

**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
Adv Phelo Mahlati-Mbanga

REPRESENTATIVES

Adv Ngwako Maenetje (SC) for Former Minister Ronald Kasrils
Dr Nyoko Muvangua (for Former Minister Ronala Kasrils)
Adv Phumzile Sokhele (for Former Minister Ronald Kasrils)
Adv Khulekani Moyo (for Former Minister Ronald Kasrils)
Mr Max Boqwana (for Former Minister Ronald Kasrils)
Ms Mpumi Tshabalala (for Former Minister Ronald Kasrils)
Adv KD Moroka (SC) – DOJ Representative
Adv Anisa Kessery-DOJ Representative
Adv Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Ms A Thakor – The Calata Group
Mr Sipho Tlhaole – The Calata Group
Adv Motlalepule Rantho (for SAPS)
Adv Irene Dikgale (for SAPS)
Adv Gwala-NPA Representative
Adv B Lukhele-NPA Representative
Adv Irene de Vos (for President Cyril Ramaphosa)
Adv Nwabisa Mtshizana (for Ex-NDPP's Officials)

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PROCEEDINGS ON 22 OCTOBER 2026

CHAIRPERSON: Good morning to you all. Mr Semenya?

ADV SEMENYA: Morning, Madam Chair and morning to the Commissioners. We are having former Minister Kasrils to help us today. He will be led by Mr Sokhela.

CHAIRPERSON: Sokhela, yes.

ADV SOKHELA: Good morning Chair.

CHAIRPERSON: Yes, Ms Sokhela.

ADV SOKHELA: Chair, I will be leading former Minister Kasrils. He
10 has an ear aid. He has an ear aid. So the ask is that when we are talking that we just try to project our voices.

CHAIRPERSON: Yes, thank you.

COMMISSIONER KGOMO: That includes you.

ADV SOKHELA: Yes, yes, Commissioner.

COMMISSIONER GABRIEL: It is a bit difficult, because you have got to lean forward towards the mic.

ADV SOKHELA: I will try to sit a bit closer.

CHAIRPERSON: Good morning, former Minister Kasrils. Good morning.

20 COMMISSIONER KGOMO: Sorry, Chair.

CHAIRPERSON: Did you hear me, former Minister Kasrils? I said good morning.

FORMER MINISTER KASRILS: I see. I am terribly sorry. Old age brings with it some hearing problems.

CHAIRPERSON: Yes.

FORMER MINISTER KASRILS: Commissioner, I am sorry about that.

CHAIRPERSON: Yes.

FORMER MINISTER KASRILS: Good morning to you. Thank you very much.

CHAIRPERSON: And how are you?

FORMER MINISTER KASRILS: I am very well, thank you.

CHAIRPERSON: Thank you.

FORMER MINISTER KASRILS: As far as my age and my weight go,

10 I think it is not bad.

CHAIRPERSON: Yes, thank you very much, sir. Are you going to give your evidence under oath or affirmation?

FORMER MINISTER KASRILS: I beg yours?

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

FORMER MINISTER KASRILS: I would like to affirm.

CHAIRPERSON: Yes. Do you affirm that the evidence you will give will be the truth, the whole truth and nothing but the truth? If so, raise your right hand and say so...

20 FORMER MINISTER KASRILS: I affirm.

RONALD KASRILS: affirms

CHAIRPERSON: You affirm. Thank you. Ms Sokhela, your witness.

EXAMINATION BY ADV SOKHELA: Thank you, Chair and Commissioners. Mr Kasrils, good morning. Thank you so much for

making it here this morning. Are you able to hear me or shall I ...[intervenes]

FORMER MINISTER KASRILS: I am very well, thank you.

ADV SOKHELA: Thank you. Mr Kasrils, you have been invited to the Commission by way of summons dated 13 August. You have prepared a statement, and that statement appears at 185 to 213. Would you confirm for the Commission that that is your statement?

FORMER MINISTER KASRILS: Do what?

ADV SOKHELA: Would you confirm for the Commission that that is
10 in fact your statement?

FORMER MINISTER KASRILS: It is so, yes.

ADV SOKHELA: Thank you. Do you wish to make any corrections to the statement?

FORMER MINISTER KASRILS: Well, I think with time comes, nothing, Commissioner that is sensational or controversial, but just to say to Chairperson and the Commissioners, of course when one is coming before an exalted Commission like this, one does a lot of painstaking reading. And at one particular point in the statement towards the end, to do with the Stellenbosch Conference, I studied
20 just yesterday that conference and I discovered that what I had said just needs a little bit of adjusting.

ADV SOKHELA: Thank you, Mr Kasrils. Chair, what I am proposing is that as we go through the statement; that he makes the corrections and the pertinent paragraph is 38. When we get to it, he will indicate those corrections.

CHAIRPERSON: Yes.

ADV SOKHELA: Thank you. Mr Kasrils, could you then turn to page 185 of the statement? You start off there in paragraphs 1 to 3. You state your details and your knowledge of the matters on which you testify. Is that correct?

FORMER MINISTER KASRILS: Yes.

ADV SOKHELA: Could you then turn to page 186 of the statement?

FORMER MINISTER KASRILS: Yes.

10 ADV SOKHELA: In paragraphs 4 to 6, you deal there with your background in the public service. Before you address the Commission on that, could I invite you to tell the Commission just about your personal background, how you became involved in the African National Congress, as well as uMkhonto we Sizwe and the various roles that you held in those.

FORMER MINISTER KASRILS: Chairperson, Commissioners, I will try and keep this as short as possible for you, but to simply give a background; a young white boy aged 20, 21 back in 1960 at the time of the Sharpeville Massacre is so repulsed by the killings of innocent people that I immediately take a decision that I have got to become
20 involved and I have to find contact.

But just preceding that, it is not something out of the blue. I do not come from a political family or an intellectual family background. They happen to be immigrants from Eastern Europe who have come to South Africa, grandparents, 1900 or so. And what I learned from my parents, who were hardworking people, was:

respect everybody, Ronald. They were very concerned, clearly, when I look back. Do not behave like your friends and the people in the streets. Do not use the swear words that you hear from your uncles. Our religion, and we were a secular family and not a Zionist family, but my mother would say to me our religion is like all the religions. Do unto others what you wish them to do unto you.

My father was a hardworking factory representative, a commercial traveller; and in my holidays, school holidays, Commissioners, Chairperson, I would go with my father proudly with
10 his sample bag. He sold sweets to the lower level of society. I am using that in quotes. The factory produced not very high-level confectionery. So it was to the Indian shopkeepers, the Greek, the Lebanese and the stores in the townships. And it was there that I could see the other side of the picture, the jigsaw puzzle. Very important, President Mbeki's analogy, and I will refer to it probably again.

And I would say to my father: why are there no trees here, Dad, because the people here are very poor. Why are they poor? They are not getting work. Why are the boys playing with a dirty
20 tennis ball or a rag ball? And he would say to me because their fathers are not working or they are not paid enough. And this is what led young Ronald, at the age of 21, to seek out the liberation movement. From that time on, because I had a cousin in Durban, and I believe that Commissioner Gabriel is from Durban.

So I actually came to work in Durban as a film writer for Lever

Brothers. And I had a cousin in Durban, Jacqueline Orenstein, who was a treason trialist, Communist Party, Congress of Democrats. So I became involved in that. And because, Chairperson and Commissioners, the whites in the Congress of Democrats, the ally of the ANC and the Indian Congress were very few and far between. And the half dozen or so in Thekwini were all banned, Rowley Arenstein, Jacqui amongst them.

So at 21, 22, I made the Secretary of the Congress of Democrats, asked within a year by MP Naicker representing MK at
10 political level, would I join a new armed formation for the reasons that the movement is parting with non-violent struggle. There is no other way that has been left, because the movements are outlawed and banned, people are banished and so on. And he said to me, he gave me a little time to think this over, and I said: I do not need to think any further, Comrade MP. I am ready to join. Why could somebody at that age and at that time in South Africa, without further thought.

I was not a stupid person, Commissioners and Chairperson. I was deeply thinking and very reflective and had been reading a lot of the books available, though they were banned, that I could see
20 through my own eyes and ears that it was necessary to turn to an armed struggle and to uMkhonto we Sizwe. So I became a member of what was the regional command for then Natal. Our commander of a four-person command was Curnick Ndlovu, deputy was Billy Nair, then myself and Eric Mtshali, another man who became a traitor, Bruno Mtolo, became very involved in MK, and I carried out at least

eight operations myself with other comrades in the period 1961 to 1963.

In the interim, as Congress of Democrats secretary, I was arrested at work, Lever Brothers advertising agency, making films for them, and was taken to Pondoland and put on trial for issuing pamphlets supporting the Pondo people in their rebellion. The trial collapsed. That did not save me from employment. Lever Brothers kicked me out. At first they tried to bribe me by asking me to resign with a handsome bonus, and I refused. I said I am not resigning; for
10 what reason? And therefore they had to actually fire me. I was underground, and by the end, towards the end of 1963, Commissioners, I was sent out of the country for military training.

I hope I am not taking too long, so I will go quickly through the rest, Chairperson from 63, 65. In short, I was trained in the Soviet Union with 150 others under the command of Joe Modise and the commissar was Moses Mabhida from Natal, Pietermaritzburg. Oliver Tambo then deployed me from 65 to basically 77 in London, working with the command, dealing with underground work in the country, chaired by Dr Yusuf Dadoo, with the secretary was Joe Slovo, myself
20 and Jack Hodgson.

And our task was to find couriers, to recruit people, to send them into the country, to deliver funds, to deliver false documents, to send people in to carry out propaganda, distribution methods for us, and try and infiltrate people into the country. That was 10 years. I was now married to a Durban comrade who had been involved in MK

and was the breadwinner of the family.

The ANC, Communist Party, I belonged to both, could not afford to give us very much. We served not for money, we served for the struggle, the love of our country and to change South Africa right throughout the entire exile, not just Ronnie Kasrils, hundreds, hundreds, thousands of the members of our movement. I was deployed to Angola in 1997 to engage in political education of the young people who had rebelled inside the country and had come out to join the ANC. We were fortunate after 1975 with the breakdown of
10 Portuguese colonialism, the emergence of Mozambique and Angola as liberated countries, and we had our military bases in Angola.

ADV SOKHELA: Mr Kasrils, could I just interrupt you there? You said 1997. I think what you meant to say is 1977.

FORMER MINISTER KASRILS: Sorry, just repeat?

ADV SOKHELA: The deployment to Angola. You said 1997.

FORMER MINISTER KASRILS: I am terribly sorry.

ADV SOKHELA: What you meant to say I think is 1977.

FORMER MINISTER KASRILS: Yes, I am so sorry. I do not think that is old age. I think people are inclined these days when you look
20 back on that period. I knew I was going to make that error. Thank you very much. Pardon me, Chairperson and Commissioners. Yes, 1977 to basically 1980, I was deployed teaching political education to the young cadres who had joined, the young recruits who had joined MK and the ANC.

I would like to make the point, Chairperson; I do so in respect

of your work, and it is clear I have been one of the fans of the Commission, as you have gone through so many witnesses, and it is clear how you are striving to fully understand the jigsaw picture that has been referred to. And therefore, I want to say not on my behalf, on behalf of the ANC, of the liberation movement, that what we taught in those military camps was politics, was morality, was just war, what the object of the struggle was.

Chairperson, the young people came and they said to the ANC: we are coming to you because we have seen you have got
10 guns. We want *isibhamu*. We want the guns. We want to go back, *bulala amabhunu*, to kill the Boers. And the ANC, whoever they were, in Dar es Salaam, in Swaziland, in Botswana, Maputo, London, because some people came there, who were wealthier, who were students, whoever it was, belonging to our family, they knew what to say.

Immediately they were brought up with a freedom charter and we could all say you did not have to be a highly trained person like me and what Jack Simons had been teaching before. We immediately said we do not just pick up guns and shoot people, even
20 white people, *abelungu*. The enemy is not the colour of the skin. The enemy is a system, the apartheid system. We are having to take up the weapon, because we have got no alternative. They closed all the means of peaceful struggle, non-violent struggle.

And this is what it was based on as we taught them. And a lot of them felt at first; no, no, we want to go back, we cannot stay out for

long time. And you will hear that exaggerated by the propagandists of the regime who also tried to make out that Tambo and others were living in luxury abroad. But the essence for MK comrades and the young people, some who became very impatient at times, was understanding that and they were changed entirely. And that is the 1976 generation, along with my generation and those who came after us.

Chairperson and Chair, the movement decided to deploy me in 1980 from Angola to the forward areas, and I was deployed to
10 Mozambique. I would slip in and out of Swaziland with other people who were working from Mozambique for the command, doing political, military, intelligence work. And I served under Oliver Tambo in what was called the Revolutionary Council in Lusaka. We had these structures operating from Lesotho where Chris Hani was in charge, to Maputo where Joe Slovo was in charge of MK, to Botswana, [indistinct] was there and others and of course Lusaka, which by then had become the headquarters from 1966 when it became independent. Until then Tanzania had been the headquarters.

