

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

STATEMENT

I, the undersigned,

RONALD KASRILS

do hereby make oath and state that:

1. I am a pensioner and former Minister of Intelligence Services (May 2004 – September 2008).
2. Unless otherwise stated or so indicated by the context, the facts contained in this affidavit are:
 - 2.1 within my personal knowledge;
 - 2.2 alternatively, obtained through affidavits and documents in previous proceedings; and
 - 2.3 further alternatively, obtained through public records.
3. I will attach any documents that I rely on in substantiation of the averments I make.

HISTORY IN THE PUBLIC SERVICE

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

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- 4.1 From June 1994 to May 1999, I was the Deputy Minister of Defence under President Mandela.
- 4.2 From May 1999 to May 2004, I was Minister of Water Affairs & Forestry under President Mbeki.
- 4.3 From May 2004 to September 2008, I was the Minister of Intelligence Services under President Mbeki.
5. I have served as jurist on the Bertrand Russel Tribunal Investigating Isreal War Crimes from 2010 – 2015; on the Dialogue Advisory Group in the Netherlands from 2011 to 2014 dealing with the Basque Country, Spain, cessation of armed struggle; on Conflict Forum Beirut, Lebanon from 2012 – 2017 dealing with the Palestinian issue; and was a Research Associate Fellow at Wits University Social Science Department (History Workshop) from 2021 – 2024.
6. I am currently a/an:
 - 6.1 Research Fellow at the African-Middle East Centre in Johannesburg from 2009;
 - 6.2 Patron of the Martin McGuinness Peace Foundation;
 - 6.3 Member of the Jeremy Corbyn Peace and Justice Project;
 - 6.4 Advisor of Boycott Divestment Sanctions Palestine Solidarity; and
 - 6.5 Author engaged in books and articles and a public speaker, with my focus being South African liberation history and international affairs.

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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 Services. My tenure in that capacity ended some eighteen (18) years ago, in 2008. This 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 me to recall specific events.¹

MY INVOLVEMENT IN TRC CASES

8. I was one of five Mkhonto weSizwe ("MK") operatives who applied for amnesty from the Truth and Reconciliation Commission ("TRC"). My application related to my involvement in sabotage from 1961 to 1993. The other four who applied for amnesty were Billy Nair, Ben Turok, Curnick Ndlovu, and Eleanor Kasrils. These applications related to several acts of sabotage and related activities in Durban and Johannesburg. The official amnesty decision specifically confirms my membership of the ANC and that the acts for which I sought amnesty were politically motivated. I annex the TRC Amnesty Committee decision issued in 2000 as "RK1".
9. I voluntarily appeared at the TRC hearing for the Bhishe massacre in September 1996. I believed that I could provide important information regarding that hearing, and I was commended by Archbishop Emeritus Desmond Tutu for volunteering to come forward without being summoned to do so.
10. I later addressed the Ciskei soldiers who, under the orders of the former South African Defence Force commanding officer, carried out his orders to open fire on

¹ As I understand it, my attorneys of record, Boqwana Burns Attorneys, requested documents from the Commission but no documents were provided.

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the unarmed protestors in September 1992. In my address, I encouraged the soldiers to make full disclosures to the TRC. I was amongst the unarmed protestors that they shot at.

11. In 2017 I assisted Adv Howard Varney in the hearings of the murder of Ahmed Timol. I further assisted Adv Varney in 2019 with the Dr Niel Agget matter; and was thanked by the families concerned.
12. To this day, I have always made myself available to Ms Madelleine Fullard, of the Missing Persons tracing structure, 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.
13. Given my political history and involvement in the TRC (as catalogued above), it is unfortunate that I now stand accused of seeking to protect apartheid era officials who were involved in gross human rights violations.
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 and others in 1988, against a communications 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".

THE SUMMONS

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

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“giving evidence before the Commission on all matters relating to the Commission's Terms of Reference of which you have knowledge and in addition being questioned about matters arising from the relevant parts of the affidavits/statements and the transcripts of the evidence listed in Annexure “A” to this Summons . . .”

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 (“**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 referred to the National Prosecuting Authority (“**NPA**”) for investigation and prosecution (“**TRC cases**”).
17. I note that the summons does not require me to make this statement, but I nevertheless do so, in the hope that it will be of assistance to the Commission.
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:
 - 18.1 extracts from a transcript of the oral evidence of Mr Jacob Gabriel Cilliers van der Merwe (“**Mr van der Merwe**”) before the Commission on 26 February 2026² 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;

² Van der Merwe Transcript.

