

**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:

The Honourable Ms Justice Sisi Khampepe (Judge RTD) – Chairperson
The Honourable Mr Justice Frans Diale Kgomo (Judge President RTD)
Adv Andrea Gabriel (SC)

EVIDENCE LEADERS:

Adv Ishmael Semanya (SC)
Adv Fana Nalani (SC)
Adv Mfesane Ka-Siboto (SC)

REPRESENTATIVES

Adv Howard Varney (SC) for Calata Families
Mr Mpho Molefe from Molaba Attorneys obo Survivors of Mamelodi 10
Dr Mothobi Mutloatse (Skotaville Academic Publishing)
Ms Judy Seidman (Khulumani Galela Reparations Movement)
Ms Robyn Lichter (Aforat)
Adv Matlalepule Rantho (SAPS)
Mr Moray Hathorn
Adv Gwala SC (NPA)
Adv Yanela Ntloko (NPA)
Adv Phumzile Sokhela for Former President Mbeki et cetera
Mr Max Boqwana for President Mbeki, Bridgett Mabandla
Adv Irene de Vos for President Cyril Ramaphosa
Adv Tlotlego Tsagae for Department of Justice
Mr Mongezi Ntanga obo Adv Shaun Abrahams
Adv Nyoko Muvangua
Ms Chuma Bubu (Helen Suzman Foundation)
Mr Shadrack Ganda for Joe Xabi
Mr Nkosinathi Thema (Webber Wentzel)
Mr Bheki Semelani
Mr Mongezi Ntanga
Adv Thokoa

PRE-INQUIRY MEETING

27 OCTOBER 2025

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PROCEEDINGS ON 27 OCTOBER 2025

ADV SEMENYA: Good morning to everyone. My name is Semenya.

I lead the team of the evidence leaders. We requested this second pre-hearing meeting so that we can tidy up various factors that would enable the Commission to proceed with its work. I take it all of us who are here would have signed name and their roles on the register and we will take it from there, but what I thought, and I have not looked at that document, is the representatives from each of the various groups – be the presidency, ministry, NPA, *et cetera*. Could I
10 invite those who will be leading with our conversation from each of these departments and entities; maybe if I start with you, Varney? You would be there for the Calata Group, right?

ADV VARNEY: Yes, I confirm that. Myself and my learned juniors they are not here at the moment, instructed by Webber Wentzel, will be representing the Calata Group and that we will be leading certain of the witnesses. I think approximately eight. Do you need anything else, sir from us?

ADV SEMENYA: No, not from. I just want to identify people I must be speaking to. Who else would be speaking on behalf of who?

20 MR HATHORN: Moray Hathorn LRC, speaking on behalf of the September family, Thasi September family; one witness at this point.

ADV SEMENYA: I did not quite catch your name.

MR HATHORN: Moray Hathorn.

ADV SEMENYA: Spelled?

MR HATHORN: Hathorn [spelt].

ADV SEMENYA: And who else should be on record representing an entity?

ADV GWALA: Good morning, Chairperson; Gwala together with Adv Ntloko. We are representing the NPA.

ADV SEMENYA: The NPA?

ADV GWALA: Yes.

ADV SEMENYA: And who else must be on record?

ADV RANTHO: Okay, good morning, everyone, Motlalepule Rantho, representing the South African Police Service. I am led by Mokoena
10 SC who could not be here today.

ADV SOKHELA: Good morning, everyone; Phumzile Sokhela. I am led by Makwamane J SC together with Nyoko Muvangua who will be here shortly. Together we represent the former President, former Minister Kasrils, former Minister Nqakula, former Minister Mabandla and Ms Thoko Didiza, the current Speaker.

ADV DE VOS: If I could to your left; Irene de Vos. I am led by Tim Bruinders on behalf of the President, the current President.

MR NTANGA: Thank you, Chair. My name is Mongezi Ntanga. I represent Adv Shaun Abrahams, the former NDPP. I think in the
20 process there will be a discussion around the representation of the former NDPPs.

ADV SEMENYA: Any representatives from DOJ?

ADV TSAGAE: Good morning, everyone. I am the junior counsel representing the Department of Justice and Constitutional Development, Tlotlego Tsagae.

ADV SEMENYA: All right, I think the better place to start is to... is there someone else who must place themselves on record? Anyway, again welcome, again good morning and I am saying that a better place to start is to recognise the fact that there was a Directive 2. That directive indicated that all documents must be filed to the Commission no later than 24 October. Today is 27 October pre-hearing meeting. If I start with... who wants to speak first about the status of their documents, the request for information as well as the reaction to the Notice 33 that was sent to various individuals? Can

10 we do that per department?