20 Chairperson, at that point I was doing military and political work from Maputo and in Swaziland. And I was both, as I have said before, Commissioners, a member of both Communist Party, ANC, and uMkhonto we Sizwe. By 1984, sorry, 1983, a military high command was created, uMkhonto we Sizwe, based in Lusaka. I was taken to Lusaka, called to Lusaka, and I joined that headquarters,

although I remained based in Maputo. And I became at that point what is called Chief of Military Intelligence. There were some eight or 10 of us, eight who worked on that headquarters. Joe Slovo at that stage was Chief of Staff under Joe Modise. And there was an operational head, a communications head, a treasurer, and so on.

I was working in Mozambique and Swaziland, for a whole year in Swaziland where it was very difficult. A lot of people were being killed; and then deployed from 1985 to 1989 in Lusaka. In that period, 85 to 89, I became an augmented member of the African
10 National Congress Executive, National Executive Committee. And I remained through elections later in South Africa a member of the NEC until 2007.

So from, Commissioners, Chairperson, from 1987 to 2007, I was a member of the NEC, elected at conferences in South Africa, augmented initially. From shortly before that, 1986 to approximately 2006, I was a member of the Central Committee of the Communist Party. That is basically that political career. Pardon me for taking so long.

ADV SOKHELA: Thank you, Mr Kasrils; if you could turn to page
20 196.

FORMER MINISTER KASRILS: Can you just give me a moment? I am feeling a bit dry now. Thank you so much.

ADV SOKHELA: No problem. Chair, I am referring Mr Kasrils to page 196, and that is Annexure RK1.

FORMER MINISTER KASRILS: Okay. 196.

ADV SOKHELA: Yes. And what that document is, Mr Kasrils, is the outcome of your amnesty application in 2001. Can you confirm for the Commission; I know you have just taken us through your political career, but could you just confirm to the Commission that the second paragraph on that page sets out in summary form your roles and responsibilities in the ANC and in uMkhonto we Sizwe?

FORMER MINISTER KASRILS: Chairperson, Commissioners, yes. I agree.

10 ADV SOKHELA: Thank you. We can then turn back to your statement on page 185.

FORMER MINISTER KASRILS: Thank you.

ADV SOKHELA: You will see there at the foot of that page is paragraph 4.

FORMER MINISTER KASRILS: Yes.

ADV SOKHELA: And the heading of that paragraph is "History in the Public Service". Could I ask you to read into the record paragraphs 4 to 6?

CHAIRPERSON: Or to?

ADV SOKHELA: Paragraphs 4 to 6.

20 FORMER MINISTER KASRILS: Yes, indeed.

ADV SOKHELA: It is over onto the next page.

FORMER MINISTER KASRILS: Yes. I just want to say, Chairperson and Commissioners, and particularly to Commissioner Kgomo that I want to identify heading "History in the Public Service", item 4.

“I have had a long history in the public service.”

COMMISSIONER KGOMO: I understand.

FORMER MINISTER KASRILS:

“4.1 From June 94 to May 99, I was the Deputy
Minister of Defence under President
Mandela.

4.2 From May 99 to May 2004, I was Minister of
Water Affairs and Forestry under President
Mbeki.

10 4.3 From May 2004 to September 2008, I was
the Minister of Intelligence Services under
President Mbeki.”

ADV SOKHELA: Yes. That summarises your career as a minister.
Could you then go to paragraph 5?

FORMER MINISTER KASRILS: Yes.

ADV SOKHELA: And please read that into the record.

FORMER MINISTER KASRILS: Item 5, Chairperson,
Commissioners:

20 “I have served as a jurist on the Bertrand Russell
Tribunal investigating Israeli war crimes in the
period...”

And that is service on the tribunal in the period 2010 to 2015.

“Served on the Dialogue Advisory Group based in
the Netherlands from 2011 to 2014, dealing with
the Basque Country, a specific region of Spain,

involved in armed struggle and its cessation;
served on what is called a Conflict Forum, the
think tank, based in Beirut in the Lebanon from
2012 to 2017 approximately, dealing with the
Palestinian issue. And I was a Research
Associate Fellow at Wits University Social
Science Department, the History Workshop
Section from 2021 to 2024.”

ADV SOKHELA: Thank you, Mr Kasrils. In paragraph 6, you state
10 the roles in which you are currently in.

FORMER MINISTER KASRILS: Item 6, Chair and Counsellors, I am
currently:

“6.1 A Research Fellow at the African Middle
East Centre, Johannesburg, and that was
from 2009 to the present.

6.2 Patron of the Martin McGuinness Peace
Foundation.”

You would recall, Chairperson, he was one of the leaders of the
process in Northern Ireland, leading to the Good Friday Agreement.

20 “6.3 Member of Jeremy Corbyn's Peace and
Justice Project in the UK.”

I am sure you are all aware who Jeremy Corbyn is.

“6.4 I am presently an advisor for the Boycott
Divestment and Sanctions Palestine
Solidarity Campaign in South Africa.

6.5 I am an author of books, writer of articles.”

And I suppose from the loud way I speak, you would guess I am a public speaker, with my focus being South African liberation history and international affairs. And I would really like to make the point that I am extremely focused on the terrors that are taking place in Palestine as a result of Israeli Zionism and apartheid and settler colonialism. And that is taking up a huge amount of my time.

I would like to add, by the way, as one goes through this, because ever since I came back from exile, and one prominent
10 celebrity, who happens to be a cricket star, asked me what I was doing. And when I talked about being involved in the ANC, *et cetera*, he said: wow, that must mean a lot of money.

Chairperson, Commissioners, and through you to the public, a lot of us do this what you in the legal profession would call pro bono. I do not get paid for any of this. And all the work that I have outlined, the only one post with being a minister that came with a payment was with the Dialogue Advisory Group on the Basque Country. And it is not me boasting, Chair. I am talking as a member of a family who fought for the freedom of this country, to serve our people and not
20 make ourselves wealthy. And I am proud to say that. Thank you.

ADV SOKHELA: Thank you, Mr Kasrils; if you could then just turn over to page 187 of your statement.

FORMER MINISTER KASRILS: Yes.

ADV SOKHELA: At paragraph 7, you say that the allegations against you relate to your role as Minister of Intelligence. Could you

please read paragraph 7 into the record? And could I ask that Mpumi help you with a glass of water so that you can just ...[intervenes]

FORMER MINISTER KASRILS: Okay, yes, where necessary, thank you. You can just put it here. Thank you. I am okay. Chairperson, if I drink too much water, I am going to have to ask you to allow me too many comfort breaks.

CHAIRPERSON: Yes, for a comfort break.

FORMER MINISTER KASRILS: And I do not want to do that. Chairperson, yes, thank you.

10 “7. 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 the Minister of Intelligence Service. My tenure in that capacity ended some 18 years ago in 2008.”

Chairperson, it is a significant period of time.

 “As a result, I do not have a good recollection of that period. I also no longer have access to documents and records which may have assisted
20 me to recall specific events.”

ADV SOKHELA: Thank you. Mr Kasrils, do you have any documents relevant to the matters on which you testify that you had not provided the Commission as annexures to your statement?

FORMER MINISTER KASRILS: I have documents in my archive, the Wits archive, and the Commission has asked for permission to

look at that and I have agreed. But outside of that, no, I am not withholding anything.

ADV SOKHELA: Thank you. And did you make any efforts to try and obtain documents to assist the Commission?

FORMER MINISTER KASRILS: Chairperson, I have made efforts from the very moment, Chairperson, that I received your notice through your administrative staff back in September last year. I noted in the documents served on me that I should strive to provide the Commission with my ministerial diaries. I immediately wrote to my
10 former ministry asking for that.

A year nearly has gone by and in preparation to meet with your good people here, a couple of weeks ago, I prodded them again and I received a letter apologising to the fact that they could not find such documents, that there were many people who had served me in my ministry. I had reached out to my former PA by the way as well to see if he could help, and they were apologetic that as yet, they were unable to locate the document.

I believe a ministerial diary, and I listened very carefully to the presentation and discussion that you had with Madam Brigitte
20 Mabandla, a comrade of mine, about diaries and so on. If one had a government which ought to be able to provide from its archive documents which ministers leave behind, we leave our documents behind, as you heard from minister, former Minister Mabandla. It would have been very easy to answer a lot of the questions or some of the questions that arose. So I have tried very hard, Chairperson,

to help you in that respect.

ADV SOKHELA: Thank you, Mr Kasrils. Now let us then go back to page 187, paragraph 8. And the heading there is your “Involvement in TRC Cases.” Chair, through you, I just would like to make a correction there. It should just say “My Involvement in the TRC”.

CHAIRPERSON: Yes.

ADV SOKHELA: So in those paragraphs, it is paragraph 8 to 14, what you do there is you deal with your involvement in the TRC. And in those paragraphs, you summarise essentially three topics. The
10 first one is your participation in the TRC Amnesty Committee and the decisions of that committee.

The second topic you deal with is your appearance in the TRC, as well as your efforts to try and influence others to appear before the TRC, and especially the TRC Amnesty Committee. And then the third topic you deal with there is your assistance in the implementation of the TRC's recommendations to date. When we go through it, we will spend a little bit of time on your participation in the TRC Amnesty Committee.

FORMER MINISTER KASRILS: In the TRC?

20 ADV SOKHELA: The Amnesty Committee. We will spend a bit of time there.

FORMER MINISTER KASRILS: “My Involvement in TRC Cases”, item 8.

“I was one of five MK, uMkhonto we Sizwe operatives, who applied for amnesty from the

Truth and Reconciliation Commission.”

I must just indicate that five relates to 1961 to 1963. That is not written here. But just to be clear, Commissioners, it is 1961 to 63, those five, because that was the sabotage campaign of 1961-63. Continue.

“My application related to my involvement in sabotage from the whole period 1961 to 1993.”

Which of course was more than just sabotage, but all MK actions; in the earlier period, the other four who applied for amnesty were my
10 two commanders in the Natal Regional Command, Curnick Ndlovu and Billy Nair, my girlfriend at the time who became my wife, who is deceased, Eleanor Kasrils and then Ben Turok.

“These applications related to several acts of sabotage and related activities in Durban and Johannesburg.”

In that period, 62-63, the others all since up to 93;

“The official amnesty decision specifically confirms my membership of the ANC and that the acts for which I sought amnesty were not
20 politically motivated. I annex the TRC Amnesty Committee decision issued in 2000 as ‘RK1’.”

ADV SOKHELA: Mr Kasrils, could I just ask you to pause there? Chair, if I again through you could just make a correction, and that is at the end of paragraph 8 where Mr Kasrils says he annexes the TRC Amnesty decision issued in 2000 as RK1. The correct date there is

2001, and that is the document that we looked at earlier when we were looking at his political career.

CHAIRPERSON: Yes.

ADV SOKHELA: Mr Kasrils, I will ask you to for now skip paragraphs 9 and then go to paragraph 14. So you will skip 9, 10, 11, 12, 13 and then you will read paragraph 14 into the record, please.

FORMER MINISTER KASRILS:

10 “14. Following a TRC Amnesty hearing on 31 July
 to 1 August 2000, I was given amnesty for
 operations I was directly responsible for.
 These operations were carried out by the
 Broederstroom unit of Damian de Lange...”

I will say the Honourable Damian de Lange and other honourables.

“ ...in 1988 against a communication tower in
 Linksfield and a military bus in Benoni. I
 was granted amnesty by the TRC on 14 May
 2001. I attach herewith the decision as
 Annexure ‘RK2’.”

20 ADV SOKHELA: Thank you. One second. RK2, Minister, is at page
 199. Could I ask you to turn to page 199?

FORMER MINISTER KASRILS: Yes, I am there, Commissioners.

ADV SOKHELA: And that is the outcome of your Amnesty
Committee decision of 2000. Is that correct?

FORMER MINISTER KASRILS: It is correct, yes.

ADV SOKHELA: It is clear from RKs 1 and 2 that you had applied

for and was granted amnesty for incidents and events that you were directly and personally involved in and in respect of which you were able to make full disclosures about to the TRC Amnesty Committee.

FORMER MINISTER KASRILS: Yes, exactly as required by the Amnesty Commission.

ADV SOKHELA: Thank you. Could you in broad outline, just say to the Commission what the nature of the incidents were in respect of which you sought amnesty and in respect of which you were granted in the year 2000 and 2001? And you can have a look at RKs 1 and 2
10 when responding to the question.

FORMER MINISTER KASRILS: Commissioners, Chairperson, Commissioners, if I may just enquire; were you inviting me to read from this or speak to it?

ADV SOKHELA: Just in broad outline, so you mentioned earlier that RK2 speaks of sabotage incidents; and then RK, sorry, RK1 speaks of the sabotage incidents of 1961 to 1963. Could you, in that same form, explain to the Commission what RK2 relates to, just in summary form?

FORMER MINISTER KASRILS: Well, sorry, I think I am missing
20 something here. Am I talking to RK2 or RK1?

ADV SOKHELA: For right now, you can just contain yourself to RK2. You have already explained to the Commission what RK1 relates to. You can just explain what RK2 relates to.