18.2 paragraphs 381.5 to 397 of the affidavit of Mr Lukhanyo Calata in the Calata matter ("**Calata affidavit**").³

MR VAN DER MERWE'S EVIDENCE

19. I have read the transcript which contains Mr van der Merwe's evidence before this Commission. He testified that his father was killed in 1978 on a family farm called Doringlaagte. His father was initially perceived to be missing but was not located despite a wide search by the police. His body was also never found.
20. A few months after the disappearance of his father, the police reported back to his mother that a "Mr X" had informed him (the police officer) that Mr van der Merwe's father was killed by MK member(s), who were deployed to establish and do reconnaissance in the North of Thabazimbi.
21. The MK members were allegedly tasked to identify places where weaponry could be cached as part of the struggle. They were allegedly also instructed not to interfere with civil society in that region. The MK members allegedly pretended to be hitchhikers, overpowered Mr van der Merwe's father and (after forcing him to turn around to the Botswana border), forced him out of the vehicle and shot him in the back and face. They left him there, took the vehicle and his hunting rifles, and returned to the border of Botswana where they crossed and returned to their base.
22. The Attorney General later informed Mr van der Merwe's mother, Mrs van der Merwe, that there was not enough evidence for them to prosecute but that the

³ Calata 2.

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investigation was ongoing. The identities of the perpetrators were allegedly known to the police since March 1979.

23. Mrs van der Merwe appeared before the TRC in 1996 and testified to what happened to her husband. Her sentiment was that if the perpetrators had appeared before the TRC and sought amnesty, she would have accepted this outcome. But they never came forward to seek amnesty and therefore had to be prosecuted. She felt that an inquest needed to be held to establish the facts of her husband's disappearance.
24. 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. The investigating officer, one Colonel van der Schyff, informed Mr 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. The investigating officer's last communication to them was that the file had been prepared for submission to a person who would decide whether to submit the matter to a Magistrate for an inquest. As a family, they wanted the matter investigated and prosecuted. There has been a significant lack of investigation which has created an impression that the suspects were shielded.

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THE ALLEGATIONS AGAINST ME

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

25.1 approached, through a lawyer, Mrs van der Merwe, 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.

25.1.1 He (Mr van der Merwe) heard about this incident from his aunt. 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.

25.2 been part of high-level talks as Minister of Intelligence together with other ministers from government's 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.

25.3 responded to Mr Michael Schmidt on email regarding his questions about the high-level talks and informed him 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

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it (the ANC) was against running trials in the style of the Nuremburg trials, since this would occur at the cost of nation building.⁴

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

RESPONSE TO THE ALLEGED APPROACH AND THREAT TO MRS VAN DER MERWE

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. I wish to caution though, that this loss does not licence him to make untrue, cruel and hurtful statements against me and by extension my family. I ask that the Commission reject these unfounded and malicious statements.

ALLEGED PARTICIPATION IN HIGH LEVEL TALKS

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.

⁴ Calata 2.

32. Paragraph 384 of the Calata affidavit describes the alleged team in these discussions. I am listed as having been part of this 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.
34. In 2001 he was replaced, not by me but by Comrade Lindiwe Sisulu. Minister Sisulu served as Intelligence Minister from 2001 to 2004, the latter being the year that Mr Calata alleges the talks stopped. There is no rational way to confuse Minister Sisulu with me. I was, at that time, the Minister of Water Affairs & Forestry and did not belong to the security cluster.

EMAIL RESPONSE TO MICHAEL SCHMIDT

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. 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.

ANC'S 51ST NATIONAL CONFERENCE IN DECEMBER 2002 IN STELLENBOSCH

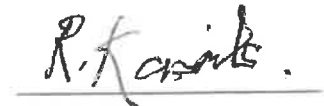
36. There is no allegation against me under this subject matter.
37. I admit that the ANC had its conference during December 2002.

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38. 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.

CONCLUSION

39. I deny any knowledge or involvement in 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 manner.



RONALD KASRILS

I certify that the deponent has acknowledged that he knows and understands the contents of this Affidavit which was signed and sworn to before me at JOHANNESBURG on this the 02ND day of OCTOBER 2026; the Regulations prescribed in terms of Government Notice R 1258 dated 21 July 1972, as amended, having been complied with.