ADV VARNEY: From the side of the Calata Group, we submitted the documents that we intend to rely on, on 10 October. We were requested to put up confirmatory affidavits and we are busy compiling those. We will submit one today and the rest I hope during the course of this week.

ADV SEMENYA: Now, who accounts for which other department now? All of us must by now be having all the documents that formed the application in the Calata matter and as well as assertions made in the various affidavits in that application. You may go ahead. Just

20 say your name and who you are acting for, so that the record can be printed correctly.

ADV GWALA: Thank you, Chairperson. It is Gwala again for NPA. There were notices that were sent to various persons within the NPA requesting certain information and statements. Those have been prepared and furnished to the Commission to the best of my

knowledge. There is, however, one statement that we are busy preparing, which is not part of those that were requested. So I believe we have complied with those, unless I am wrong.

ADV SEMENYA: I suspect you are wrong. There is a reticence which I read about cooperation necessary to make this work, particularly State departments. As NPA, you would have had records dating from the days of Bulelani Ngcuka. I do not see those documents and I have requested that information must be furnished. I have looked at the document by Batohi. She is not even dealing
10 with anything that is historical. She is dealing with her period; and I do not think that is very helpful, to be honest.

ADV GWALA: Thank you, Chairperson. Well, I guess there is something that can be dealt with, but the letter that... I am not sure if we should be debating that. If we are on the wrong, we are on the wrong; we will take that. But the letter that was sent to us was specific and we dealt with it on that basis. We may have been wrong. We accept that, but it is in no way to suggest that we are not cooperative. We ask that you do not view it that way. If there is further information that is required from us, we will request that you
20 tell us specifically.

ADV SEMENYA: No, sir, I must again differ with you without arguing with you. I have no intention to argue with anybody. I am saying since 29 May 2025 there was a proclamation establishing this Commission; and by that date already you would have note the relevance of the NPA in this Inquiry. That we are speaking past one

another today is unfortunate. Any other department... who is here for SAPS? Can I have a response about reaction to the second directive?

ADV RANTHO: Thank you, Mr Semanya. I think we are in a very difficult position as the SAPS, because most of persons that we are expecting to make statements are no longer within the employ of the SAPS. The SAPS undertook to assist the Commission. You may have noticed that contrary to other parties, all the requests or I can say the letters of request were actually sent to an official that is still in
10 the SAPS, but then it was calling upon people that have left the SAPS some years ago.

Some have passed away and then the instructions that we are having at the moment is that partially some of them were sift, so that they could assist, but at the moment it has been quite difficult to get those people who are already outside the service to come to the party in terms of even responding to your request. Just availing themselves really is going to be a challenge for the SAPS.

ADV SEMENYA: A challenge which would be overcome how?

ADV RANTHO: Perhaps if the Commission could actually look into
20 the evidence leaders being the ones that are sending subpoenas maybe to them, making it so clear that they have to comply with the Commission, because at this particular point in time it is more of an assistance by the national Commissioner who had to go via the provincial Commissioners to solicit information from the requested parties.

ADV SEMENYA: Madam, can I tell you that according to our records, SAPS has given us nothing, despite knowing about this Commission since 29 May. And also if you respond, please tell me why documents that are within the possession of SAPS would not have left with those who are dead and those who have resigned. Why cannot we have those documents?

ADV RANTHO: Well, I cannot dispute that, Mr Semenya. Unfortunately as council we are creatures of instructions. We have endeavoured to even secure consultations with the necessary
10 incumbents, but so far even when Moroka SC was our leader, it has not been proven to be successful just to secure consultation with the relevant functionaries.

ADV SEMENYA: What do we say to South Africa? Can I quote you saying that on behalf of the country?

ADV RANTHO: No, (indistinct).

ADV SEMENYA: But that is my difficulty. Well, that is the problem I have with NPA. That is the problem I have with... and I am directed to request information. Where is the State Attorney? Ja, it is this apathy which is troubling us as the evidence leaders. I do not know
20 who is online, but to the extent that they want to... Well, can I have answers about... (intervenes)

FEMALE SPEAKER: (Indistinct).