FORMER MINISTER KASRILS: Well, thank you.

ADV SOKHELA: Just in broad form.

FORMER MINISTER KASRILS: I am sorry for being so slow at this point in time. Chairperson, Commissioners, I, as minister, sorry, not minister, as the Chief of Military Intelligence was really involved in using trained personnel, like myself, in intelligence, military intelligence, not general intelligence. Military intelligence relates to the work of the military and the army of the other side and so on, military aspects, to amass as much information about our opponent, our *vyand*, our enemy, the SADF; and connected to that, the police, the security forces.

10 And that would be agents who we were recruiting out of the SADF, like Rocklyn Williams is well-known, and others who we were encouraging to join the SADF as conscripts who were already politicised in contact. There were others, such as Damian de Lange and Ian Robertson and Susan de Lange, who was Susan Westcott at the time, who I had recruited from within MK for intelligence operations primarily based inside the country to scout out objects that we were interested in.

 But with Joe Modise, the Commander's Agreement, we took it a stage further, and this was not common, but to use them who were
20 gathering intelligence and information on the military, to then actually be the operatives to strike. And I would give them specific targets to look at. So this was the uniqueness of the Broederstroom unit, and they managed in that period of being underground, setting up a safe base in Broederstroom as ordinary civilian citizens.

 Susan Westcott was very useful, because she had a British

passport. And under my direction, they carried out and I was testing them on what you probably see in Johannesburg. It is there on that Linksfield Ridge, a communication tower which was dynamited by them as one particular operation, because we were testing them to see how professional they could be. We had very high plans for them.

The next step was to see if they could carry out an operation against military personnel. And then I directed them, as a result of information I had, to the fact that there was a military bus taking, I think they were Air Force personnel, to a base from a certain point on a certain time. They carried that out. Those were the two successful operations. We were very ready to go very big time, I must say.

PW Botha would not have been very happy at what the plans were, but unfortunately, they were investigated. Somebody working with them actually got cowardly and gave himself up; and so the group was arrested at that point.

COMMISSIONER GABRIEL: So, in summary, former Minister Kasrils, you applied for amnesty for the attacks on the communications tower and the Air Force bus, and you were granted amnesty along with the others ...[intervenes]

FORMER MINISTER KASRILS: And that was the specific one. Yes, indeed. Thank you.

COMMISSIONER GABRIEL: Okay, thank you.

COMMISSIONER KGOMO: Yes, Mr Sokhela, just to follow up on that, I thought if we look at page 200, the third paragraph...

FORMER MINISTER KASRILS: I am sorry to interrupt.

COMMISSIONER KGOMO: Oh, should I speak up? Sorry. Yes, no, no, I am addressing myself to counsel, Ms Sokhela; that if you go to page 200 from the top, the third paragraph, I thought it could be important to read into the record that paragraph and also paragraph 1, which is in respect of the first applicant, Ronald Kasrils. Are you with me, Ms Sokhela?

ADV SOKHELA: Yes.

COMMISSIONER KGOMO: Can you do that?

10 ADV SOKHELA: Commissioner Kgomo, so I will read from page 200, which is RK2. The third paragraph from the top, it says:

20 “Having carefully considered the matter, we are satisfied that the applications comply with all the requirements of the Act. The activities of the applicants were clearly in furtherance of the political struggle being waged at the time by the ANC and MK against the South African government. There is no doubt that these activities constitute acts associated with a political objective as envisaged in terms of the Act. We are, moreover, satisfied that the applicants have made a full disclosure of all relevant facts, relevant and material facts. In the circumstances, amnesty is hereby granted to the applicants in the following terms.

1. In respect of first applicant, Ronald Kasrils: all offences and delicts arising from the operations of the De Lange MK unit (Broederstroom Unit) during or about the period 1986 to 1988 in particular, the attack on the communications tower at Linksfield Ridge, Johannesburg, during or about November 1987 and the attack on the South African Air Force bus at or near Benoni, on or about 1 March 1988.”

10

COMMISSIONER KGOMO: You confirm that, Mr Kasrils?

FORMER MINISTER KASRILS: Sorry?

ADV SOKHELA: Do you confirm that you were ...[intervenes]

FORMER MINISTER KASRILS: Sorry, sorry, Commissioner Kgomo.

Yes, I confirm, Commissioner.

COMMISSIONER KGOMO: Yes. You may continue, Ms Sokhela.

Sorry to maybe to have derailed you somehow.

ADV SOKHELA: No, no, I am grateful, Commissioner Kgomo. We

will then turn to RK1, which is at page 196. So what we have done

20 now is to take you through RK2. We are going back to RK1, which deals with your 2001 amnesty application. Could I ask you to read into the record from where it says at about the fourth paragraph on that page? It says, it starts off with year “1961 to 1963”.

FORMER MINISTER KASRILS: Thank you.

ADV SOKHELA: Can I ask you to read up to page 198 at about the

end of the second paragraph?

FORMER MINISTER KASRILS: Yes, so...

CHAIRPERSON: Ms Sokhela?

ADV SOKHELA: Yes, Chair?

CHAIRPERSON: Why do you want this evidence to be led before us? We know that amnesty was granted. Is it really relevant for purposes of this inquiry to lead this kind of evidence?

ADV SOKHELA: Chair, the purpose of the line of inquiry is just to contrast what Minister Kasrils was granted amnesty in respect of to
10 the landmines issue, which we will turn to next, in respect of which the amnesty application was removed from the roll. And the purpose really is to show that for those matters or incidents for which he applied and had personal knowledge, he was granted amnesty. But for the landmines matter, which he did not have personal knowledge of, personal information of; it was removed from the roll. That is the purpose of the inquiry. But if Chair is so minded, we will not read into the record and then we can move on to the landmines.

CHAIRPERSON: Yes, you may do so.

ADV SOKHELA: But what... Just one second, Chair. Mr Kasrils,
20 just so that we are aligned with what Commissioner Kgomo intended with RK2, could I ask you to turn to page 198? And then the third page, sorry, the third paragraph from the top where it starts with "having carefully considered the matter", if you could just read that into the record, please.

FORMER MINISTER KASRILS: Chairperson, Commissioners, page

198, the final paragraph, certainly.

“Having carefully considered the matter, we are satisfied that the application complies with all of the requirements of the Act. Applicant's actions, as set out above, constitute acts associated with the political objective as envisaged in the Act and applicant has made a full disclosure of all relevant facts. In the circumstances, amnesty is hereby granted to the applicant in respect of all offences and delicts directly resulting from his actions and activities listed above.

10

Dated at Cape Town, this 14th day of May 2001.”

And then there are the signatures. Do I read that?

ADV SOKHELA: No, no. No need to read the signatures. Thank you. Chair, Commissioners, I am noting that the time is about five to 11.

CHAIRPERSON: It is actually one minute to 11.

ADV SOKHELA: I am unable assisted, Chair.

COMMISSIONER KGOMO: We are not on the same time zone, it seems.

20

ADV SOKHELA: Is this a convenient time?

FORMER MINISTER KASRILS: Strange ones, a minute earlier than yours.

CHAIRPERSON: Yes.

ADV SOKHELA: Is this a convenient time for the break, Chair?

CHAIRPERSON: Yes.

ADV SOKHELA: Thank you.

CHAIRPERSON: This is a convenient time to adjourn for tea until quarter past 11.

ADV SOKHELA: Thank you, Chair.

CHAIRPERSON: We are adjourned.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Sokhela, I do not want to interrupt the way you
10 are leading your witness, but should we not go to the summons now?

ADV SOKHELA: Chair, there is just two aspects that we wanted to deal with before we get to the summons, and I am just proposing to deal with them fairly quickly. It is the issue of the landmines and then further participation before the TRC. I think maybe to make it go a bit quicker we might just read into the record the aspects that pertain to participation in the TRC, and assisting with the recommendations of the TRC.

CHAIRPERSON: Yes, I mean, if it may be quickly read into the record.

20 ADV SOKHELA: Thank you, chair.

COMMISSIONER GABRIEL: Do the issue of the landmines dovetail with Van der Merwe's evidence?

ADV SOKHELA: The issue of the landmines has relevance to evidence that is before the Commission, and that evidence is by AfriForum. It was on the day that Van der Merwe gave evidence, I

think it was Mr Cilliers who gave evidence to it.

CHAIRPERSON: Yes, okay, thank you.

ADV SOKHELA: Mr Kasrils, we left, before the break, we talked about those aspects in respect of which you got amnesty for. I will address with you just very quickly one aspect that appears on RK1, which is at page 196, your 2001 amnesty. And if you go there to the middle of...

COMMISSIONER GABRIEL: The third paragraph.

ADV SOKHELA: The third paragraph, sorry, chair, thank you, the
10 third paragraph. Are you there?

FORMER MINISTER KASRILS: Yes.

ADV SOKHELA: I will just read into the record:

20 "The applicant had appeared at hearings of the committee and testified about his involvement in the ANC liberation struggle. He was granted amnesty in respect of the incidents which were heard, save for certain landmine operations which are referred to in the applicant's written application. At a hearing which was to have dealt with the matter, it was contended on the applicant's behalf that there was no application before the committee because the applicant was unable to identify particular incidents. The matter was struck from the roll on that occasion."

Can you see that?

FORMER MINISTER KASRILS: Yes.

ADV SOKHELA: Thank you. So, Mr Kasrils, it is a matter of public record that you appeared before the Amnesty Committee relating to landmine operations on the 3 July 2000 alongside three other applicants.

FORMER MINISTER KASRILS: Yes, Commissioners.

ADV SOKHELA: Chair and commissioners, at this point I would like to beg leave to hand up two documents? Those documents are the transcript of those proceedings, and the outcome that grants the three
10 applicants amnesty in respect of the landmines.

CHAIRPERSON: Yes.

ADV SOKHELA: If I could just ask my colleague, Ms Muvhango, to hand them up? May I proceed, chair?

CHAIRPERSON: Yes, you may.

ADV SOKHELA: Thank you, chair. May I just ask that those two documents be given exhibit numbers?

CHAIRPERSON: Yes.

ADV SOKHELA: I have 231, sorry, 213A and 213B.

CHAIRPERSON: Yes [indistinct] ...[intervenes]

20 ADV SOKHELA: So the transcript will be 213A, and the amnesty decision will be 213B.

CHAIRPERSON: Yes.

ADV SOKHELA: Thank you, chair. The transcript provides the context and the background in respect of which amnesty was sought for the landmine incidents, and it also explains why the application

was ultimately removed from the roll by the committee.

COMMISSIONER GABRIEL: So this was the landmine explosions and deaths of members of the De Nysschen and Van Eck families?

ADV SOKHELA: Yes, chair. Just in relation to that amnesty application, Mr Kasrils, I want to ask you to go through the document. But I just would like you to confirm one aspect, which is, can you confirm that the application was removed from the roll after your attorney made submissions to the committee to the effect that the application was non-compliant? Because you did not have specific
10 knowledge of the incident or operation, and was not able to fully disclose all the material facts relating to the landmine operations.

FORMER MINISTER KASRILS: I so confirm, chair and commissioners.

ADV SOKHELA: Thank you. And then, chair, with your permission, I just wanted to correct one aspect that is referred to in the transcript.

Chair, if you could just bear with me, I am trying to find my copy. It is about the ninth paragraph of the transcript, and ...[intervenes]

COMMISSIONER KGOMO: Maybe page what of 46? The page is numbered at the bottom. If you can go to the page and then...

20 ADV SOKHELA: Oh, yes, thank you, chair, it was not numbered on the website, which is what I worked on.

COMMISSIONER KGOMO: Oh, okay, as long as we can locate it.

COMMISSIONER GABRIEL: Which paragraph are you referring to?

ADV SOKHELA: Yes, chair, it is on page 1 of 46. It is paragraph one, two, three, four, five, six, seven, eight, from paragraph 8, which starts

with Mr Kopedi's address.

CHAIRPERSON: Yes, we are on the same page with you.

ADV SOKHELA: Thank you, chair. The next paragraph of that, it starts with: "At an early stage, chairperson".

CHAIRPERSON: Yes.

ADV SOKHELA: And I just read that into the record, it says:

10 "At an early stage, chairperson, when the
 amnesty process started, Mr Kasrils, together
 with other leading ANC members, that is
 members of the National Executive Committee,
 all completed application forms, which were to a
 certain extent applications for amnesty for these
 leaders who were taking a collective responsibility
 with regard to the cadres and all people who
 functioned under them."

CHAIRPERSON: Yes.

ADV SOKHELA: Chair, I am not sure what the process is to correct that, because this is a public document, but it is common cause before the Commission that Mr Kasrils was not part of the ANC 37.

20 CHAIRPERSON: Yes, yours is just to bring for attention because you cannot correct the transcript.

ADV SOKHELA: Yes, chair.

CHAIRPERSON: It stands as it is.

ADV SOKHELA: Yes, chair.

CHAIRPERSON: Yes.

ADV SOKHELA: But I just ask Mr Kasrils to confirm that he, in fact, was not a part of the ANC 37?

FORMER MINISTER KASRILS: Chairperson, commissioners, I confirm that.