Brett Ashely Murison
Commissioner of Oaths
Practising Attorney
Murison & Associates Attorneys Inc.
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AC/2001/168

TRUTH AND RECONCILIATION COMMISSION

AMNESTY COMMITTEE

APPLICATION IN TERMS OF SECTION 18 OF THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, NO.34 OF 1995.

RONALD KASRILS APPLICANT
(AM5509/97)

DECISION

This is an application for amnesty in terms of the provisions of Section 18 of the Promotion of National Unity and Reconciliation Act, No. 34 of 1995 ("the Act"). The matter is being dealt with in chambers and relates to a number of incidents which will be set out more fully later. None of these incidents constitutes gross violations of human rights necessitating a public hearing.

The Applicant is a high profile political leader and presently a member of the South African Cabinet. He has, at all material times, occupied positions of leadership and authority within the African National Congress ("ANC") as well as its military wing, Umkhonto weSizwe ("MK"). He had been a member of MK since its inception. After having conducted some operations under the auspices of MK inside South Africa, he went into exile to evade arrest in connection with, among others, the Rivonia trial of the top ANC leadership in 1963 - 1964. He received military training in exile, whereafter he joined the ANC/MK command structures in exile whence he conducted various operations until his eventual official return to the country after the unbanning of the liberation movements during 1990.

Applicant has 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 Applicant's written application. At a hearing which was to have dealt with the matter, it was contended on Applicant's behalf that there was no application before the Committee, because Applicant was unable to identify particular incidents. The matter was struck from the roll on that occasion.

The various remaining incidents and activities in which the Applicant was involved and for which he seeks amnesty are set out in the following extracts from his amnesty application :

"1961 - 1963

As a member of the MK Regional Command, Natal, commanded by Curnick Ndlovu & Billy Nair, I participated in all the planning and preparation relevant to this command. I recruited and trained Cadres and personally participated in several sabotage operations. I also helped plan and carry out the theft of a large quantity of dynamite which we used and distributed to other MK commands.

Operations between December 1961 and mid-1963 which I was personally involved in.

- * Durban Municipal Pass Office - 15 December 1961 - causing a bomb explosion. This was with Bruno Mtolo. No injuries but damage to property was caused;
- * Severing telephone cables - Shell Cross. Damage to property;
- * Setting goods trains alight with petrol bombs - August 1962 in protest during Mandela's first trial;
- * Theft of dynamite from Road Construction Company near Marionhill, with Billy Nair, Bruno Mtolo and Eleanor Kasrils (nee Anderson);
- * Destruction of electric pylons near Pinetown with David Ndawonde and Eleanor Kasrils. Damage to property;

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* Bomb explosion at offices of Security Police, Baker Street, Durban with Eleanor Kasrils. No injuries but damage to property;

* Bomb explosion at offices of Bata Shoe Company, Pine Street, Durban at time of workers' strike. I carried out this operation with Nathu Babewa. Damage to property;

* Bomb explosion at Central Post Office, Durban Christmas 1962 with Eleanor Kasrils.

I was subsequently named as a co-conspirator in both the Rivonia and Pietermaritzburg trials 196 - 164, but had evaded arrest and gone into exile.

1965 - 1976

After completing military training in the Soviet Union and spending time at an MK camp in Tanzania, I was deployed to London. I was part of a command consisting of Yusuf Dadoo, Joe Slovo, Jack Hodgson and myself. Our task was to assist in building the underground in South Africa and this involved recruiting and training Cadres, smuggling material into the country and directing operations. These were mainly propaganda operations but also involved setting up infrastructure for MK. Some Cadres involved were Alex Moumbaris, Tony Holiday, Ahmed Timol, Raymond Suttner, David & Sue Rabkin, Tim Jenkin and Steve Lee.

* They set off scores of leaflet bombs in city centres, no injuries were sustained.

* Infiltration of trained guerrillas.

1977 - 1979

Deployment to Angola as political instructor and then Regional Commissioner.

1978 - 1979

During this period I provided political education to instil in cadres the principles and morality of the liberation movement, and motivated Cadres to develop and intensify the armed struggle. We stressed the avoidance of race war and identified the enemy as the Apartheid system. Consequently the targets of armed operatives were identified as government leaders and administrators, the security forces, collaborators and informers.

1980 - 1989

Applicant held various positions of leadership within the ANC and MK and participated in the activities set out as follows in the amnesty application):

My role was general leadership. In this respect I take collective responsibility for operations as per the ANC submissions to TRC. I enthusiastically and strongly motivated Cadres to develop and intensify the struggle as per ANC policy, strategy and tactics.