ADV SEMENYA: Are you able to account for the Inquiry that I am directing at every one of us? Well, I do not know how technology works, but when you are ready, please indicate so that we can hear

you. There has been also; Mr Baloyi, you must tell me who is representing the Parliamentary Portfolio Committees, because we have received nothing from them either. There would have been an oversight body in Parliament looking into the progress or lack of progress on the TRC cases. Can somebody speak to that topic; Department of Justice?

ADV TSAGAE: Thank you, okay. So... (intervenes)

ADV SEMENYA: Please explain your compliance status now.

ADV TSAGAE: So the first issue is that we did not receive the Notice
10 3.3 that is now being asked about; and if you recall in the first pre-hearing, the DOJ took the position that if there is any information or witness statements, then we will try and endeavour to comply with the timelines. So to the extent that there is not anything on our end to provide, we do not have that information to give to the Commission.

ADV SEMENYA: But it cannot be correct, madam. The Department of Justice was here even during the TRC processes.

ADV TSAGAE: That is correct, but we did say that if there are timelines, we did not commit to providing information. We committed to finding information to state that. If there is not any information,
20 then we will not be able to provide that information.

ADV SEMENYA: Madam, you must have read Directive 2.

ADV TSAGAE: Which is... sorry... (intervenes)

ADV SEMENYA: It was not negotiating dates. It told every one of us that by the 24th all these documents must be in.

ADV TSAGAE: And unfortunately that is the position. We took the

view that we are not going to be committing to providing information.

If there is, then we will give it by that time frame; so...

ADV SEMENYA: May I repeat?

ADV TSAGAE: Yes.

ADV SEMENYA: 24 was not negotiable, because it was a directive by the chairperson.

ADV TSAGAE: Which is the Notice 3.3 that you refer to.

ADV SEMENYA: No. All the documents were called for. Whatever documents are pertaining to this matter to which DOJ is a custodian
10 ought to have been done and provided by the 24th and it has not happened. Now my enquiry with you is what?

ADV TSAGAE: Yes, no, and I can understand that. So again, it is an issue of us again getting instructions on that. So we do not have anything at the moment to say to that.

ADV SEMENYA: Presidency?

ADV DE VOS: Thank you, Evidence Leader. We received the... it is Irene de Vos for the presidency. We received the letter from you on 10 October saying we would be grateful if you could provide your response no later than 24 October 2025 to allow the Commission
20 sufficient time to consider the information and complete its work timeously.

The request was for all information that the President could find as well as the statement. We have gone through and we have seen there are no direct implications. However, the President has set out to establish, both during his tenure and the years before his

tenure, what documents there may be. I do not know if you have received the letter from Mr Sebelemetsa who I believe is online, saying that the Office of the Presidency is endeavouring to comply with the request. However, it is proven to be an extensive exercise, given the time periods that the Commission is considering.

The President also, we request that we can have until 7 November to comply with both of those requests. We are endeavouring. We are late. We understand. We seek condonation for the late response, but we are seeking to establish 30 years of
10 correspondence within the Office of the Presidency. We can do no more than seek this condonation at this stage. I also just want to flag; we have received no 33. We have just received the letter in your hand, requesting compliance by the 24th. We apologise for not complying. It is due to the length of the investigations.

ADV SEMENYA: Well, I guess that Office of the Presidency would have to go down the line, looking at information at its disposal and possession to help comply.

ADV DE VOS: Indeed.

ADV SEMENYA: For now I can indicate to you, as I do to everyone.
20 The evidence leaders have no power to extend anything. Any obligation not performed in terms of Directive 2 would have to be accompanied by a full explanation for condonation, which the Commission would have to consider and not the evidence leaders.

ADV DE VOS: I stand corrected. The letter was appropriately sent to the secretary of the Commission; apologies, Evidence Leader, yes.

ADV SEMENYA: Minister of Justice is represented by who?

ADV TSAGAE: Please repeat the question, sorry. It is Tlotlego Tsagae.

ADV SEMENYA: DOJ?

ADV TSAGAE: DOJ, that is correct, but before, at the first hearing it was combined; was DOJ the Commissioner and SAPS... (intervenes)

ADV SEMENYA: And SAPS, ja.

ADV TSAGAE: That is correct.

ADV SEMENYA: And there is nobody representing the Parliamentary
10 Portfolio Committee on Justice? Any proposals about what we do with the fact that we are hardly off the mark?

MR NTANGA: Thank you, Chair. I just need to place something on record so that there is no confusion. As you understand that there is a legal representative team on behalf of NPA, but the fact of the matter is that there is still discussions in respect of my client, Adv Abrahams, in terms of how the process of legal representation will work out.

