in government to foster an integrated approach to governance aimed at improving government's planning, decision-making and service delivery. The main objective is to ensure proper coordination of all government programmes at national and provincial level. The main functions of clusters are to: ensure alignment of government-wide priorities; facilitate and monitor the implementation of priority programmes; and provide a consultative platform on cross-cutting priorities and matters being taken to Cabinet.
17. The clusters function at different levels, namely ministerial, DGs and communication clusters. The Justice, Crime Prevention and Security Cluster (**"the security cluster"**) is one of these.
18. As Minister of Safety and Security, I formed part of the security cluster. The security cluster comprised of the:
 - 18.1 Minister of Safety and Security,
 - 18.2 Justice and Constitutional Development;
 - 18.3 Minister of Correctional Services;
 - 18.4 Minister of Home Affairs;
 - 18.5 Minister of Defence;
 - 18.6 Minister of Intelligence Services;
 - 18.7 Minister of Social Development.
19. The security cluster focused the activities and resources of the various departments to address crime and public disorder; improve the functioning of

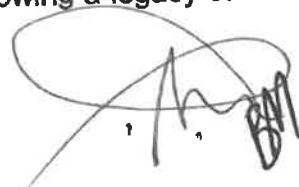


the criminal justice system; and address factors that impact negatively on socio-economic development. There were two co-chairs in the cluster, namely the Ministers of Justice & Constitutional Development and the Minister of Safety & Security.

20. The DGs of the security cluster provided technical support to the Ministerial Cluster. They produced reports on topical issues which would be presented to the Ministers in the security cluster. The security cluster reported to cabinet.
21. The cluster tended to deal with sensitive information, including matters of state security. Its meetings took place at a Cabinet venue. The venues would have been "cleaned" or secured to avoid any prospect of communication or other interception. As such, these meetings could never take place at any other venue than in the official offices at the Union Buildings or in Cape Town.
22. The security cluster met on a weekly basis. The agenda was usually provided at the meeting and as far as I can recall, no minutes were kept by the ministers. The DGs took and kept minutes, except where the information was of a sensitive nature. Any decisions of the cluster were recorded by the DGs who then had to operationalise those decisions.
23. When I started, my DG was Mr Jackie Selebi. He was the Commissioner of Police and the DG of the South African Police Services.

TRC cases

24. When I joined the Ministry and the cluster, there were no discussions about the TRC cases in the security cluster. We were dealing with the pressing issue of ensuring peace and order in South Africa, following a legacy of violence. The



security cluster went around the country organising *Imbizos*; talking to communities about maintaining security and peace in South Africa. These issues were relevant to ensuring peace, which we were mandated to do.

25. When I came in, there were still pockets of in-fighting between members of the Inkatha Freedom Party and the ANC, especially in Kwa Zulu Natal. This was a priority for us in order to avoid a civil war.

RESPONSE TO THE 2006 MEETING AT MINISTER SKWEYIYA'S HOME

26. I recall a meeting held at Minister's Skweyiya's home in 2006. I confirm that I attended such a meeting.
27. However, this was not a security cluster meeting – it could not have been. I do not recall everyone present at the meeting but do recall former Ministers Skweyiya and Lekota and Mr Pikoli. I do not recall whether former Minister Didiza was part of the meeting.
28. The meeting was called by Minister Skweyiya and not by former Minister Didiza as alleged by Mr Pikoli. I do not recall whether there was a briefing prior to the meeting, but I remember that Minister Skweyiya explained at the meeting that there were whispers about a prosecution of Reverend Frank Chikane. My understanding from this was that Reverend Chikane would be arrested. I note that this is not what Mr Pikoli says. He says the meeting was about the prosecution of Rev. Chikane's attempted murderers, but this is not my recollection.
29. I was under the impression that Rev. Chikane was going to be prosecuted. I wanted to understand why this was being done.