As chief of military intelligence I supervised the gathering of information that would assist us in prosecuting the struggle against the State. We focused on security force command structures and personnel, deployment, battle order, strategy and tactics, bases and installations, communications, arms and equipment and state of morale.

We also compiled information on the country's geography and terrain, power and communication network, the economy, the industrial and agricultural sectors.

We gave special attention to border reconnaissance and developing infiltration routes home. Cadres returning home were trained in collecting data and carrying out their own reconnaissance against the background of information and briefings given by military intelligence.

Pietersburg Holiday Inn - Anthea's Club

Another operation which falls into the category described above (i.e. where I was involved with a unit that carried out reconnaissance as well as the operation) was the explosion at Anthea's Club at Pietersburg Holiday Inn. This was carried out by Rocky Williams under my instruction. Reconnaissance had shown that this club was frequented by off duty security personnel and the operation was in line with the ANC policy to attack security personnel wherever they were found. No injuries were sustained.

1990 - 1994

Operation Vula

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I was part of this project under the command of Mac Maharaj. The aim was to strengthen the underground inside the country. Trained Cadres and weapons were brought into the country from 1987 when Maharaj and Siphiwe Nyanda came home. I later joined them. To my knowledge no operations were conducted. After the ban on the ANC was lifted and temporary indemnity granted to members of the ANC's NEC in May 1990 Maharaj and I were ordered to return secretly to Lusaka so that we could publicly return home and take part in the negotiation process. There was never any intention of plotting to derail the negotiations by violence as former President FW De Klerk and his police chiefs alleged. "Vula" had been an ongoing ANC project to strengthen the underground in South Africa when the ANC was banned.

Self Defence Units

These were set up with encouragement from the top ANC leadership as a means to defend the township communities under siege from hostile forces and third force hit squads. I was given the task of helping to arm the SDUs. I worked with an MK unit We created DLBs in the worst hit areas: Durban, Pietermaritzburg, Vaal Triangle, East and West Rand, Eastern Cape including Ciskei and Western Cape. In these areas I worked with a variety of people from MK structures I handed DLB diagrams to Chris Hani who passed these on to those responsible in the areas concerned. I also wrote the document: "For the sake of our Lives" which gave guidance to SDU about self-defence planning and tactics and stressed the need for discipline and non-sectarian service to the communities in order to create peace and security. The supply of weapons to SDUs throughout the country ceased by the end of 1993."

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 a 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.

DATED AT CAPE TOWN THIS 14TH DAY OF MAY 2001

DENZIL POTGIETER A-J

ADV F BOSMAN

ADV N SANDI

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TRUTH AND RECONCILIATION COMMISSION
AMNESTY COMMITTEE

APPLICATION IN TERMS OF SECTION 18 OF THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, NO. 34 OF 1995.

RONALD KASRILS 1ST APPLICANT

(AM 5509/97)

DAMIAN MICHAEL DE LANGE 2ND APPLICANT

(AM 7233/97)

IAN HUGH ROBERTSON 3RD APPLICANT

(AM 5891/97)

SUSAN CATHERINE DE LANGE 4TH APPLICANT

(AM 7234/97)

DECISION

These are applications for amnesty in terms of the provisions of Section 18 of the Promotion of National Unity and Reconciliation Act No. 34 of 1995 ("the Act"). First Applicant, Ronald Kasrils, is a high-profiled political leader and presently a member of the South African Cabinet. He has, at all material times, occupied positions of leadership and authority within the African National Congress ("ANC") as well as its military wing Umkhonto weSizwe ("MK"). He has been a member of the latter organisation since its inception. As part of his duties within MK, he established a unit within South Africa which operated under the command of Second Applicant, Damian Michael De Lange, during the period 1986 to 1988. The remaining two Applicants were members of this unit. The present matter relates to the activities of this unit and in particular to an attack on a communications tower at Linksfield Ridge, Johannesburg during or about late November 1987 and an attack on a military bus transporting South African Airforce personnel at Benoni on or about 1 March 1988. The main purpose of the applications is to expunge the criminal records of Second to Fourth Applicants which resulted from their conviction of various charges in the Regional Division of Northern Transvaal of the Regional Court sitting at Pretoria in Case No. 14/288/89. The charges in question are more fully set out later in this decision.

First Applicant has been conducting various operations, including the activities of the unit in question from exile and has accordingly never been charged with any of these activities. He is simply seeking amnesty in these proceedings in respect of the two attacks referred to above.