And secondly, there is also a discussion between NPA and my client in respect of request for information in their possession, as
20 you may be aware that my client has left NPA some time ago. So in order for him to be able to respond in terms of the notice that was served on him on 9 October, because he was only served with the notice on 9 October and immediately I started communicating with NPA, indicating his requirements, including the request for approval for legal representation and the documents and information that he

require in order for him to respond to the Commission.

There is a positive discussion between NPA and my client and their undertakings to look and consider the request that were made by my client, but at this point in time there is no decision that has been related to my client, including the documentation. The only thing that we have is an undertaking that documentation that is requested and information is being prepared and it will be submitted to our client; and unfortunately our hands are tied.

ADV SEMENYA: No, your hands are not tied. You can make a
10 statement that says: 'I am unable to respond to this information, absent document X. I recall there was a meeting some time during this period. Those documents would help me give a more comprehensive statement.' I cannot fly this type of excuse, you know, and legal representation (indistinct) to all of us. If you are out of pocket to secure a private one, the evidence leaders are here and so is the JSA and the LRC who are willing to help with assisting those who cannot procure legal representation by themselves.

MR NTANGA: I accept what you are saying, Chair, but we have to
20 note that my client has only received a notice on 9 October. My client has never been in any meeting preceding this one. This is the first time that I am attending on behalf of my client, but I accept what you are saying and we will work towards making a submission with limited information and indicate the reasons why we cannot provide everything and make a request; and as we indicated, make a condonation for a later stage.

ADV VARNEY: Thank you, Chair, just from the side of the Calata Group, Families. We share the Chair's consternation at the failure of important parties, particularly State parties to put up their statements and documents; and this then places other parties at a distinct disadvantage in relation to preparation for the upcoming hearings. We would propose that the Commission follow the proposal of the presidency, the current presidency that all outstanding documents and statements be filed no later than 7 November.

10 ADV SEMENYA: Sorry, I said LRC instead of CALS (Centre for Applied Legal Studies). I am sorry. Well, I must make the announcement that from this room, as evidence leaders, we are going to request the Commissioners to write to the President and exclaim our disappointment with State entities not reacting properly to any correspondence, any statements relating to matters they should have known about since 29 May 2025. Any response?

MR HATHORN: Thank you. Just to say I support the request or at least the suggestion that we be given an opportunity to file further documents. Statements had been filed by the person the concerned, but we need to speak to that person who is overseas in order to file a
20 supplementary paper, which we think could be important from our perspective. So therefore, I support the request that we be given a little bit of extra time to consult with that person and file papers.

ADV SEMENYA: Well, as I say, as evidence leaders, we cannot give any extension. By the time you are ready with that document and to send it forward, you would have to have it accompanied by an

application for condonation, giving the reasons why the document is given outside 24.

ADV DE VOS: Evidence Leader, might I request that that letter not only goes to the President. The President is one of the parties here who, frankly, none of the allegations so far is directed at the current President, but there is an insinuation of collusion. Might that perhaps go beyond just the President's office, that exclamation of frustration? The President's office is the one office that has written a letter and indicated this is what we wish to do.

- 10 ADV SEMENYA: Well, the thinking is not to impute any blame on the President, but as Head of State and as the one who has established this Commission, we have to report those frustrations to him; and we will be as explicit as we can to say it covers every one of us. Any of the State departments has not been on board at all.

ADV DE VOS: I appreciate the delineation. Thank you.

ADV SEMENYA: Well, the next was to discuss the question of opening statements come 10 November.

- ADV VARNEY: Chair, we confirm on the part of the Calata Group that we will be making an opening address. We will also provide a
20 hard copy version of it in advance. We would request, given that this group has been the constituency that has been the driving force behind the establishment of this Commission; that we be granted one hour to make our opening statement.

ADV SEMENYA: Okay. Is there any other entity intending from the 10th to make an opening statement?

MS BUBU: Hello. My name is Chuma Bubus. I am an associate from Norton Rose Fulbright and we are representing the Helen Suzman Foundation. The counsel team is Max du Plessis SC, Sarah Pudifin-Jones and Khumbu Shazi. Unfortunately they could not be present today. We submitted our written submissions on 10 November and we also request making oral submissions.

We wish to first make oral submissions at the beginning to situate the framing principles upfront and then possibly once evidence is... and we also request assisting the Commission in
10 whatever way possible by making further submissions in light of the evidence, in particular in relation to any recommendations that the Commission may be making or thinking of framing.