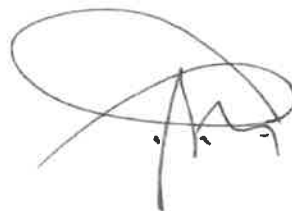
30. I was also concerned about Adv Ackermann prosecuting TRC cases connected to people who were part of the struggle against apartheid. This is because he had been a prosecutor under the apartheid government for many years. I felt that he was targeting Rev. Chikane.
31. At no point in the meeting did Mr Pikoli correct me to say that it was the accused who had attempted to murder him, and not Rev. Chikane himself who was going to be prosecuted. For the entirety of the meeting, I was under the impression that the caucus was about the prosecution of Rev. Chikane. I did not, at the meeting or to Mr Pikoli at any point in time, express any concern about Adv Ackermann prosecuting officials from the apartheid regime. As I have explained above, this was not my understanding of the purpose of the meeting. My understanding was that it was about the prosecution of Rev. Chikane. It was only later that I learned that they would be prosecuting those who had attempted to murder Rev. Chikane. I would not have any reason to oppose the prosecution of anyone who had tried to murder Rev. Chikane.
32. Mr Pikoli took issue with the questioning and expressed that decisions to prosecute were his prerogative as the National Director of Prosecutions. He left shortly after explaining and reiterating his position, which was that no one was going to tell him who to prosecute or not, as that was his mandate.

SECOND MEETING ADOPTING THE ITT

33. It is alleged that *"[s]ubsequent to this meeting, there was a further meeting of Ministers in the security cluster at the office of the Minister of Safety and Security ... The proposal for the establishment of a working group was put to the Ministers, and it was accepted"*.

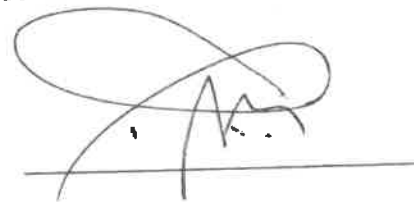


34. I have no memory of this meeting.
35. From my experience, it is improbable that a meeting of this nature would have happened, and in my office. As I explained above, meetings of the security cluster took place in “clean” and designated offices.
36. Moreover, I would not be empowered to call a meeting of the security cluster without a quorum. According to Mr Pikoli, only three Ministers were at this meeting. These are: myself, former Minister Skweyiya and acting Minister Didiza. It is unclear from the affidavit whether there were any DGs in attendance. It is also unclear how the proposal to establish the ITT was allegedly addressed in this meeting.
37. Importantly, the 2005 Prosecution Policy had been promulgated and it already envisioned the creation of a task team. As such, there would have been nothing to convene about. The operationalising of a decision already taken would be done at the DG-level. It makes no sense that we would have had a “security cluster” meeting to take a decision to establish a task team when this was already provided for in the Prosecution Policy.
38. Finally, it is important to note that this allegation is pure hearsay. Mr Pikoli does not allege that he was at this meeting. He alleges that it happened and that he therefore “*sent letters to the various Directors General, Selebi and the DSO inviting them each to nominate a senior official to serve on the ITT*”. He is wrong about the occurrence of this alleged security cluster meeting.



CONCLUSION

39. Throughout my tenure in government, I consistently upheld and defended the principle of prosecutorial independence, and I have at all times opposed any form of impunity for crimes committed during the apartheid era. Both I personally, and the organisation to which I belong, have maintained a clear and unwavering position that those responsible for offences committed under apartheid must be held accountable before the law.
40. I deny any knowledge or interfering with any investigation and/ or prosecution of the TRC cases. I further deny ever having directed and/ or instructed anybody not to pursue the TRC related investigations and/ or prosecutions in any manner.
41. I therefore welcome the establishment and mandate of this Commission to inquire into these matters in an objective, transparent, and fair manner. I remain fully committed to assisting the Commission in the proper discharge of its duties and to contributing constructively to a process that honours both truth and justice.



CHARLES NQAKULA

I certify that the deponent has acknowledged that he knows and understands the contents of this Affidavit which was signed and sworn to before me at **JOHANNESBURG** on this the **05th** day of **OCTOBER 2026**; the Regulations prescribed in terms of Government Notice R 1258 dated 21 July 1972, as amended, having been complied with.