The only evidence presented at the hearing was that of the respective Applicants. Although the interests of some of the victims of the attack on the Airforce bus were protected by a legal representative who appeared at the proceedings, it was made clear that the applications are not being opposed. The facts and circumstances relating to the relevant incidents are accordingly uncontested. According to the evidence, Second to Fourth

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Applicants joined MK in exile where they received military training. Their unit was a specialized one established for the purpose both of collecting intelligence information and to carry out operations within South Africa. These activities were undertaken roughly during the period 1986 until the arrest of Second to Fourth Applicants during May 1988. The operations conducted by the unit fell within the ambit of the general orders given by First Applicant as well as the policy and liberation struggle conducted at the time by the ANC and MK. Both the communications tower and the Airforce bus constituted legitimate targets for attack in terms of this policy. These attacks were, moreover, executed in accordance with the relevant international conventions on warfare and insofar as the Applicants were concerned they were soldiers engaged in a just war for the liberation of their people from oppression. They took the necessary care to minimise any unnecessary risks to lives and property beyond that of their specific targets. Certain home made explosives were used in both attacks and the timing and location of both attacks were such that Applicants were satisfied that the main thrust of the attack would be directed at the specific targets. They accepted that in the course of the attack upon the bus, some of the nearby private properties were damaged, but they indicated that this is often the inevitable result of the conflict that raged in the country at the time. They were satisfied that reasonable steps had been taken to avoid or minimise this kind of consequence as far as possible.

Soon after the last attack, Second to Fourth Applicants were arrested and eventually tried and convicted of various offences which resulted from the said two attacks as well as some of the other activities of their unit. They were sentenced to long term imprisonment but were released in terms of the provisions of the Pretoria minute concluded between the ANC and the then South African government during August 1990.

Having carefully considered the matter, we are satisfied that the applications comply with all of 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 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 Airforce bus at or near Benoni on or about 1 March 1988.

2. In respect of Second Applicant, Damian Michael De Lange

All of the operations of the De Lange MK unit during or about the period 1986 to 1988 and in particular the following offences of which Applicant was convicted in the Pretoria Regional Court under Case No. 14/288/89, including:

- 2.1 terrorism in contravention of Section 54(1) of Act 74 of 1982 in respect of receiving military training in exile;
- 2.2 terrorism in respect of infiltrating and deploying a MK unit inside South Africa;
- 2.3 terrorism in respect of the equipping, receiving and possession of weapons, ammunition, explosives and accessories;
- 2.4 terrorism in respect of the explosion at the high voltage mast pole in Kliprivier;
- 2.5 terrorism in respect of the explosion at the communication mast antennae;
- 2.6 terrorism in respect of the explosion near the South African Airforce bus;
- 2.7 terrorism in respect of the placing of a limpet mine under a motor vehicle;

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2.8 terrorism in respect of a conspiracy and attempted attacks on Rosebank police station;

2.9 terrorism in respect of conspiracy and the attempted attack on Randburg Commando Headquarters;

2.10 terrorism in respect of reconnaissance, the submission of intelligence reports and communication with the ANC;

2.11 two counts of arson and one count of attempted arson in respect of the offices of the Progressive Federal Party in Johannesburg on or about 31 May 1981.

3. In respect to Third Applicant, Ian Hugh Robertson

All of the operations of the De Lange MK unit during or about the period 1986 to 1988 and in particular the following offences of which Applicant was convicted in the Pretoria Regional Court under Case No. 14/288/89, including:

3.1 terrorism in contravention of Section 54(1) of Act 74 of 1982 in respect of receiving military training in exile;

3.2 terrorism in respect of infiltrating and deploying a MK unit inside South Africa;

3.3 terrorism in respect of the equipping, receiving and possession of weapons, ammunition, explosives and accessories;

3.4 terrorism in respect of the explosion at the high voltage mast pole in Kliprivier;

3.5 terrorism in respect of the explosion at the communication mast antennae;

3.6 terrorism in respect of the explosion near the South African Airforce bus;

3.7 terrorism in respect of the placing of a limpet mine under a motor vehicle.