ADV SOKHELA: Thank you, chair. And the reference ...[intervenes]

COMMISSIONER GABRIEL: [Indistinct]... Yes, carry on.

ADV SOKHELA: The reference for where the amnesty for the ANC 37 is at the bundle 91 at pages 52 to 53, which lists all of the names of the ANC 37.

10 CHAIRPERSON: Yes.

ADV SOKHELA: Thank you, chair.

COMMISSIONER GABRIEL: And then this amnesty decision that you have handed up, 213B...

ADV SOKHELA: Yes, chair.

COMMISSIONER GABRIEL: These were in respect of eight incidents involving the explosion of landmines.

ADV SOKHELA: Yes, chair.

COMMISSIONER GABRIEL: So is it correct that amnesty, what happened, was amnesty granted?

20 ADV SOKHELA: Yes, chair, amnesty was granted ...[intervenes]

CHAIRPERSON: Yes, it was.

ADV SOKHELA: Chair will see that at the last page of the document, 404.

CHAIRPERSON: Yes.

ADV SOKHELA: I think it actually starts on the previous pages.

COMMISSIONER GABRIEL: It is 204.

ADV SOKHELA: Yes.

COMMISSIONER GABRIEL: Thank you.

ADV SOKHELA: Thank you, chair, I will now move on from this matter.

CHAIRPERSON: Yes.

ADV SOKHELA: Mr Kasrils, could I ask you to go back to your statement at page 187?

FORMER MINISTER KASRILS: I am there.

- 10 ADV SOKHELA: Thank you. Starting at paragraphs 9 and 10, you will recall that here you address your appearance before the TRC, and the attempts to influence others to do the same. Could you read into the record paragraphs 9 and 10?

FORMER MINISTER KASRILS: Chairperson, commissioners at page 187, item 9:

- 20 "9. I voluntarily appeared at the TRC hearing for the Bisho massacre on the 7 September 1996. I believed that I could provide important information regarding that hearing, and I was commended by Archbishop Desmond Tutu for volunteering to come forward without being summoned to do so.
10. I later addressed the very Ciskei soldiers who, under the orders of the former South

African Defence Force commanding officer, carried out his orders to open fire on the unarmed protesters that September 7, 1992. In my address I encouraged the soldiers to make full disclosure to the TRC. I was amongst the unarmed protesters that they shot at."

ADV SOKHELA: Thank you, and then in paragraphs 11 and 12, at page 188, there you deal with your assistance in the TRC
10 recommendations. Could I ask that you read paragraphs 11 and 12 into the record?

FORMER MINISTER KASRILS: Chairpersons, commissioners:

"11. In 2017 I assisted the honourable
Adv Howard Varney..."

Who I see here today:

" ...in the hearings of the murder of
Ahmed Timol, an outstanding freedom
fighter. I further assisted Adv Varney in
2019 with Dr Neil Aggett, a great patriot of
20 our country, and was thanked by the
families concerned.

12. To this day I have always made myself
available to Ms Madeleine Fullard of the
Missing Persons Tracing Unit in an
attempt to further the mandate of the

TRC. I do this, as it was a strongly held conviction for us within the ANC that the TRC was not a moment in time, but a continuous and never-ending process to rebuild a democratic and equal society."

ADV SOKHELA: Thank you. Mr Kasrils, do you wish to say a little bit more on your current assistance in the Missing Persons Tracing structures?

FORMER MINISTER KASRILS: Yes, chairperson I have worked with
10 Ms Madeleine Fullard for many years. This Tracing unit was formed in around 2001 or so, basically her and one or two assistants. And whenever she needed any information that I might be able to provide relating to areas where I knew people had fallen in combat, where people had died, where our cemeteries were, the situation of our camps.

For instance, she, as we speak, is with families in Angola paying tribute to those who died in Angola, a country which, as you well know, chairperson and Commissioners, has great forested areas where we had our camps.

20 And those camp areas have been reclaimed by nature, reclaimed by the forests. It is very, very difficult to actually find where our cemeteries were, apart from Angola, from Luanda itself, which is a very difficult, challenging aspect as well.

Just a couple of weeks ago I had a session with her, and sketched for her some of the camps where I had been, giving her an

idea where she might find the graves. And I might say that she sent back an email to me, after we had had the session she got home and she was restudying the sketches I gave her, and she said she was over the moon to receive such information.

I am not boasting here. It is a question of service, of helping the TRC process, of helping the families in as many ways as we can. And it is not Ronnie Kasrils alone, it is all the people I know from MK, from the ANC. We are committed to this process of identifying those who have fallen, those who died through illness, and to bring back the
10 remains. Thank you.

ADV SOKHELA: Thank you, Mr Kasrils. Now, you have explained to the Commission the various ways in which you have participated in the TRC, subjected yourself to amnesty proceedings, and continuously assist in the work of the TRC. Could I ask you then to read paragraph 13 of your statement into the record? It is still at page 188.

FORMER MINISTER KASRILS: Item 13 of page 188:

"Given my political history and involvement in the TRC, as catalogued above (the word used here is
20 'unfortunate') that I now stand accused of seeking to protect apartheid-era officials who were involved in gross human rights violations..."

If I may, chairperson, I think the word "unfortunate" that I used should really be "ironic", when I think about it. I am not saying it is unfortunate, I am saying it is ironic. Thank you, chairperson,

commissioners. Fourteen, item 14 ...[intervenes]

ADV SOKHELA: Sorry, yes, we have already done 14, thank you.

FORMER MINISTER KASRILS: Okay.

ADV SOKHELA: Could we then turn to what the chair wants us to deal with, which is the summons? You will see in your statement, you address it at page 188, you start at paragraph 15. Could I ask you to read, together with the heading, from paragraph 15 to paragraph 18.2 of your statement?

FORMER MINISTER KASRILS: Thank you. Chairperson,
10 commissioners, page 188 at the summons, item 15:

"15. On 13 August 2026 this Commission issued a summons to me to appear before it for 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 affidavit, statements and the transcripts of
20 the evidence listed in annexure B to the summons'.

16. 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 (the Calata matter). In that case the applicants seek declaratory orders and constitutional damages for the failure to investigate or prosecute cases identified by the TRC, and refer to the National Prosecuting Authority for investigation and prosecution.

10 17. I note that the summons does not require me to make a statement, but I nevertheless do so in the hope it will be of assistance to the Commission.

 18. The summons does not set out a formal list of questions for me to respond to. I also note that the evidence in annexure A to the summons comprises:

20 18.1 Extracts from a transcript of the evidence of Mr Jacob Gabriel Cilliers Van der Merwe (Mr Van der Merwe) before the Commission on 26 February 2026, in which he says, amongst other things, that an aunt who lives in Panama had mentioned to him that Mr Van der Merwe's mother had been approached by me

through a lawyer to discuss the case of the disappearance and murder of Mr Van der Merwe's father.

18.2 (Page 190) Paragraphs 381.5 to 397 of the affidavit of Mr Hania Calata in the Calata matter, the Calata affidavit."

10 ADV SOKHELA: Thank you. Yes, I am reminded that in the transcript itself we have summarised at 18.1 that the allegation is that the aunt lives in Panama. But in the transcript from which we have taken the summary, it is spelled Panema, is that correct?

FORMER MINISTER KASRILS: Panema.

ADV SOKHELA: Panema.

FORMER MINISTER KASRILS: Yes, indeed, it is very strange. I would add, is this Panama the country, I presume? You can go to Columbia and you will find many buildings with names of countries and beaches and sand marinas, and the like. I find it very strange that it should be such an affidavit that simply says an aunt in Panema,
20 obviously Panama.

COMMISSIONER GABRIEL: It may be an error in the transcript.

FORMER MINISTER KASRILS: Sorry?

COMMISSIONER GABRIEL: It may be an error in the transcript.

FORMER MINISTER KASRILS: The "Panema", I assume, I am being a little jocular perhaps.

CHAIRPERSON: Yes.

ADV SOKHELA: Thank you. Could I ask you, still on the subject matter of Mr Van der Merwe's evidence, in paragraphs 19 of your statement to 24, you summarise his evidence as it appears from the transcript, in which he implicates you in approaching his mother during the TRC hearings. Could I ask whether you have read Mr Van der Merwe's full transcript, which is dated 26 February 2026, which sets out the circumstances of his father's death and lack of investigation into this?

10 FORMER MINISTER KASRILS: Yes, Commissioner, I have, chairperson, commissioners.

ADV SOKHELA: Thank you. In paragraphs 19 to 24, that evidence has been summarised. I just want to take guidance from the chair and the commissioners. Is it necessary for us to read into the record paragraphs 19?

COMMISSIONER GABRIEL: No.

CHAIRPERSON: No, it is not necessary. We have read it, Ms Sokhela.

CHAIRPERSON: Yes, thank you.

20 ADV SOKHELA: Thank you.

CHAIRPERSON: Thank you, Ms Sokhela.

ADV SOKHELA: Thank you, chair. Just, I will pose a question on paragraph 24 at page 191.

CHAIRPERSON: Yes.

ADV SOKHELA: In the middle of that page, the person who is

alleged to have been involved in the killing of Mr Van der Merwe's father is one Felix Mochale, who is said to have been in exile, and eventually worked in the Secret Service. Can you see that?

FORMER MINISTER KASRILS: What is the question, chairperson?

ADV SOKHELA: At page 191, at paragraph 24.

FORMER MINISTER KASRILS: Yes.

ADV SOKHELA: A few lines, so about nine lines from the top ...[intervenes]

CHAIRPERSON: From the bottom.

10 FORMER MINISTER KASRILS: From the bottom.

ADV SOKHELA: From the bottom. The person who is alleged to have been involved in the killing of Mr Van der Merwe's father is Felix Mochale, he has been identified as Felix Mochale. And they say there that he had been in exile, and he eventually worked in the Secret Service upon his return from exile. Can you see that?

FORMER MINISTER KASRILS: Well, the name, chairperson, I do not recognise the name.

CHAIRPERSON: Yes, but do you see ...[intervenes]

20 FORMER MINISTER KASRILS: It means nothing to me, but ...[intervenes]

CHAIRPERSON: Do you see in paragraph ...[intervenes]

FORMER MINISTER KASRILS: We had hundreds of young people, I mean thousands, actually, over the years thousands, chairperson.

CHAIRPERSON: Yes.

FORMER MINISTER KASRILS: They had assumed names, they

changed names and so on. There is no way I can remember just a name. There are many who I was close to that, who had MK names and real names, but in the majority a name is there, and I cannot really say anything, I do not recognise it.

COMMISSIONER GABRIEL: So what these paragraphs relate to is a summary of what Mr Van der Merwe testified about, and that was one of the things, I assume, that he was speaking about, where he made reference to Mr Felix Mochale.

FORMER MINISTER KASRILS: Yes, indeed, commissioner.

10 COMMISSIONER GABRIEL: And that is been included in your affidavit where you summarise it, and that is what counsel is saying.

FORMER MINISTER KASRILS: Yes, and that whole incident that occurred when the father went missing and later – the body has never been found, clearly presumed dead, and it seems from person, Felix, allegedly, how he was killed.

ADV SOKHELA: Thank you.

FORMER MINISTER KASRILS: How the father, Van der Merwe, was killed ...[intervenes]

20 COMMISSIONER KGOMO: Yes. Sorry, Ms Sokhela, it does become a bit confusing. It seems that it may well be better for you to read paragraph 24. Otherwise, it does not make quite sense the way it is dealt with now. Read paragraph 24.

ADV SOKHELA: Thank you, commissioner, I will do so. When I am done ...[intervenes]

COMMISSIONER GABRIEL: Could I add, please, could I just add

that paragraph 24 appears under the heading, "Mr Van der Merwe's Evidence"?

ADV SOKHELA: Yes, thank you, Commissioner Gabriel. I will read paragraph 24:

10 "In about 2017, Mr Van der Merwe, through his wife and an organisation, contacted the offices of the National Prosecuting Authority, who undertook to attend to the matter. They were informed that the matter was being investigated with the assistance of the State Attorney's Office. They were also allocated an investigating officer, who advised that the file was 'in shambles', but that she was trying to reorganise it.

20 The investigating officer, one Colonel Van der Schyff, informed Van der Merwe that the suspect denied any involvement, but mentioned that he had heard that something had taken place. He (Mr Van der Merwe) had identified the person responsible for his father's death with assistance from investigators. That person, a Felix Mochale, had been in exile and returned to South Africa, and eventually worked in the Secret Service."

I will end there, chair and commissioners.

CHAIRPERSON: Yes.

ADV SOKHELA: The question really was to Mr Kasrils, do you know Felix Mochale?

FORMER MINISTER KASRILS: I could not say at all. I might certainly ...[intervenes]

COMMISSIONER KGOMO: Yes, as you have explained, as you have explained.

FORMER MINISTER KASRILS: As I explained, thank you.

ADV SOKHELA: And Secret Service, do you know what that is?