ADV SEMENYA: Yes. No, thank you very much. We understood as evidence leaders that the request for submissions well-intended will probably follow the oral evidence that will be given. So, and come a reasonable period before those closing submissions are made, be that oral or in writing, we would notify everybody.

MS SAIDMAN: Khulumani Galela Reparations Movement. We would also request to make an opening statement. We feel that the very
20 effect of an opening statement by the Calata Group and so on does not cover all of the issues that have been suppressed in this and we feel that there are additional points that need to be made and we would like to submit that.

ADV SEMENYA: All right, when can I expect your opening statement?

MS SAIDMAN: Could we make it in the next few days?

ADV SEMENYA: Sorry?

MS SAIDMAN: One of the questions we had was: can we arrange while we are here to talk to lawyers about what they would say doing this? From our side, the opening statement is more or less ready to present, but we would like to run it past lawyers. So, we need to arrange... (intervenes)

ADV SEMENYA: Give me a date, madam.

MS SAIDMAN: Sorry?

10 ADV SEMENYA: Give me a date. When can I expect an opening statement from you?

MS SAIDMAN: Shall we say 1 November, if that is okay?

ADV SEMENYA: All right, thank you. Sorry, I was told there are certain persons who would like to speak to us. If you are able to broadcast your name and reason, we can hear you maybe.

MR GANDA: Thank you. I hope I do come through, Senior Counsel. My name is Shadrack Ganda. I am representing the Joe Xabi Family. Could you confirm if you can hear me, please?

ADV SEMENYA: Yes, I can hear you.

20 MR GANDA: Okay, thank you very much. Chairperson, we at the last hearing made a point that we will submit all our papers on time through the Secretariat, which we did comply with. There was also an understanding that some of our submissions would be either grouped with Varney's presentation; and I can hear now that there is reference to the Calata Group or Calata Family and there has not

been mention of Joe Xabi's family or the (indistinct) of Joe Xabi. I would like to just request an understanding if there is a separate submission that I am expected to make or should I follow up through Varney? Thank you.

ADV SEMENYA: Well, I am informed that you have not made a statement at all. You have given us some documents, but you are not making a statement that can inform what evidence you intend to provide to the Commission.

10 MR GANDA: As far as that is concerned, Chairperson, I would like to request that I would need some guidance from the Secretariat, because it had not been clear that out of the documents that I submitted, I needed to make a further clear statement, which if assisted, I would be able to draft that within five days from now. I must say that there is also a disconnect. I am overseas and at the moment it is quarter to eight o'clock in the evening; and hence I requested to be online. So there is a mismatch in communication and otherwise, but if my request is entertained, I would endeavour to do it.

20 ADV SEMENYA: Thank you very much. There will be communication with the Secretariat with you. Find a happy hour to consult and to take a statement from you.

MR GANDA: Thank you very much.

ADV VARNEY: Actually the Xabi Family; sorry, Howard Varney for the Calata Group. The Xabi Family is part of the Calata Group. We have already submitted statements from all the families that were

provided on 10 October, but we will be in touch with Mr Xabi just to see whether he wishes to submit anything further and we will then make those arrangements.

ADV SEMENYA: Thank you very much.

MR GANDA: Chairperson, if I may; I thank Varney for that clarification and excuse me for not addressing you properly, sir; and I will do a follow-up with Varney. I did not make any special or additional submission to that extent. Also, let me clarify that in the Xabi Family, the entire family is late. I am representing them as an attorney and also I am an applicant in that matter. Thank you very much.

ADV GWALA: Sorry to interrupt. Mine was on the submission of the opening statement.

ADV SEMENYA: Ja, sir, your name and...

ADV GWALA: Gwala. Gwala is my name for the NPA. We propose to submit our opening statement on 7 November.

ADV SEMENYA: Thank you.

MR HATHORN: Senior Counsel, we also wish to make the September Family an opening statement based upon the documents provided to you already; and I hope that we will have a further statement. Thank you.

ADV SEMENYA: By when?

MR HATHORN: By this Friday.

ADV SEMENYA: Well, part of... (intervenes)

MS LICHTER: Hello.

ADV SEMENYA: Part of... sorry.

MS LICHTER: I wondered if I... (intervenes)

ADV SEMENYA: Part of our assignment for today... yes, go ahead, madam.