4. In respect of Fourth Applicant, Susan Catherine De Lange

All of the operations of the De Lange MK unit during or about the period 1986 to 1988 and in particular the following offences of which Applicant was convicted in the Pretoria Regional Court under Case No. 14/288/89, including:

4.1 terrorism in contravention of Section 54(1) of Act 74 of 1982 in respect of receiving military training in exile;

4.2 Terrorism in respect of infiltrating and deploying a MK unit inside South Africa;

4.3 Terrorism in respect of the equipping, receiving and possession of weapons, ammunition, explosives and accessories;

4.4 Terrorism in respect of the explosion at the high voltage mast pole in Kliprivier;

4.5 Terrorism in respect of the explosion at the communication mast antennae;

4.6 Terrorism in respect of a conspiracy and an attempted attack on Randburg Commando Headquarters.

In our opinion the persons who were injured or suffered loss in any of the incidents I respect whereof amnesty is hereby granted, are victims and they are accordingly referred for consideration in terms of the provisions of Section 22 of the Act.

DATED AT CAPE TOWN THIS _____ DAY OF _____ 2000.

BMK.

D. POTGIETER, A.J.

J. MOTATA, A.J.

ADV. N. SANDI

RKBM



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

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

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

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

Tracking reference:	0004/08/2026
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TO BOQWANA BURNS INC.

INFORM:

RONNIE KASRILS

Of

13 CLOVELLY ROAD

GREENSIDE EXT 2

JOHANNESBURG

SOUTH AFRICA

2193

that he is hereby:

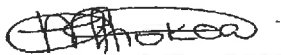
- **summoned to appear personally before the Judicial Commission of Inquiry to inquire into allegations regarding efforts or attempts having been made to stop the investigation or prosecution of Truth and Reconciliation Commission cases ("the Commission") at the Sci-Bono Discovery Center, corner of Mariam Makeba and Helen Joseph Streets, Johannesburg, on 17 September 2026 for the purpose of giving evidence before the Commission on all matters relating to the Commission's Terms of**



Reference of which you have knowledge and in addition being questioned about matters arising from the relevant parts of the affidavits/statements and the transcripts of the evidence listed in Annexure "A" to this Summons;

- **inform him further** that his failure to attend and give evidence as set out above or to remain in attendance until excused by the Chairperson from further attendance or his refusal to be sworn or make affirmation as a witness, after he has been required by the Commission's Chairperson to do so, or failure to answer fully and satisfactorily any question lawfully put to him constitutes an offence under section 6(1) of the Commissions Act; and
- **inform him further** he is entitled to the same witness fees from the Commission as if he had been summoned to appear at a criminal trial held in a Superior Court in Johannesburg.

DATED at Johannesburg this 13th day of August 2026.



**ADV AM THOKOA
SECRETARY:**

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



ANNEXURE "A"

1. Pages 33 to 34 of the transcript of the evidence of Mr van der Merwe before the Commission on 26 February 2026. (A copy of these pages of the transcript are annexed hereto as **"Mr van der Merwe's transcript"**. The full transcript is available at the Commission's Offices at Sci-Bono Discovery Centre, Third Floor, Cnr Miriam Makeba and Helen Joseph Streets and on the Commission's website at www.trc-inquiry.org.za)
2. Paragraphs 262 to 264 of the affidavit of Mr Lukhanyo Matthews Bruce Calata (**"Mr Calata"**). (A copy of these paragraphs is annexed hereto as **"Calata 1"**. A copy of the complete affidavit of Mr Calata is available at the Commission's Offices at Sci-Bono Discovery Centre, Third Floor, Cnr Miriam Makeba and Helen Joseph Streets and on the Commission's website at www.trc-inquiry.org.za)
3. Paragraphs 382 to 395 of Mr Calata's affidavit (A copy of these paragraphs is annexed hereto as **"Calata 2"**.)

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VAN DER MERWE

MS RANGATA: Yes.

MR VAN DER MERWE: I stand to be corrected.

MS RANGATA: Yes.

MR VAN DER MERWE: To decide whether it is suitable to refer it to the Magistrate for a decision.

MS RANGATA: All right. One last question from me, from your personal knowledge do you know any particular reason why this case was never investigated or adequately? You have said in your statement that even from 1996 when there was a decline to
10 prosecute, that there was insufficient evidence and you were still being told that at this stage some few, many years later. Do you know, do you have any personal knowledge as to why failure to investigate?

MR VAN DER MERWE: We do not have any personal knowledge and that is why I said in my statement that it creates an impression that these suspects were shielded. I can say, and I was not personally witness to that, I have an aunt that lives in Panema at the moment, it is my mother's younger sister, she is also about 80 years old, when I told her that we will make representation at this
20 Commission she mentioned to me that my mother was approached after the TRC by a person, I think it was Ronnie Kasrils, and through a lawyer they wanted to meet with her to discuss the case outside of the TRC, which she has declined and which she has indicated that people must go to the TRC so that it is public, that it can be heart truthfully.