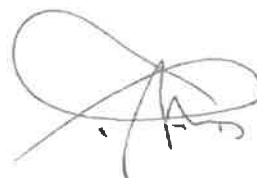


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**THE JUDICIAL COMMISSION OF INQUIRY TO INQUIRE INTO ALLEGATIONS
REGARDING EFFORTS OR ATTEMPTS HAVING BEEN MADE TO STOP THE
INVESTIGATION OR PROSECUTION OF TRUTH AND RECONCILIATION
COMMISSION CASES**

**SUMMONS [AS APPROVED BY THE CHAIRPERSON] TO:
APPEAR AS A WITNESS**

in terms of section 3(2) of the Commissions Act 8 of 1947, read with:

- Proclamation Notice 264 of 2025 published in Government Gazette No. 52749 on 29 May 2025;
- Proclamation Notice 278 of 2025 published in Government Gazette No. 53183 on 19 August 2025;
- Proclamation Notice 319 of 2026 published in Government Gazette No. 54818 on 8 June 2026; and the
- Rules of the Judicial Commission of Inquiry to Inquire into Allegations Regarding Efforts or Attempts having been made to stop the Investigation or Prosecution of the Truth and Reconciliation Commission Cases published in Government Gazette No. 53251 on 29 August 2025.

Tracking reference:

0006/08/2026



TO BOQWANA BURNS INC.

INFORM:

CHARLES NQAKULA

of

8 ADOLF GOERZ PLACE, JOHANNESBURG, BRUMA, 2198

that he is hereby:

- **summoned to appear personally before the Judicial Commission of Inquiry to inquire into allegations regarding efforts or attempts having been made to stop the investigation or prosecution of Truth and Reconciliation Commission cases ("the Commission") at the Sci-Bono Discovery Center, corner of Mariam Makeba and Helen Joseph Streets, Johannesburg, on 18 September 2026 for the purpose of giving evidence before the Commission on all matters relating to the Commission's Terms of Reference of which you have knowledge and in addition being questioned about matters arising from the relevant parts of the affidavits/statements and the transcripts of the evidence listed in Annexure "A" to this Summons;**
- **inform him further that his failure to attend and give evidence as set out above or to remain in attendance until excused by the Chairperson from**



further attendance or his refusal to be sworn or make affirmation as a witness, after he has been required by the Commission's Chairperson to do so, or failure to answer fully and satisfactorily any question lawfully put to him constitutes an offence under section 6(1) of the Commissions Act; and

- inform him further he is entitled to the same witness fees from the Commission as if he had been summoned to appear at a criminal trial held in a Superior Court in Johannesburg.

DATED at Johannesburg this 13th day of August 2026.

**ADV AM THOKOA
SECRETARY:**

Judicial Commission of Inquiry to inquire into allegations regarding efforts or attempts having been made to stop the investigation or prosecution of Truth and Reconciliation Commission cases.



ANNEXURE "A"

1. Evidence placed before the Commission by the Calata Group of interested parties that you attended a meeting which was convened at the home of the late former Minister of Social Development, Mr Zola Skweyiya to deal with the prosecution of the Chikane matter and that there was a fear in this meeting, that cases like the Chikane matter would open the door to the prosecution of ANC members. The following paragraphs of the affidavit of Mr Lukhanyo Bruce Matthews Calata ("**Mr Calata**") dated 17 January 2025 bear relevance: at paragraphs 224, 225 and 226. (A copy of these paragraphs from Mr Calata is annexed hereto as "**Calata Evidence 1**" and a full copy of Mr Calata's affidavit is available at the Commission's Offices at Sci-Bono Discovery Centre, Third Floor, Cnr Miriam Makeba and Helen Joseph Streets and on the Commission's website at www.trc-inquiry.org.za)
2. Evidence before the Commission that you attended a subsequent meeting of the Ministers of the Security Cluster at the office of the Minister of Safety and Security, where the proposal for the establishment of a working group to deal with the TRC Cases was accepted. The following paragraphs of the affidavit of Mr Calata dated 17 January 2025 bear relevance: at paragraphs 228 and 229. (Copies of these paragraphs are annexed hereto as "**Calata Evidence 2**".)

do so. The first complaint levelled by government functionaries against the NPA was that Ackermann was seen as a loose cannon.

222 Pikoli, in his affidavit in *Nkadimeng 2* (TN7 at p 170) (FA22), records that in early 2006, SAPS Commissioner Jackie Selebi objected to Ackermann's participation in the TRC cases claiming that he intended to prosecute the leadership of the ANC. This was notwithstanding Pikoli's denial that any such plans were in place. Pikoli reminded Selebi that Ackermann was appointed as PCLU head under Presidential proclamation, and it was not for the SAPS to dictate who should discharge the mandate given to the PCLU.