MS LICHTER: My name is Robyn Lichter. I represent the Rietbok Aircraft Tragedy, the families of that tragedy. I am in a similar position, being outside of the country. I have made submissions and I wrote a statement, but I am not familiar with this process. So, I would like to make a statement on behalf of their group. I will
10 appreciate advice on what else I need to do; and I am ready to do it by the required time.

ADV SEMENYA: Well, what we would require, despite the documents or together with the documents we have received is a sworn statement that may possibly serve as evidence in these Commission hearings. If you require assistance, you can contact the Secretariat for a mutually convenient time for that sworn statement to be taken.

MS LICHTER: Thank you. Thank you very much.

ADV SEMENYA: Now you would have seen from the proposed
20 agenda that we anticipated to sequelise the witnesses in a coherent fashion. Now it becomes very difficult if we have no statements from principal players. I am alive to the fact that the Calata Family and group will be giving us eight witnesses in a line.

Now, let me try and explain my frustration; and I make reference to the other Commissions not with any disrespect. It is very

difficult to have a witness, safe like Calata, who, after two days of giving evidence, will be cross-examined in February. That is not fair treatment to witnesses.

That is why we contemplated to say the documents must be out by a particular date, so that applications for cross-examination should happen immediately after that witness testifies. That way we protect the witness. We protect the integrity of the sequencing of how this evidence will go. Getting a witness to testify and only recall that witness months thereafter is unfair to the witness.

10 Two; that witness would have had other witnesses beyond the evidence they gave at the time of cross-examination. I mean at the end of their evidence-in-chief. They will not anticipate anything until they have had every line of witness to the end.

I hope my frustration is understood. We should be having the applications for cross-examination on what aspect you would want to cross-examine and duration of time required to do that and a ruling by the chairperson about your application for cross-examination. We also thought we could be able with a better understanding of the picture. If a request for extension is to be made
20 to the President about the life of this Commission, we should be ending, according to the proclamation, end of December with the report in January. That is no longer realisable. Any ideas?

ADV VARNEY: We agree; Varney again on behalf of the Calata Group. We agree that December is no longer realistic; and indeed we have already written to the Commissioners proposing a request

for an extension. At the time we wrote, we proposed that an extension be sought for at least until the end of June next year. Having said that, I think we perhaps need to work back a little to see if that is realisable.

So for example, I think before we leave today, we should try to come to an agreement on dates for the second sitting of the hearing at which outstanding witnesses and particular former State officers, so-called persons of interest, can testify. And for that I suspect we are going to need quite a long hearing, perhaps three to
10 four weeks, probably a minimum of four weeks. So I think it may be prudent just start seeking those dates now before people's diaries get tied up for 2026.

ADV SEMENYA: Further ideas?

ADV GWALA: Chairperson, for the NPA I think we support the idea of the extension, because it is clear we are not going to complete before December. I think also to be on the safer side and to ask one extension perhaps, so that we do not keep asking further extension. June is realistic. It is okay.

ADV SEMENYA: Any further ideas? Of course one should be alive
20 to the State response to this type of request and its implication on their *fiscus*. So do we have extension until the end of June, inclusive of the filing of the report, Howard?

ADV VARNEY: Having been involved in writing a few Commission reports, I have my doubts as to whether the operations can be concluded and the report filed on the presidency by the end of June

next year. Certainly I think we should agree that the operations of the Commission should be concluded by June next year; and then perhaps you may want to seek an additional number of weeks for finalising the report. So you might want to perhaps undertake to file the report by the end of July.

ADV GWALA: I think I was going to say the same thing. I would say the leading of evidence up to June and then the writing of the report could be after, but we should commit on utilising all the days, so that if we finish in April, we finish in April; so be it.

- 10 ADV SEMENYA: What can be achieved between the 10th and the last working day in December? I mean it is again difficult to make commitments, because as I say, if we have to come to a point where the eight Calata witnesses testify in sequence, even that will not be enough, I do not think, after the opening statements were to take.

- ADV VARNEY: And indeed it is not just the Calata witnesses. I believe there is another six or seven witnesses that we propose testify in this first sitting. And as you point out, if there is going to be cross-examination, it is really difficult to estimate how long evidence-in-chief and cross-examination is going to take place. Some
- 20 witnesses I think will be fairly short and there probably will be little, if any, cross-examination. But other witnesses, particularly those who speak to the alleged political interference, there may be extensive cross-examination for them. We were hoping that between 10 and 28 November all those witnesses could be concluded, but if they are not concluded, are we able to spill over into December?

ADV SEMENYA: Ja, I am listening. What do you propose? When should it be the last day in December that we can do reasonably?