Subsequent to that I can mention that she once, after we received this communication in 1997, received a threatening phone call and because of that she said to us we must please not engage further on the matter other than directly with the investigation officers, because this appears to be quite a dangerous situation. So at the time we, and that is why we actually lapsed until 2017 when she was quite aged to further follow up on this.

MS RANGATA: Thank you very much for that. We will make that follow-up from the investigation side.

10 MR VAN DER MERWE: Thank you.

MS RANGATA: Thank you.

MR VAN DER MERWE: Thank you.

MS RANGATA: Chair, there are no further questions from our side.

CHAIRPERSON: Thank you, Ms Rangata.

MS RANGATA: Thank you.

CHAIRPERSON: Commissioner?

20 COMMISSIONER KGOMO: Mr van der Merwe, you pointed out or your counsel pointed out that there are suggestions that your mother may have stated that she does not require any prosecution. Now it also surfaced a few days ago that such suggestion that doctor or Reverent Chikane would not have required any prosecution. I just want to put it on record that a victim does not have any choice.

The prosecution is by the state on behalf of the people, whether well meaning as it may have been, even if your mother had said she does not require prosecution, the state must still prosecute,

381.5 Bubenzer explored the motivation of the government in reaching out to the SADF generals in two interviews conducted with Jürgen Kögl on 12 May 2006 and 14 June 2006. Apparently, the government was, for amongst other reasons, interested in persuading the generals to come clean on its past third force operations in KwaZulu Natal and in particular to disclose the sites of arms caches, which could be used in future political violence.

382 On 21 December 2019, investigative journalist and author, Michael Schmidt, conducted an interview in Hartbeespoort with Major-General Dirk Marais (Marais), former Deputy Chief of the Army and the Convenor of the SADF Contact Bureau. Schmidt's confirmatory affidavit is annexed hereto marked FA59. Schmidt writes in his book 'Death Flight' that, according to Marais, the government was seeking a *quid pro quo*. Copies of the relevant extracts from 'Death Flight' are annexed hereto marked FA60. Marais claimed that Mbeki indicated in their discussions that:

"They don't want us to be charged – and they don't want them to be charged"

383 Marais said in the interview that on his side at the talks were former Defence Minister General Magnus Malan, former Chiefs of the Defence Force Generals Constand Viljoen and Jannie Geldenhuys, and former Chief of the Army General Kat Liebenberg – although sometimes they brought in other generals such as former Surgeon-General Niël Knobel, or one of the former Chiefs of the Air Force, as required.

384 Marais told Schmidt 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 Sydney Mufamadi and Minister of Justice

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Dullah Omar. According to Schmidt, when Mbeki became President, Zuma's "security cluster" team would most likely have included Minister of Defence Mosiuoa Lekota, Minister of Justice Penuell Maduna (replaced by Brigitte Mabandla in Mbeki's second Cabinet), Minister of Intelligence Joe Nhlanhla (replaced by Ronnie Kasrils), and Minister of Safety and Security Steve Tshwete (replaced by Charles Nqakula).

385 On 5 May 2020, former Minister of Intelligence Kasrils emailed Schmidt regarding the ANC-SADF 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.

386 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 SADF in early 2004. Marais permitted Schmidt to take photographs of the letter. The letter was addressed to Deputy President Zuma, and it recalled the initiation of the series of secret, high-level talks between the government and former SADF Generals, a copy of which is annexed hereto marked FA61. The letter stated *inter alia*:

"A process of communicating between the ANC initially and the government lately with the former chiefs of the SA Defence Force was initiated by the Deputy President of South Africa Mr T. Mbeki when he approached General C.L. Viljoen in 1997 (sic). General Viljoen after consultation with the former Chiefs of the Defence Force within the structure of the SADF Contact Bureau conveyed our preparedness to communicate with Mr Mbeki in his capacity as Deputy President and President of the NEC of the ANC.

A convenor, Mr J. Kögl, apparently empowered by Mr Mbeki, arranged for a meeting at his house in Johannesburg. That meeting was in the form of discussions followed by a dinner hosted by Mr Kögl. It was attended by Mr Mbeki and various of his ministers as well as the Premier of Mpumalanga Mr M. Phosa, [leader of an ANC lobby arguing that its members be protected from prosecution], and by us the former Chiefs of the SADF.