FORMER MINISTER KASRILS: It is a question, it is hanging in the
10 air. Which Secret Service? What date? Is it the Apartheid Secret Service that existed, which would show the man to be an Askari, in other words, a member of the Liberation Movement's armed force, MK, who decided to give himself up, or was captured and turned against us. If it is post-1994, then the Secret Service would be that of a democratic South Africa, and that is unclear from this.

ADV SOKHELA: Thank you, chair.

CHAIRPERSON: Yes.

COMMISSIONER GABRIEL: So perhaps you could turn to now Mr Kasril's response to the allegations against him.

20 ADV SOKHELA: I will do so shortly, chair. There is just one other aspect to touch on. The summary of the evidence of Mr Van der Merwe is that his father was killed in November of 1978. It is referred to in paragraph 19 of the statement of Mr Kasrils. Mr Kasrils gave evidence earlier that during that time he was in Angola in training, pardon me, in charge of training MK officials.

Mr Kasrils, could you just confirm that?

FORMER MINISTER KASRILS: Chairpersons and commissioners, I confirm what I had informed you earlier, that after serving in London, I was deployed to Angola in 1977. I was there until 1980, the beginning, as a political instructor teaching politics. I was not an operational person in the People's Army in that period. I was a member, but I was teaching politics, not responsible in any way, not involved in carrying out any form of tasks of the movement, sorry, not tasks, but combat operations.

- 10 ADV SOKHELA: Thank you, Mr Kasrils. Chair and commissioners, the reference is where, yes, the relevant page that says where he was is at page 197, which is RK1. We dealt with it earlier. And in the middle of the page, it says:

"1977 to 1979 – Infiltration of trained guerrillas".

CHAIRPERSON: Yes.

ADV SOKHELA: Pardon me, sorry:

"Deployment to Angola as political instructor and
then regional commissioner."

CHAIRPERSON: And then regional commissioner.

- 20 ADV SOKHELA: Thank you. Can we then turn to the allegations against you? One of them we have just dealt with now, which is the Van der Merwe allegation. At page 192 of your statement, from paragraphs 25 to 27, you have summarised what the allegations are against you. Could I ask you to read that into the record, please, from paragraphs 25 to 27?

FORMER MINISTER KASRILS: Thank you, chairperson,
commissioners, page 192, the heading:

"Allegations against me.

25. As discerned from annexure A, I am
alleged to have:

10

25.1 Approached through a
lawyer, Mrs Van der Merwe, the
widow, and wanted to meet with
her to discuss the disappearance
of her husband outside of the
TRC. It is alleged that his mother
declined this invitation.

20

25.1.1 He (Mr
Van der Merwe), the
son, heard about this
incident from his aunt
(that is Panama).
Thereafter, in 1997,
Mrs Van der Merwe
received a threatening
phone call, and as a
result, requested that
they no longer directly
deal with the
investigating officers

because the situation
seemed dangerous.

10 25.2 Had been part of high-level talks as Minister of Intelligence, together with other ministers from government security cluster, with former Defence Minister, General Magnus Malan, former Chief of the Army, General Kat Liebenberg, and other generals to discuss efforts for both sides to avoid being criminally charged.

20 25.3 That I responded to Mr Michael Schmidt, a journalist, on email regarding his questions about the high-level talks, and informed them that I had no knowledge of virtually all the meetings and developments arising from such talks.

26. There are generalised allegations that at the ANC's 51st National Conference in December 2002 in Stellenbosch, a discussion on guidelines for a broad

national amnesty, possibly in the form of presidential pardons, was scheduled. The ANC is alleged to have supported the idea of introducing a new amnesty law, because it (the ANC), was against running trials in the style of the Nuremberg Tribunals, since this would occur at the cost of nation-building.

10 27. I will address each of these allegations in turn below."

ADV SOKHELA: Thank you, Mr Kasrils. So from pages, at page 103, where you are now, from paragraphs 28 to 30 you address, you respond to the alleged approach to Mrs Van der Merwe. Please read into the record your response, starting with the heading?

FORMER MINISTER KASRILS: Chairperson and commissioners, page 193, under the heading:

"Response to the alleged approach and threat to Mrs Van der Merwe.

20 28. I have no knowledge of Mr Van der Merwe's allegations. I deny that I approached Mrs Van der Merwe or any of her relatives or any other person, whether telephonically or in person, regarding the incident described. I deny any involvement in alleged threats of

Mrs Van der Merwe.

29. I never engaged in the conduct I am being accused of by Mr Van der Merwe, and have no knowledge of his father's matter. I would not engage in such conduct.

30. I have sympathy for Mr Van der Merwe for the loss of his father, but I wish to caution that this does not licence him to make untrue statements against me. I ask that the Commission reject these unfounded and malicious statements, chairperson."

10

ADV SOKHELA: Thank you. Mr Kasrils, the allegation arises from Mr Van der Merwe's evidence. Before this transcript, had you heard any allegations about you having, through a lawyer, called Mr Van der Merwe's mother to try and talk to her about TRC?

20

FORMER MINISTER KASRILS: Absolutely nothing, I have never heard of anything of this at all, whether at the time I was in Angola, that incidents had taken place and about the death of his father, to this point in 1997, when I was Deputy Minister of Defence. I had never, ever heard of this particular Van der Merwe and the happenings that were referred to, chairperson.

ADV SOKHELA: Thank you. Chair, I just also wanted to note that the allegation only appears in the transcript. It does not appear in Mr Van der Merwe's statement that he had put up for the Commission.

CHAIRPERSON: Yes.

ADV SOKHELA: We then move to the second allegation against you, and that relates to your participation in high-level talks with former generals from 1991, sorry, 1999 to 2004. Could I ask, chair, with your permission, that we go to page 209 of the bundle, which is where the allegation is made?

FORMER MINISTER KASRILS: I am at 209.

ADV SOKHELA: The relevant paragraph is paragraph 384, and that is an excerpt from Mr Calata's affidavit before the High Court. Are
10 you there?

FORMER MINISTER KASRILS: Yes, I am.

ADV SOKHELA: Could I ask that you – I will read paragraph 384 into the record, chair, paragraph 384 at page 209:

"Marais told Smith that on the ANC government side, the Mbeki team usually consisted of the security cluster..." [intervenes]

COMMISSIONER KGOMO: You may have to raise your voice a bit.

FORMER MINISTER KASRILS: Pardon:

ADV SOKHELA:

20 "Marais told Smith that on the ANC government side, Mbeki's team usually consisted of the security cluster, which initially included Minister of Defence, Joe Modise, Minister of Safety and Security, Sidney Mufamadi, and Minister of Justice, Dullah Omar. According to Smith, when

Mbeki became president, Zuma's security cluster team would most likely have included Minister of Defence, Mosiuoa Lekota, Minister of Justice, Penwell Maduna, replaced by Brigitte Mabandla in Mbeki's second cabinet, Minister of Intelligence, Joe Mhlanhla, replaced by Ronnie Kasrils, and Minister of Safety and Security, Steve Tshwete, replaced by Charles Nqakula."

10 You address this allegation at paragraphs 31 to 34 of your statement. Could you go back to page 193 of the record, please?
Okay.

FORMER MINISTER KASRILS: Okay. I am at 193, chairperson.

ADV SOKHELA: I ask that you please read your response into the record, paragraphs 31 to 34?

FORMER MINISTER KASRILS: The heading:

"Alleged participation in high-level talks.

20 31. I am alleged to have taken part in high-level talks with former generals. It is claimed that these secret talks occurred from 1999 to 2004.

32. Paragraph 384 of the Calata affidavit describes the alleged team in these discussions. I am listed as having been part of the team as the Minister of

Intelligence Services, having replaced Joe Nhlanhla. This is incorrect.

33. Mr Joe Nhlanhla served as Deputy Minister of Justice, responsible for Intelligence from 1995 to 1999. The Ministry of Intelligence Services was formed in 1999, and he continued under that Ministry from 1999 to 2000. He became ill, chairperson.

10 34. In 2001 he was replaced, not by me, but by Lindiwe Sisulu. Minister Sisulu served as Intelligence Minister from 2001 to the late April 2004 or early May, the latter being the year that Mr Calata alleges the talks start. There is no way to confuse Minister Sisulu with me. I was at the time the Minister of Water Affairs and Forestry, and did not belong to the Security cluster."

20 ADV SOKHELA: Thank you. Mr Kasrils, the allegation is about high-level talks. Did you know about these high-level talks?

FORMER MINISTER KASRILS: The alleged high-level talks, I knew nothing about.

ADV SOKHELA: Did you participate in these talks, these alleged talks?

FORMER MINISTER KASRILS: If there were such talks, I did not

participate in anything of that nature.

ADV SOKHELA: Thank you. We are still on page 194 of your statement, and that deals with the third allegation against you, which is an email response by you to Mr Schmidt. Could you please go to page 210, again of the bundle, which is where the allegation is set out?

FORMER MINISTER KASRILS: I am there.

ADV SOKHELA: I will read paragraph 386 into the record:

10 "Schmidt notes in his book that during the interview, Marais showed him an unsigned handwritten letter. He prepared for the signature of the former chiefs of the SANDF in early 2004. Marais permitted Schmidt to take photographs of the letter. The letter was addressed..."

Yes, I apologise, chair and commissioners, my notes had the incorrect paragraph reference. It is paragraph 385 at page 210. It reads as follows:

20 "On 5 May 2020, former Minister of Intelligence Kasrils emailed Schmidt regarding the ANC/SANDF talks, advising that he had 'no knowledge of virtually all the meetings and developments arising from such talks'. Schmidt no longer has a copy of this email."

Could I ask you to go back to your statement at page 194?

FORMER MINISTER KASRILS: Yes, I am there.

ADV SOKHELA: Could you please read your response to that allegation, which is paragraph 35?

FORMER MINISTER KASRILS: Under the heading:

"Email response to Michael Schmidt.

10 35. I confirm that I responded to the email from Mr Michael Schmidt, in which he explained that he was researching secret meetings between former apartheid era generals of the SADF and police with a group of ANC ministers between 1998 to 2004.

Chairperson, I promptly replied with words to the effect that I had no knowledge of any such discussions or decisions. Like Mr Schmidt, I unfortunately do not have a copy of my email reply, chairperson and Commissioners."

ADV SOKHELA: You used the word "promptly replied" in that paragraph. Is there a reason why you say you "replied promptly"?

20 FORMER MINISTER KASRILS: Chairperson, I reply, as your administration here I can attest, I reply promptly to everything I receive. Maybe I am one of the old school, I reply promptly.

ADV SOKHELA: And could you tell the Commission, you say that you no longer have a copy of the email?

FORMER MINISTER KASRILS: Chairperson, I no longer have a

copy of such a letter, and that is simply because if one keeps every item of incoming mail and documents on your computer, unless you are paying for huge sums for extra gigabytes, you soon find yourself being blocked, and they say to you, it suddenly flashes up, you have got so much left, very little left.

And you will be receiving no more emails unless you delete material or you go and make a higher price and make them richer. I constantly do this, it is shown on my computer as evidence. I have a computer friend, a technician, who comes and he is constantly
10 assisting me cleaning my computer.

COMMISSIONER GABRIEL: Okay, but the point of this area of enquiry that you put into your affidavit is that you replied to the Schmidt email to say I had no knowledge.

FORMER MINISTER KASRILS: Exactly.

COMMISSIONER GABRIEL: And you remember that, I mean, well, you have confirmed that.

FORMER MINISTER KASRILS: I would never have remembered something out of the blue, a journalist. I get so many requests on a weekly basis, commissioners, chairperson, can we interview you, I
20 am doing this, I am doing that, et cetera.

COMMISSIONER GABRIEL: Okay, but you have confirmed before ...[intervenes]

FORMER MINISTER KASRILS: It is only when I saw the allegation against me that I suddenly thought, oh ja, I remember now, Schmidt.

COMMISSIONER GABRIEL: Okay.

FORMER MINISTER KASRILS: Look up Schmidt on your Google ...[intervenes]

COMMISSIONER GABRIEL: And you had no knowledge of any decisions [indistinct] ...[intervenes]

FORMER MINISTER KASRILS: Absolutely nothing at all.

COMMISSIONER GABRIEL: Yes, thank you.

FORMER MINISTER KASRILS: Nothing at all.

COMMISSIONER GABRIEL: Thank you.

10 ADV SOKHELA: Thank you, Commissioner Gabriel. We will move to the fourth allegation against you, and this is a generalised allegation. The first three were specific to you, and this one is more generalised, and it is regarding the ANC's 51st National Conference of December 2002. Could you please go to page 212 of the bundle? The relevant paragraph there is paragraph 390.

FORMER MINISTER KASRILS: Sorry, just hold on. Thank you, 212.

ADV SOKHELA: The relevant paragraph is 390 at the top there.

FORMER MINISTER KASRILS: Right, I am there.

ADV SOKHELA: I will read it into the record:

20 "At the ANC's 51st National Conference in December 2002 in Stellenbosch, a discussion of guidelines for a broad national amnesty, possibly in the form of presidential pardons, was scheduled. According to the head of the ANC Presidency, Smuts Ngonyama, the ANC supported the idea of introducing a new amnesty

law. He added that his party was generally against running trials in the style of the Nuremberg trials, since this would occur at the cost of nation building. I attach there to a copy of a news article marked FA62."