ADV VARNEY: Well, in order to expedite matters, we would propose that for those involved, they make themselves available at least for the first week or 10 days of December, taking into account of course that the country pretty much closes down as we approach the end of December.

ADV SEMENYA: Any ideas? Would the first two weeks of December work before we go into the second stanza, which should be in 2026?

10 ADV VARNEY: We would make ourselves available.

ADV SEMENYA: Mm?

ADV VARNEY: We would make ourselves available.

ADV SEMENYA: Okay. And I think it goes for everybody who is not raising an objection. Go ahead.

ADV GWALA: I will say two things. One is a question, but the other is to deal with the issue of December. It is difficult for me, because I am already engaged from 1 December. The understanding when we left was that we will finish; it will go up to the 28th, but I guess arrangement will be made, but at the moment I cannot confirm that.

20 But can I ask a question; and you do not need to answer this question now. We can finish the debate. I am asking it so that I do not forget it.

When the Calata Family legal representatives talk of leading eight witnesses, how is the Commission going to work? Who is going to lead the witnesses? I thought it would be the evidence leaders, but

if my colleague says 'I will be leading eight witnesses', it leaves a question in my mind whether each party is going to lead their witnesses, which is not what I thought the Commission would be, but you do not need to answer this question now, but later.

ADV SEMENYA: No, I can answer it. The preference to everybody, including the Calata Family, is those witnesses they wish to proffer, they are entitled to lead them. As evidence leaders, we will be putting questions to them. It is no easy way, but it may be more coherent, particularly if we use the Calata Family as an example; that
10 they have been immersed in this matter for several years and they would be better placed to lead those witnesses.

And so will the other parties who have applied to cross-examine and those who have been permitted to cross-examine, would be putting questions to those witnesses. I can guarantee you that the evidence leaders, having considered all the documentation, will put questions to each and every one of the witnesses who comes into this stand, unless there is no basis or relevance for additional questions once the evidence-in-chief, the cross-examination has happened and there is no material to probe.

20 I also should announce that as evidence leaders, we are not going to make any opening statement, for ostensibly good reasons. We are always alive to the fact that we are neutral investigators. We are not advancing a particular narrative, which we all should be doing, but an opening statement properly done would be one that roadmaps the way the Commission should work. I am not in a

position to do any of the kind without the statements and documents in full.

ADV NTLOKO: I am sorry, Yanela Ntloko for the NPA. I just want to clarify something from the answer; and if I got incorrect, then the clarification would assist. You have indicated that a preference has been made. I think this is the first time at the very least as the NPA we have heard of this preference where the witnesses will be led by the various persons that are actually representing them. So, that is the first thing. So we need to understand when that preference was
10 communicated and when that decision was made and by whom that decision was made and who it was communicated to.

Then a secondary issue that I would want to put on the record; in that a Commission, as my leader had indicated, in its very nature, evidence leaders have no horse in the race. We all represent different clients; which means there are different interests that are then going to be dealt with by the various people, whoever you represent.

And my understanding of Commissions is the fact that evidence leaders should be leading the evidence that will then
20 determine what goes into the report itself. And then if at any point in time parties would want to then cross-examine or want to clarify particular issues, but not that they give what the narrative of their clients will be; and I think that for me is a bit of a discomfort and for my client as well.

So if I can be clarified on the first issue and this issue as well

on when this decision was made; that in a Commission established to go into the truth of allegations made against particular persons in particular institutions, evidence will then not be led exclusively; and I use 'exclusively' very loosely, by evidence leaders; and where there is clarification, then the various legal representatives would then take over.

ADV SEMENYA: Can I respond? And before I do, what prejudice do you think happens if the Calata are led by their own legal team?

ADV NTLOKO: Evidence Leader, I think that is a very unfair
10 question. No, I will start with; it is a very unfair question, because the very nature of the Commission is such that. But the prejudice, if we are then going to be speaking about prejudice, we then would have to start at the beginning of when discussions happen when particular other persons are not in the room. That is prejudicial. That is prejudice; in that the Commission cannot be speaking to particular parties at the exclusion of other parties. That is prejudicial on its own.

And then the rest of what is the prejudice; the prejudice is that part of it is that... we all know justice needs to be done and also
20 seen to be done. And when you then come into a Commission and then you find out, like we are finding out as we sit right here today that there is the possibility of... sorry, Howard, I am going to use your name. Howard leading his witnesses in a Commission where the terms of reference are quite clear and there are evidence leaders that have been appointed to actually undertake that very job that is now

being outsourced to particular representatives of the parties. I think that might actually; we might not go to the nub of the prejudice. The question is very prejudicial in its own.