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There was enthusiastic agreement that the commenced communication should be continued and that more meetings should follow. We, the former Chiefs of the SADF, being aware of the Deputy President's tight work schedule, suggested that he appoint one of his ministers to represent the ANC in future deliberations. Mr Mbeki, however expressed the opinion that the process of communication, which was mutually agreed to, was so important to him that he preferred to remain the prime representative of the ANC in future deliberations.

Many deliberations followed and mutual agreements were reached. When Mr Mbeki could not attend, he authorised somebody, usually a minister, and later on when he became president in 1999, you [Deputy President Jacob Zuma] represented him.

In execution of mutual decisions, much effort was put in by the Contact Bureau and some of your ministers to prepare papers and submissions for acceptance by the Deputy President and later on the President.

In similar fashion, we the former Chiefs of the SADF as members of the forum were flown to Cape Town for discussions with Ministers Maduna and Nqakula and thereafter with you on 17 February 2003."

387 Former Premier of Mpumalanga, Mr Mathews Phosa, in a telephonic call to Schmidt on 2 June 2020, denied the claim of Marais that he had been involved in an ANC lobby pursuing protection from prosecution.

388 Bubenzer writes that Geldenhuys and Kögl advised him that by the end of 2002, the consulting parties had agreed on a detailed proposal for the enactment of a legal mechanism which amounted to a new amnesty. It envisaged an amendment to the Criminal Procedure Act to allow for a new kind of special plea based on the TRC's amnesty criteria, followed by an inquiry by the presiding judge.

389 By late 2002 the proposal and draft legislation had been finalised by the Justice Department and was ready to be presented to Parliament for enactment. However, it first had to be approved by President Mbeki, who ultimately rejected it in early 2003. Nonetheless, as has been set out above, the essential ideas remerged in the subsequent amendments to the Prosecution Policy

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390 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 hereto a copy of a news article marked FA62.

391 Prior to Mbeki's rejection of the amnesty legislation in early 2003, the SADF generals appeared to be on the brink of a breakthrough. Marais advised Schmidt in the aforesaid interview that after 7 years of negotiations, the generals and the Cabinet's security cluster had agreed on a legal framework for a post-TRC amnesty process. According to Marais the government arranged for "a law writer in Cape Town" to come up with the new legislation.

392 On 17 February 2003, a delegation of SADF generals led by Geldenhuys met with Justice Minister Penuell Maduna and Police Minister Charles Nqakula in Cape Town. The law drafter (a state official in the Department of Justice) was called in to read out the proposed legislation. Marais indicated to Schmidt:

"... and when he finished, we said 'But that's got nothing to do with us'... because they [said] they will grant amnesty to everyone who will make a full statement of his [crimes committed] so General Geldenhuys said 'No, we don't need that. All our people who wanted to make statements and ask for forgiveness already went to the TRC. Our other people ... don't have to do that, so this means nothing to us The whole thing collapsed there This whole conversation collapsed..." (At page 146 of Death Flight).

393 According to Schmidt, the differences between the sides were now irreconcilable: the generals wanted a post TRC law granting a new blanket amnesty with no

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disclosure required – but the government appeared only willing to offer an amnesty based on full disclosure to be decided on a case-by-case basis.

- 394 The talks between the SADF Generals and the government came to a close during 2004, without resolution, as was evident from Marais' 2004 letter to Deputy President Zuma referred to above:

"In spite of such submissions and apparent acceptances, little notable implementation was effected by the ANC or government. ...

Agreement on outstanding matters was again confirmed, yet more than a year later, no sign of implementation has become apparent, neither was there any effort on your behalf to inform us of any progress which could lead to eventual implementation.

In view of the above, you are requested to inform us of the desirability from your point of view to keep the door open for further co-operation."

- 395 Deputy President Zuma did not respond to the letter.

Compilation of dockets and threats of private prosecutions

- 396 At least two organisations largely representing the interests of the former regime, the FEL and AfriForum, have called for prosecutions of ANC and PAC members, and threatened private prosecutions against ANC members and civil litigation if their members are prosecuted. Examples of such public statements are annexed hereto marked FA63. It appears that such threats may have played a role in shaping the approach of the government to the TRC cases.

- 397 In an interview conducted by Bubenzer with Johann van der Merwe in Pretoria on 5 May 2006, the latter claimed that the FEL, represented by attorney Jan Wagener, had compiled dockets for the prosecution of top ANC members, including President Mbeki. Adv Jaap Cilliers SC, who had represented Wouter Basson, apparently

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