223 Pikoli then approached the Presidency in order to seek the collaboration of the role-players in the ITT to support the TRC cases. A meeting was arranged in mid-2006 by Reverend Frank Chikane, who was then Director General in the Presidency. Coincidentally this was the same Chikane who was the victim of poisoning by the SB in 1989. The meeting was attended by Chikane, the Directors General of Justice and the NIA, Selebi, the Secretary of the Defence Secretariat, Mr. Loyiso Jafta, Chief Director in the Presidency and Pikoli. Selebi again complained about Ackermann's involvement in the process.

224 Later in 2006, Pikoli was summoned to a meeting which was convened at the home of Minister Zola Skweyiya, then Minister of Social Development. The meeting was attended by the Minister of Police Charles Nqakula, Minister of Defence Mosiuoa Lekota, Thoko Didiza, Acting Minister of Justice (representing Minister Brigitte Mabandla who was indisposed) and Mr. Jafta. The meeting was called by Acting Minister Didiza. Pikoli was advised that the meeting was going to deal with the prosecution in the Chikane matter.

LC
NGI

225 At this meeting it became clear that there was a fear that cases like the Chikane matter would open the door to prosecutions of ANC members. In his affidavit in *Nkadimeng 2 (FA22)*, Pikoli quoted from his affidavit filed before the Ginwala Commission as to what transpired at this meeting:

"The Minister of Safety and Security was concerned about the decision to proceed with the prosecution and with Advocate Ackermann's involvement in the process and the issue of whether it was Advocate Ackermann or me who was behind the decision to prosecute.

The Minister of Social Development was concerned about the impact of the decision to prosecute on the ranks of ANC cadres who were worried that a decision to prosecute in the Chikane matter would then give rise to a call for prosecution of the ANC cadres themselves arising out of their activities pre-1994.

The Minister of Defence had concerns about where the decision to prosecute rested – did it rest with me or did it rest with Advocate Ackermann.

I explained to the Ministers that the decision to proceed with the prosecution rested with me as did all other decisions in regard to post-TRC prosecutions being considered by the PCLU. I assured them that no prosecution would be undertaken without my specific direction and reiterated my concern about the delay in the process particularly in view of the requirement that I report to parliament on these matters.

...

The Minister of Defence appeared satisfied with my explanation that I would exercise the decision as to whether there was a prosecution or not. The Minister of Safety and Security appeared to continue to be worried about the involvement of Advocate Ackermann. I have no recollection of a particular position adopted by the Acting Minister of Justice."

226 This meeting pointed to what was probably the overriding concern of government, namely that pursuing a TRC case, like the Chikane matter, would place pressure on the NPA to pursue cases against ANC members.

227 In 2006 Pikoli was again summoned to a further meeting which took place at the office of the Presidency. At this meeting Pikoli proposed that Dr Silas Ramaite, the

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"Calata Evidence 2"

Deputy National Director of Prosecutions, should chair the Task Team, given the adverse views of Ackermann and to get the Task Team working. The proposal was accepted.

228 Subsequent to this meeting, there was a further meeting of Ministers in the security cluster at the office of the Minister of Safety and Security. This was attended by the Minister for Safety and Security, the Minister of Social Development, Acting Minister Didiza, Selebi, various DGs and Mr. Jafta. The proposal for the establishment of a working group was put to the Ministers and it was accepted. After this meeting, in early October 2006, Pikoli again sent letters to the various Directors General, Selebi and the DSO inviting them each to nominate a senior official to serve on the ITT.

229 The ITT met for the first time on 12 October 2006. Pikoli attended the opening session of the first meeting together with his adviser, Ms. Kalyani Pillay, the Directors General of the NIA and Justice and Mr. Jafta from the Presidency. Pikoli did not participate further in the activities of the Task Team. According to Macadam, the NPA representatives on the ITT were Ackermann and Ramalite. Macadam noted in his affidavit (at p 796 at para 30, p801) affidavit (FA5) that on occasions when he stood in for Ackermann at meetings of the ITT, that:

"... the task team was predominantly comprised of members of the intelligence community who were **more intent on cross-examining me as to why matters should be investigated** rather than addressing the issue of all the outstanding cases." (Bold added)

230 It is interesting to note that Mr. Loyiso Jafta, Chief Director in the Presidency, who had an intelligence and security background, was present at the meetings of the ITT. Strictly speaking he should not have been there, as Part B of the Amendments, did not provide for a member of the Presidency to be part of the group assessing

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