If you could go back to your statement at page 195?

FORMER MINISTER KASRILS: I am there.

COMMISSIONER GABRIEL: I think it starts at 194.

ADV SOKHELA: Yes, it starts at 194, thank you, Commissioner
10 Gabriel. Mr Kasrils, in the statement you provided a response to this allegation. At the start of your evidence you indicated that you needed to make a correction. Before you make the correction, do you want to read what your response was initially into the record? And that is paragraphs 34, sorry, 36 to 38.

FORMER MINISTER KASRILS: Chairperson, I would do that, commissioners. Page 194, the heading:

"ANC's 51st National Conference in December
2002 in Stellenbosch.

20 36. There is no allegation against me under
the subject matter.

37. I admit that the ANC had its conference
during December 2002.

38. (Page 195) I confirm that the ANC
discussed legal mechanisms to deal with
the 'unfinished business' of TRC cases. I

further confirm that the ANC was against any Nuremberg-style trials. This was for the noble goal of nation building. At no time during our discussion did the issue of stopping prosecutions of TRC cases ever come up for discussion."

ADV SOKHELA: Thank you. Mr Kasrils, before you go on to make corrections on that paragraph, chair, could I ask your permission to hand up two further documents?

10 CHAIRPERSON: Yes.

ADV SOKHELA: They will be EXHIBITS 213C and 213D, respectively.

CHAIRPERSON: Exhibit, the opening address by President Mbeki will be Exhibit?

ADV SOKHELA: That will be EXHIBIT 213C, chair.

CHAIRPERSON: Yes, and the National Conference?

ADV SOKHELA: That will be EXHIBIT 213D.

CHAIRPERSON: Yes.

20 ADV SOKHELA: Chair, if I could just describe what those are. The opening speech is the opening speech by President Mbeki at the conference, and then the second document is the first page, the cover page of the conference resolutions, which we sourced from the ANC's website.

CHAIRPERSON: Yes.

ADV SOKHELA: Thank you, chair. Mr Kasrils, do you have the

opening speech of President Mbeki on hand? Mpumi would have handed it to you.

FORMER MINISTER KASRILS: Yes, commissioner, chairperson, I have it here.

ADV SOKHELA: If the Chair can just bear with me for a second?

COMMISSIONER KGOMO: Your assistant is confusing.

ADV SOKHELA: Yes, chair. Chair, I will just invite Mr Kasrils to first explain what the correction is that he wishes to make, and how he arrived at the correction, and why he is only doing so now?

10 CHAIRPERSON: Yes.

FORMER MINISTER KASRILS: Chairperson and commissioners, you will recall that I had already stated that coming up for this hearing, I was paying very close attention to all the details that you were looking for. And I began reading very extensively into background in relation to where we are at this Commission.

It then struck me when I was reading the reports of the Stellenbosch conference, I went deeply into this on the ANC's website. What surprised me, chairperson, there was no reference whatsoever, apart from President Mbeki's opening address thanking
20 the TRC, because he had just received their report, there was no reference on the agenda to any discussion relating to the TRC.

I looked at the commissions of conference. There was no commission dealing with the TRC. I looked closely at the commission dealing with justice. There was no mention of the TRC. I then turned to the resolutions, I went through all the resolutions. No resolution

relating to the TRC.

It puzzled me because I had attested at 38 that the ANC discussed legal mechanisms, et cetera, business of the TRC. I had taken that from the Calata declaration, which then went on to mention Smuts Ngonyama, who was the President's press officer.

And I would say on that basis I accepted in my mind, because I was striving to recall what had happened at Stellenbosch, and I presumed then, incorrectly, as it then turned out, this is why I apologise to you, chairperson, that I incorrectly came to the view that
10 this was Smuts Ngonyama speaking about the Stellenbosch conference.

I then looked at Smuts and Ngonyama's press conference, it was ahead of the Stellenbosch conference. He was anticipating that there would be discussion of the TRC process, which is what the Calata affidavit then echoed. So my apologies, chairperson, which is why I have to out of duty here bring this to your attention, that 38 is not part of Stellenbosch whatsoever.

CHAIRPERSON: Yes. So you are saying that you want to correct the fact that we are confirming that the ANC discussed legal mechanisms
20 to deal with the "unfinished business" of the TRC, that is not in fact so.

FORMER MINISTER KASRILS: Okay, I am having a problem hearing.

CHAIRPERSON: Yes, so what you are saying is that you are correcting what you said in paragraph 38, that you were confirming

that the ANC discussed legal mechanism to deal with "unfinished business" of the TRC, that is in fact not so.

FORMER MINISTER KASRILS: Exactly, thank you, chairperson:

"37. I admit that the conference took place.

38. It is not so in relation to what was discussed."

ADV SOKHELA: Thank you, chair. Chair, Mr Kasrils explained that the only reference to the TRC was in relation to the report, in the opening address, pardon me, of Mr Mbeki. That is the document that
10 we just handed up. If I could ...[intervenes]

COMMISSIONER GABRIEL: Can you direct us to a page number?

ADV SOKHELA: Yes, I will do so now, Commissioner Gabriel, it is 14/32. At the very bottom of the page on the right hand side are page numbers.

CHAIRPERSON: Yes, the third paragraph.

ADV SOKHELA: Yes, chair.

CHAIRPERSON: Yes.

ADV SOKHELA: And I will read it into the record ...[intervenes]

CHAIRPERSON: It is actually the fourth paragraph.

20 ADV SOKHELA: Yes, chair, there is a bit of a cutting of the page on the side, but I will try my best to read.

CHAIRPERSON: Yes.

ADV SOKHELA:

"During the coming year, the Truth and Reconciliation Commission will present its final

report. The National Conference should extend its appreciation to Archbishop Desmond Tutu and the other commissioners for the work they did to discharge their national duties in this regard.

The government, the country and our movement will necessarily have to consider and act on all matters arising from the TRC process to ensure that we advance the goals we set ourselves when we adopted the interim Constitution in 1993, which authorised the formation of the TRC."

10

CHAIRPERSON: Yes.

ADV SOKHELA: Thank you, chair. Mr Kasrils, you have dealt with the three specific allegations against you. You have also addressed the generalised allegation in relation to what we have just spoken about now. There is a further allegation which does not appear from the summons, chair, and that is relating to a meeting that was held in August, allegedly held in August of 2007, that Mr Pikoli speaks about in the rule 3.3 notice that was issued to Mr Kasrils. That meeting is contained in there.

20

CHAIRPERSON: Yes.

ADV SOKHELA: Chair, with your permission, could I address Mr Kasrils also on that?

CHAIRPERSON: Yes.

ADV SOKHELA: Just one second, chair. Chair, could I ask permission to hand up the rule 3.3 notice? We do not need to make it

an exhibit, I do not think, because it is the Commission's document.

CHAIRPERSON: Yes.

ADV SOKHELA: But just so that chair can follow where we are, and the commissioners can follow where we are. Chair, we will also hand up the allegation in the Pikoli affidavit, it is the Pikoli affidavit, Nkadimeng, from which these allegations are taken.

CHAIRPERSON: Thank you.

ADV SOKHELA: Mr Kasrils, you should have a copy of the rule 3.3 notice. Thank you, chair. The copies of the rule 3.3 notices were
10 provided to us by Adv Varney, and the affidavit as well.

CHAIRPERSON: Yes.

ADV SOKHELA: If the Commission could turn, the pages are not numbered, but the third page of the rule 3.3 notice. I think we can start at the second page, paragraph 260, which I will read into the record up until paragraph 264. The heading:

"The knives are out for Pikoli.

20 260. Shortly after the Chikane plea and sentence agreement had been confirmed in court, a newspaper article appeared in the *Rapport* newspaper on 19 August 2007, in which it was claimed that the NPA was preparing to prosecute ANC leaders. According to Pikoli, the claim was made on the basis of a note that Ackerman had prepared more than four years previously,

when he first looked at the universe of possible cases. That note was forged to suggest it was made recently, and that Ackerman was targeting the ANC leadership. A copy of this newspaper article is annexed hereto and marked FA 36.

10 The NPA responded by way of a press statement dated 21 August 2007, in which the allegations made in the *Rapport* were denied.

261. At this time, the then Director General of the Department of Justice, Menzi Simelane, had approached Pikoli and raised concerns about Ackerman's handling of the TRC cases. He asked Pikoli to relieve Ackerman from his duties in respect of those cases. Pikoli declined to do so.

20 262. After the newspaper article was published, Pikoli was summoned to a meeting of the subcommittee of the Justice, Crime Prevention and Security Cabinet Committee on post-TRC matters, which was held on 23 August 2007. This

meeting was attended by several cabinet Ministers, Directors General N Selebi. Cabinet Ministers included the Minister for National Intelligence Services, Ronnie Kasrils, Minister Mabandla and Minister Skweyiya, amongst others.

10

263. The fact that there was a special Cabinet Committee on the Post-TRC cases speaks volumes. The existence of such a high-level committee devoted to a particular class of criminal cases pointed to the importance of these cases to Cabinet, and that the cases had become the subject of political intervention.

264. Pikoli's account of this meeting in his Nkadimeng Affidavit is that those at the meeting immediately demanded answers from him about TRC prostitution.

20

264.1 According to Pikoli, Selebi said to him that the 'gloves are now off', and that he was 'declaring war on him'. In response, Pikoli told Selebi, for once in your life, can you tell the truth and shame the devil.'

264.2 Those present were particularly concerned that the NPA was instituting an investigation into certain members of the SAPS in relation to the fabricated Ackerman letter.

264.3 Minister Mabandla told Pikoli to stop this investigation, to which Pikoli responded that the investigation will proceed.

10

264.4 Pikoli explained at the meeting that:

264.4.1 The NPA was bound by law to continue with prosecutions of individuals who did not apply for or who were refused amnesty.

264.4.2 The NPA was actively preparing for those prosecutions, and that it should not be stopped from doing its job.

20

264.4.3 It was his role

as the NDPP to decide
who would be charged."

Mr Kasrils, you are alleged to have been a part of this meeting. Do you recall this meeting?

FORMER MINISTER KASRILS: Chairpersons and commissioners, I cannot be definitive about such a meeting in the absence of minutes pertaining to such a meeting, it is an impossibility. I had asked for minutes of meetings to my former Ministry, as I have explained, and as Adv Batohi, I think that is how you pronounce her name, the
10 honourable administrator.

I am sure she will note from my immediate response to being served with notice in September, I think, I would asked her a couple of questions. One was whether the government were going to pay for the fees for attorneys and advocates, and the other was assistance in minutes of meetings. I do not believe the Commission has the minutes of such a meeting. I would like to make that point clear.

So one is left with one's fallibility in terms of memory. We all know we cannot live without memory, Society cannot and a human being cannot. We know what Alzheimer's does to a person. Memory
20 is vital, but memory is fallible. To know exactly what was happening on that date, I needed my ministerial diaries; I do not have ...[intervenes]

CHAIRPERSON: So in short, you do not recall having attended this meeting?

FORMER MINISTER KASRILS: I beg yours?

CHAIRPERSON: In short, you do not recall having attended this meeting?

FORMER MINISTER KASRILS: I have a very vivid memory of an encounter at a meeting, which I look at the issue of the *Rapport*, in the Afrikaans Sunday paper, *Rapport*, the 19th, and then midday, the 23rd, of this alleged meeting. That does help my memory, it jogs it. I will never forget, chairperson, the drama of a day in which Adv Pikoli and former, the late Police Commissioner Jackie Selebi were at it "hammer and tongs", a "war broke out". I recall myself sitting in a
10 meeting ...[intervenes]

COMMISSIONER GABRIEL: Was that at a hall, a ministerial hall?

FORMER MINISTER KASRILS: In my mind, commissioner chairperson, it would have been perhaps an office. It was not anybody's home, like a previous meeting, which I had not attended the year before, which you would know about. That was at former Minister Skweyiya's home, I had not been to that. I was at some form of meeting, I would say in my mind, for what this memory is worth to you, it could not have been a formal meeting.

CHAIRPERSON: Yes.

20 FORMER MINISTER KASRILS: A formal meeting takes place under very strict conditions, and it would have been in an identifiable place, which are provided by government, whether in Cape Town or in Pretoria. I do recall a small meeting, certainly not a meeting. There are three ministers mentioned there, honourable Ministers Nqakula and Mabandla and myself. In my mind, and one has different

memories, I am not saying they ought to have my memory. I think we would all remember the dust-up between these two former friends.

If it was a meeting of this size, you will note, chairperson, three names are provided and then other ministers. What other ministers? There are eight ministers, at least, in the Security Justice Cluster; DG's, each one would have a DG, sometimes two members. In these meetings of a cluster, an organised meeting, there would be, if you are talking ministers and DGs, 15, 16 people.

It was no such gathering, I can assure you, from this memory
10 that I am searching. I can assure you there was a dust-up. I can assure you that Ronnie Kasrils had been asked somehow to a meeting where we were considering one thing, chairperson, the Sunday *Rapport*, the article in that newspaper called *Rapport*, probably the one that is dated the 19th, I think.

I can remember sitting in silence, in absolute silence, waiting for Adv Pikoli. In my mind, all that this was about was a Sunday paper, I had not read it. I had clearly heard about it from my colleagues, that there was a Sunday paper that was giving out that there were moves by the NDP to prosecute ANC members or leaders,
20 and we were waiting to hear simply what is this about.

As "two bulls in a China shop", if I might put it that way, and I do not want to disrespect the dead, a man who was very committed to the ANC to the end, and that is Jackie Selebi, I must make that point, were at each other, and clearly that particular headline, "the gloves are off", yes, that rings the bell.

That is what I recall, chairperson, in terms of what this was about. I was astonished because I knew of Adv Pikoli as a young freedom fighter who joined us, a very quiet-spoken, polite person. I had not seen him in quite some time, he had been working with Dullah Omar, very respectful, and so on.

I was amazed how, if I may use the word "white-hot" in temper, this is what it was, a "storm" coming into that environment, clearly in an absolute temper, and Jackie Selebi likewise. They had no care about the behaviour in front of who was there, I can tell you
10 that.

I did not open my mouth in that meeting because I had no idea of the background to what was going on. So, chairperson, I come to you as an individual with a memory, and I must say that that does stand out very much in my mind, something I will never forget.

CHAIRPERSON: Ms Sokhela.

ADV SOKHELA: Thank you, chairperson. Commissioner Gabriel has a question.

COMMISSIONER GABRIEL: Yes, just a question, Mr Kasrils. So the "storm" and the "bulls, two bulls" related to the *Rapport* article which
20 dealt with prosecution, possible a prosecution of the ANC 37?

FORMER MINISTER KASRILS: Exactly, that is ...[intervenes]

COMMISSIONER GABRIEL: That is your memory?

FORMER MINISTER KASRILS: That is the memory.

COMMISSIONER GABRIEL: Thank you.

FORMER MINISTER KASRILS: And the date.

COMMISSIONER GABRIEL: Thank you.

ADV SOKHELA: Thank you. Mr Kasrils, I read out earlier at page, it is paragraph 263. Mr Pikoli alleges that Minister Mabandla told Pikoli to stop this investigation, to which Pikoli responded that the investigation will [indistinct].

FORMER MINISTER KASRILS: You are talking 2, sorry, Chairperson?

CHAIRPERSON: 264.3.

ADV SOKHELA: 264.3. I have a question, and the question is, do
10 you remember Minister Mabandla saying to Mr Pikoli, "Stop the TRC investigations"?

FORMER MINISTER KASRILS: Chairperson, commissioners, there is no way that I could remember Minister Mabandla making such a statement, in the first place. In the second, with all due respect, if I might add, chairperson, there is no possible way that a minister, Minister Mabandla or whoever, could make such a statement in the face of, in the presence of so many ministers and DG's, that is an impossibility.

I cannot imagine anything of the kind, that Minister
20 Mabandla, even if there were some Machiavellian conspiracies taking place, as somebody has made reference to, would the conspirators be so utterly idiotic as to actually say in front of an audience, "do not prosecute, stop". This is bizarre, to say the least, in my humble opinion, chairperson and commissioners.

ADV SOKHELA: Thank you. And just to reiterate that the members

at the meeting also included DGs. If you go to paragraph 262.

FORMER MINISTER KASRILS: 262?

ADV SOKHELA: Ja, you said that the meeting was attended by several cabinet Ministers, Directors General, plural, and Selebi.

FORMER MINISTER KASRILS: Thank you. Chairperson, commissioners, exactly, that is where my point comes from, 262:

10 "The meeting was attended by several Cabinet
Ministers, Directors General and Selebi. Cabinet
Ministers, including Minister of National
Intelligence Kasrils, Minister Mabandla and
Minister Skweyiya."

So, yes, Minister Charles Nqakula is not mentioned here, the Police Minister at the time, I think, at that time. He happens to be Defence Minister, you will hear from him tomorrow. So you are talking about something as formal as that. We are here today, chairperson and commissioners, you are striving to deal with the truth, nothing but the truth.

20 And in terms of what would be a colossal conspiracy by the Executive of this country, can it be believed that a key minister, honourable Minister Mabandla, would actually be so utterly stupid? You had her before you yesterday, a very impressive lady at her age still. Do you really believe this? It is not for me to interrogate you, apologies, chairperson. This is in my mind, and that is all I can humbly offer in relation to an image in my mind that I am being questioned about.

ADV SOKHELA: Thank you, chair. I just wanted to hand up one last document. It is in reference to Mr Kasrils' attempts to obtain his diary and documents from his former ministry. If I could just ask my colleague to hand those up. Chair, commissioners, I ask that that be 213E? Thank you, commissioners. I will not take the commission through the document. It is just his request for official diaries, 2004 to 2008.

CHAIRPERSON: Yes.

10 ADV SOKHELA: Thank you, chair, the response that he got. Just in conclusion, Mr Kasrils, if you could go to page 195 again at paragraph 39.

FORMER MINISTER KASRILS: Sorry, page?

ADV SOKHELA: 195, yes.

FORMER MINISTER KASRILS: Thank you, I am at page 195 now.

ADV SOKHELA: Paragraph 95. Could you just read that into the record, together with the conclusion heading?

FORMER MINISTER KASRILS: Sorry, are you referring, chairperson, are we referring to item 38?

ADV SOKHELA: Item 39 at 195.

20 FORMER MINISTER KASRILS: Oh, Conclusion, conclusion, page 195, chairperson and commissioners:

"Conclusion.

39. I deny any knowledge or involvement or
any interference 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 matter."

ADV SOKHELA: Thank you, commissioners, thank you, Mr Kasrils.
That is the end of the examination-in-chief.

CHAIRPERSON: Thank you, Ms Sokhela. Ms Kessery, is
Ms Moroka online?

MS KESSERY: That is correct, chair.

10 ADV MOROKA: Yes, chair.

CHAIRPERSON: Yes, Ms Moroka.

ADV MOROKA: We have no questions for clarification, chair.

CHAIRPERSON: Thank you, Ms Moroka. Mr Gwala.

ADV GWALA: Thank you, chairperson, We do not have questions for
this witness.

CHAIRPERSON: Thank you. Mr Propy.

ADV PROPHY: Chair Adv Rantho is online.

CHAIRPERSON: Thank you.

20 ADV RANTHO: Good afternoon, commissioners. There are not any
questions from our side, thank you.

CHAIRPERSON: Thank you. Anyone online?

ADV MTSHIZANA: Thank you, chair, there are not any clarificatory
questions for the witness.

CHAIRPERSON: Thank you. Mr Varney.

ADV VARNEY: Chair, we do have a few short questions by way of

clarification.

CHAIRPERSON: Yes.

EXAMINATION BY ADV VARNEY: Mr Kasrils, firstly, thanks for making the time to come through and support this Commission. I confirm that we have had quite a long association, and I should disclose that I was your counsel in a matter that went all the way to the Constitutional Court in the Independent Newspapers matter. And I believe I also assisted your ministry with some law reform matters over the years, so I place that on the table.

10 I confirm that we did call you in the Timol and Aggett matters, and I thank you again on behalf of the families for giving very significant and important evidence rebutting various claims made by the erstwhile Security branch, so thank you again.

We do have a few matters arising from your statement that we would just like to clear up with you, and perhaps let us start at paragraph 25.3, which is at page 192 of your bundle. I will just wait for you to get there.

CHAIRPERSON: Yes, Mr Varney.

ADV VARNEY: So I will just read it into the record. It is under the
20 heading:

"The allegations against me.

25. As discerned from annexure A, I am
alleged to have..."

And let me jump to 25.3:

"...responded to Mr Michael Schmidt on email regarding his

questions about the high-level talks, and informed him that I have no knowledge of virtually all the meetings and developments arising from such talks."

Now, I understand that those are Schmidt's words, not yours, but when I read that passage, the use of the word "virtually" suggests that you had no recollection of virtually all the meetings. But it seemed to leave the door open that maybe you recalled some meetings. Could you respond to that?

FORMER MINISTER KASRILS: Chairperson, commissioner, thank
10 you. I am not a hundred percent sure, I cannot be in the absence of the actual letter that I used the term or the word "virtually". On the other hand, I am a human being or a person who in my dialogue, in my words can use adjectives, and I think I do use the word "virtually". But in my usage of the word "virtually", I am actually meaning absolutely not.

If you look up dictionary meanings of the word "virtually", they will say that the person is actually saying it is virtually impossible, and they give a definition, I have read somewhere, of a person meaning it is virtually 99.9% or so ...[intervenes]

20 COMMISSIONER GABRIEL: [Indistinct].

FORMER MINISTER KASRILS: But in relation to what I am trying to recall to be truthful to something I could just say where is the actual wording. But I really want to "bend over", to be as honest as possible, and I say to myself, you know, because I remember this Mr Schmidt very clearly, that letter, once I read it in your notice.

Then I remembered, yes, there was a journalist who approached me out of the blue and asked if I knew anything about alleged, not that he used that, about, in his words "meetings of ANC people, leaders and apartheid era". He did not say "apartheid era", he said "generals", et cetera.

I must tell you, chairperson I actually do remember feeling a bit suspicious of who this person was. There was a tone to it of old order South Africa, quite frankly. I looked up the name Michael Schmidt on Google. Chairperson, commissioners, I am not going to
10 open myself up to libels or anything.

Do it yourself and you will see how even his own circle, international anarchist circle. He claims he was the leader of the branch in South Africa, and they take issue and they denounce him as a racist out of hand, a person with no credibility in the honourable order of international anarchists.

And it is not that that made me decide to just reject him immediately. I have no time to respond to every journalist. But when I said "virtually", I am talking about nothing whatsoever, and I am telling you chairperson and commissioner, I had no knowledge of any
20 alleged meetings taking place ...[intervenes]

CHAIRPERSON: Yes, so you are saying you absolutely knew nothing?

FORMER MINISTER KASRILS: Absolutely, chairperson.

CHAIRPERSON: Yes. Mr Varney.

ADV VARNEY: Thank you chairperson. Let us move to the next

topic we wish to clarify, and that is in your statement under the heading:

"ANC's 51st National Conference in December
2002 in Stellenbosch."

FORMER MINISTER KASRILS: Sorry, can you speak up?

ADV VARNEY: Sure. It is dealing with the ANC conference at Stellenbosch in 2002. So that is at page 194 of your bundle from paragraph 36. And you have clarified subsequently that you did
10 amnesty was not part of that conference, it was not in the resolutions
...[intervenes]

COMMISSIONER GABRIEL: I think you need to pull that mic closer to you, Mr Varney.

ADV VARNEY: Oh sorry. I will start again, commissioner, thank you. So I am just summarising your evidence, that you took the trouble before coming here to look into the records of the ANC conference in Stellenbosch back in 2002. And you discovered that the question of a broad amnesty was not on that agenda, it was not part of the resolutions. You recall that?

20 FORMER MINISTER KASRILS: [No audible reply].

ADV VARNEY: You can just say yes.

FORMER MINISTER KASRILS: Well, exactly as I explained, and the documents of this Stellenbosch conference are open, they are there. So my honourable friend, Varney, go and look at the ANC's conference ...[intervenes]

ADV VARNEY: No, we are not disputing that.

FORMER MINISTER KASRILS: Sorry, [indistinct] ...[intervenes]

CHAIRPERSON: Yes, is it a yes or no, Mr Kasrils, is it a yes or no?

FORMER MINISTER KASRILS: Oh, sorry. So what am I saying yes to, sorry?

ADV VARNEY: Yes, I asked you to say yes because when you nod it is not reflected on the record.

FORMER MINISTER KASRILS: I have got to be sure what I am saying yes to. I am saying that they were not part of the conference,
10 so, no.

ADV VARNEY: Okay, so ...[intervenes]

ADV SOKHELA: Chair, could I ask that Mr Varney perhaps repeat the question so that the witness can answer?

COMMISSIONER GABRIEL: I think it has been answered.

ADV VARNEY: It has been answered.

CHAIRPERSON: It has been answered.

ADV VARNEY: Yes, it has been answered, ja.

CHAIRPERSON: Yes.

ADV VARNEY: So I just want to point out to you, Mr Kasrils, that in
20 the Calata affidavit it was not alleged that this matter was discussed at that conference. And perhaps with the leave of the chair, I will just read into the record the actual paragraph from the Calata affidavit. Chairperson, it is in bundle 1 at page 152, at paragraph 390, because there it says that Mr Smuts Ngonyama scheduled the discussion, it does not say it happened, but just for the record I will read it in:

"At the ANC's 51st National Conference in December 2002 in Stellenbosch, a discussion of guidelines for a broad national amnesty, possibly in the form of presidential pardons, was scheduled..."

I will not go into the rest. Do you accept that?

FORMER MINISTER KASRILS: Yes, it does say "scheduled".

ADV VARNEY: Ja,

FORMER MINISTER KASRILS: I think that many people have
10 interpreted that as having happened though, but in terms of using a single word "yes" or "no", it was scheduled, I will accept that.

ADV VARNEY: Yes, and we did attach to Mr Calata's affidavit a press statement to that effect, quoting Mr Ngonyama saying that that discussion had been scheduled. Chairperson that is annex FA62 to that affidavit.

CHAIRPERSON: Yes.

FORMER MINISTER KASRILS: Yes, but scheduled does not mean it happened ...[intervenes]

CHAIRPERSON: Yes, it is scheduled ...[intervenes]

20 FORMER MINISTER KASRILS: And that is my point, I am saying to the Commission here the documents are there, and it does not seem as though it happened.

COMMISSIONER GABRIEL: It did not happen?

FORMER MINISTER KASRILS: It did not happen.

ADV VARNEY: Yes, I think we are on the same page there.

FORMER MINISTER KASRILS: Okay.

ADV VARNEY: Let us turn to the next matter for clarification, and that deals with the rule 3.3 notice that my learned friend read out to you in relation to the meeting that took place in August of 2007. And the account you heard was from Adv Vusi Pikoli, and I will just read to you the first line of paragraph 262 of that 3.3 notice. It reads:

10 "After the newspaper article was published, Pikoli
 was summoned to a meeting of the subcommittee
 of the Justice Crime Prevention and Security
 (JCPS) Cabinet Committee on post TRC matters,
 which was held on 23 August 2007."

Are you able to see that passage?

FORMER MINISTER KASRILS: I do.

ADV VARNEY: Yes. Could you indicate to the commissioners why there was a subcommittee, a Cabinet Committee on post TRC matters...? [intervenes]

ADV MAENETJE: Chair and commissioners, we have to tread carefully here. Our learned friend is not clarifying a matter that the witness addressed.

20 CHAIRPERSON: Yes.

ADV MAENETJE: The witness did not at all deal with the subcommittee. If he wants to cross-examine Mr Kasrils, he must follow the rules of this Commission and make an application, to which we shall respond, and he can either get permission to cross-examine or warned.

CHAIRPERSON: Yes.

ADV MAENETJE: But that is not a clarificatory question, and we have been listening to this line of questioning. It is not clarifications, he is descending into cross-examination. He must indicate, if he wants to cross-examine, he must apply for cross examination, not put it through the back door. Because he deprives us of the opportunity to prepare with the witness for cross-examination, and deprives us of the opportunity to re-examine. Because clarification questions do not carry the right to re-examine, and that is what he is doing. We object

10 to that.

CHAIRPERSON: Yes. Mr Varney.

ADV VARNEY: Chairperson, it is simply raised because it was in the 3.3 notice, and we had made the assumption that the consultations on the notice would have taken place. But we are in the chairperson's hands on this one.

CHAIRPERSON: Yes.

ADV MAENETJE: May I reply to that because he is now arguing in defence of his position? A clarification question relates to what a witness has said in his evidence. This witness has never mentioned

20 sub-committee meetings.

CHAIRPERSON: Yes.

ADV MAENETJE: All that happened was my colleague here read into the record the relevant paragraph, and the witness said ...[intervenes]

CHAIRPERSON: The 313 notice, yes.

ADV MAENETJE: Yes, the witness said nothing about it, so he must

not – if he wants to cross-examine, he must apply for cross-examination.

CHAIRPERSON: Mr Varney.

ADV VARNEY: Chairperson, I take what my learned friend says. We thought that Mr Kasrils may have a perspective on this. We will not persist if it is seen as cross-examination ...[intervenes]

CHAIRPERSON: Yes, I think you should not persist, Mr Varney.

ADV VARNEY: I will move on.

CHAIRPERSON: Yes.

10 ADV VARNEY: If we could then turn to paragraphs 264.2 and 3, that is on the next page. Now, my learned friend who was leading you put a question. She said that the then Minister of Justice, Mrs Mabandla, asked Adv Pikoli to stop investigating the TRC cases. Now, it does seem as if that was not the case, because if you look at paragraphs 264.2 and 264.3, and I will just remind us what those say:

20 "Those present were particularly concerned that the NPA was instituting an investigation into certain members of the SAPS in relation to the fabricated Ackerman letter. Minister Mabandla told Pikoli to stop this investigation, to which Pikoli responded that the investigation will proceed."

So it does seem that the investigation in question was not the TRC cases generally, but the investigation into the alleged fabricated letter. Do you see that?

FORMER MINISTER KASRILS: [Indistinct].

ADV VARNEY: And do you have a recollection of that exchange?

FORMER MINISTER KASRILS: Absolutely no recollection [indistinct].

ADV VARNEY: Now, lastly, you mentioned when talking about this meeting that you were aware of a previous meeting at the home of the late Minister Skweyiya the year before. I think you said you did not attend that meeting. How did you get to know about that particular meeting?

FORMER MINISTER KASRILS: Purely, chairpersons and
10 commissioners, purely through the documents that we have been reading. I have never heard of this meeting until I saw the papers that you sent us.

ADV VARNEY: Thank you, chairperson, no further questions.

CHAIRPERSON: Thank you.

COMMISSIONER GABRIEL: Mr Kasrils, thank you so much for your testimony, and you obviously have a very colourful history. I just want to ask you, in your statement you have referred to TRC cases. What, in your own mind, does that involve, what are TRC cases?

FORMER MINISTER KASRILS: Well, I ...[intervenes]

20 COMMISSIONER GABRIEL: Not a long explanation, as [indistinct] as you can.

FORMER MINISTER KASRILS: Okay. I think that the ANC explained this so well in its own presentations to the TRC when we provided our reports, a group of us. I was along there with President Mbeki, then Deputy President, in 19... the date of the first presentation. The TRC

cases into the crimes of apartheid essentially, which we took to heart.

And we then went through a process, a very difficult process of accepting that those who fought for justice, for freedom, for liberation in a just cause were also going to have to face accusations, and the ANC took it on the chin in search for national reconciliation. And that remains a "bone in the throat", not of people, like myself and others who were here, to so many in the country it is a difficult issue ...[intervenes]

COMMISSIONER GABRIEL: [Indistinct].

10 FORMER MINISTER KASRILS: If I can just end.

COMMISSIONER GABRIEL: Sure.

FORMER MINISTER KASRILS: Which is why thanks to the Commission here why I have expanded somewhat on what it actually means, because there are people out there who do not go along with us.

COMMISSIONER GABRIEL: And there are, you have had very useful insights, but when you applied for amnesty, you understood the consequences of possibly being refused amnesty.

FORMER MINISTER KASRILS: Yes.

20 COMMISSIONER GABRIEL: What were those consequences that you understood?

FORMER MINISTER KASRILS: Well, possibly going to prison ...[intervenes]

COMMISSIONER GABRIEL: Prosecution.

FORMER MINISTER KASRILS: Which is why I used the word "ironic"

that I am here.

COMMISSIONER GABRIEL: Okay, thank you kindly for your evidence.

FORMER MINISTER KASRILS: Thank you.

CHAIRPERSON: Former Minister Kasrils, we thank you ...[intervenes]

ADV NALANE: [Indistinct].

CHAIRPERSON: Yes.

ADV NALANE: [Indistinct].

10 CHAIRPERSON: Oh, yes, yes.

ADV NALANE: Thank you, for that brief ...[intervenes]

CHAIRPERSON: Yes, Mr Nalane, sorry about that.

ADV NALANE: Thank you, thank you, chair. Mr Kasrils, thank you again for [indistinct], thank you. But you have a life which is on record of great sacrifice, which led to this country where it is now, and I think the country owes you a debt of gratitude. I just thought I should start with that.

I just want to place your evidence in context in the light of the business of this Commission, and I will just sketch out a few matters
20 of headlines, if I may call it that, so we can get to the point. As I understand you, you were one of, you joined Umkhonto we Sizwe, the armed wing of the ANC in the early 60s, correct?

FORMER MINISTER KASRILS: Just repeat, please, the end of your presentation?

ADV NALANE: You were one of the first members, you were at the

inception of the MK, as you call it.

FORMER MINISTER KASRILS: Yes, I was right at the inception.

ADV NALANE: And when the arrests following the Rivonia trial ensued in 1963, you left the country.

FORMER MINISTER KASRILS: Okay, I am not following, I am sorry, chairperson.

ADV NALANE: Okay, I am saying following the raids on Rivonia and the trials, the Rivonia trials, you feared arrest and you left the country.

FORMER MINISTER KASRILS: No, not at that point. I remained and
10 I was underground, and I became the commander of the Natal region because the two, the chief Captain Ndlovu and his deputy, Billy Naidoo, were arrested. So I carried on, I became the commander, we carried on with our work.

ADV NALANE: And at some point you left the country.

FORMER MINISTER KASRILS: And then later that year I was instructed to leave the country for military training.

ADV NALANE: And in brief, you then spent many years in exile, until 1990, when the ANC and others were unbanned.

FORMER MINISTER KASRILS: I am not following, I am terribly
20 sorry.

ADV NALANE: I am saying, in brief, you spent many years in exile.

FORMER MINISTER KASRILS: Yes, from 1993 to 1990, I actually came back for Operation Vula to join Mac Maharaj and Simphiwe Nyathi, and I was underground in the country for Operation Vula. That is when I came back, 27 years later.

ADV NALANE: You left briefly and then came back and officially joined the negotiations.

FORMER MINISTER KASRILS: I came back after the release of Nelson Mandela and others in February, I came back afterwards under instruction to join the underground because we were uncertain what was going to happen, and we still required an underground in place.

ADV NALANE: And you then participated in the negotiations on behalf of the ANC with the then apartheid government, correct?

10 FORMER MINISTER KASRILS: Yes, indeed. Just to explain, when we were able now to receive indemnity after the Groote Schuur talks with our leaders, Mac Maharaj and I, as members of the ANC, were ordered to leave South Africa secretly. We had come in with different names and disguises, so we were ordered to get back to Lusaka or London, become Mac Maharaj and Ronnie Kasrils again, come back in and join Madiba and company legally to carry on with negotiations, and that is where we initially get indemnity.

COMMISSIONER GABRIEL: Mr Nalane, can I ask you to perhaps focus on the terms of reference of this committee?

20 ADV NALANE: Yes, I will come there. So you then participated in the, well, the major [indistinct], the Constitution was then adopted in 1993, which led to the TRC Act in 1995, and you participated in the TRC processes, correct?

FORMER MINISTER KASRILS: Just repeat, please, I am not following? Again, I am sorry.

ADV NALANE: I am saying briefly what happened is the negotiations and the Constitution was adopted, then the TRC Act was adopted by the country.

FORMER MINISTER KASRILS: The TEC?

ADV NALANE: The TRC, the Truth and Reconciliation Act.

FORMER MINISTER KASRILS: Okay, yes.

ADV NALANE: You then participated in the TRC Commission, and appeared twice and applied for amnesty, correct?

FORMER MINISTER KASRILS: Yes.

10 ADV NALANE: And you, at stage when you applied for amnesty, you were part of the government, you were in cabinet, correct?

FORMER MINISTER KASRILS: Sorry?

ADV NALANE: You were in government when you applied for amnesty.

FORMER MINISTER KASRILS: I was, yes.

ADV NALANE: And so you embraced the idea of the reconciliation.

FORMER MINISTER KASRILS: Oh, yes, yes, of course, fully.

ADV NALANE: And the allegation is that then there were these secret negotiations with the ANC and the Nationalist Party, which you
20 say you were not part of.

FORMER MINISTER KASRILS: [Indistinct] I was not part of any alleged such meetings.

ADV NALANE: But in brief, you then applied for amnesty, you were granted, and you then assisted with some of the actions to try and uncover what happened to, for instance, Ahmed Timol, you

participated in the inquest of Ahmed Timol.

FORMER MINISTER KASRILS: I am not catching your last part.

ADV NALANE: You participated in the commission, in the inquest for Ahmed Timol.

FORMER MINISTER KASRILS: Yes, yes, with Adv Varney, as indicated.

ADV NALANE: So you did everything to [indistinct] the aims of the TRC?

FORMER MINISTER KASRILS: Exactly, in practise, with the Timol
10 inquiry and the Neil Aggett inquiry, sir.

ADV NALANE: And you say you never did anything to stop or hinder the TRC investigations.

FORMER MINISTER KASRILS: You?

ADV NALANE: You did not do anything to hinder or stop the TRC investigations.

FORMER MINISTER KASRILS: Nothing whatsoever, I encouraged it, this is why I went and spoke to those soldiers who shot at us [indistinct].

ADV NALANE: Thank you, no further questions.

20 CHAIRPERSON: Thank you. Former minister Kasrils, the Commission wishes to thank you for having availed yourself to give evidence before it, in order to assist it to discharge its mandate. This is greatly appreciated. You are now excused as a witness.

MR KASRILS: Thank you very much.

CHAIRPERSON: These proceedings are adjourned until tomorrow at

10 o'clock.

INQUIRY ADJOURNS UNTIL 23 OCTOBER 2026

CERTIFICATE OF VERACITY

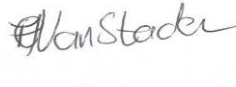
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JUDICIAL COMMISSION OF INQUIRY INTO TRC

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