ADV SEMENYA: No, madam. I am going to ask you again. What prejudice is there to follow a Commission hearing where every witness is asked questions by everyone who has a right to ask them?

ADV NTLOKO: I think we are missing each other. My stance is the following; and this is why I had asked those two questions upfront, which we have not addressed. When was these discussions made,
10 with who and why they were not with everybody? Then the secondary; it is not a matter of saying that no, you cannot ask your witness questions. It is a question of who gets to lead that evidence. What evidence is sought in this Commission?

ADV SEMENYA: Madam, I can promise you... (intervenes)

ADV NTLOKO: And then once you have asked that question, who is supposed to be leading that evidence in this Commission? The President has and a Commission has appointed evidence leaders and... (intervenes)

ADV SEMENYA: Madam, you are repeating yourself. I am asking
20 you... (intervenes)

ADV NTLOKO: But the problem is; you are asking me a question about what is the prejudice. And the prejudice is quite clear and I have been saying; you are having discussions, maybe because this now has come forward, but it cannot be; and I think I am going to put this no further than this. It cannot be that in a Commission where

there are evidence leaders, evidence is then led; evidence leaders.

Evidence is then led by parties representing the parties.

ADV SEMENYA: Madam, I can... (intervenes)

ADV NTLOKO: There is nothing wrong intrinsically with evidence leaders leading the evidence; and if there are issues of clarification, then those various persons then come in.

ADV SEMENYA: Madam, I can humour you by telling you I have been in many, many, many, many Commissions, including the previous one where that has happened. Bulelani Ngcuka, for
10 argument's sake, is going to be led by the evidence leaders; is not going to be led by the leaders who are representing NPA.

ADV NTLOKO: (Indistinct).

ADV SEMENYA: Yes, so a permutation of whatever. I am saying if Ms Batohi, who you are representing I guess.

ADV NTLOKO: Yes, the NPA.

ADV SEMENYA: You would be better placed to lead exactly what the NPA wants to be presented as evidence in this hearing. If I use her as an example, you know what statement she gave me?

ADV NTLOKO: But then again we are asking the question: then what
20 is your role?

ADV SEMENYA: But I have just explained it to you.

ADV NTLOKO: No, so Bulelani Ngcuka, what you have indicated is the correct position. The evidence leaders lead his position. You are then asking me about my client. My client has been brought here to give particular evidence. Now then the question is: when we

delineate roles between me as the legal representative of the NPA and you as the evidence leader, what are our roles? At what point does your role start and mine end? I think that is the problem that I am asking. There is a very grey area once we start moving between spaces. I think this gentleman is also being wanting to (indistinct).

MR BOQWANA: No, Adv Semanya. Thanks a lot and I just want to record the discomfort with that position. I am not going to argue it, but I suspect that one of your responsibilities as evidence leaders is to protect the credibility and integrity of this process.

10 Firstly, the question that there is some agreement without all of us being involved when we are highly implicated is problematic, but there is a peculiarity with the matter we are dealing with. This matter is in court. One of my clients is implicated that he has breached the Constitution. The possibility of that is criminal investigation coming out of that. That matter in court is led exactly by the same people that today will be using the Commission to gather more evidence to substantiate what they have in court.

 So you might look at it differently, Counsel, but for us that does not render the credibility of this process correctly. You must
20 know this process is highly involved, is highly controversial, is highly political and I will urge sensitivity around it. Thanks.

ADV SEMENYA: I do not mind, Mr Boqwana that I lead the evidence of the former President. I do not. If that better places the evidence of Mr Mbeki, for instance, you want him led by me as opposed to being led... (intervenes)

MR BOQWANA: I am very happy with him led by you. That is exactly why we are coming to the Commission, 120 percent led by you. The accusers must also be led by you. This is a fact-finding Commission. We cannot be placed here on a trial mode.

ADV SEMENYA: On a?

MR BOQWANA: On a trial mode.

ADV SEMENYA: No, no, no. Okay, (indistinct) the consultations with Mr Mbeki and all your clients.

10 MR BOQWANA: No, no, no, we will do that, but it is the principle we want to establish, Counsel; is that the evidence leaders will lead the evidence.

ADV SEMENYA: We are going to lead the evidence of the Commission hearings.

MR BOQWANA: No, no, no, you said Howard, Mr Varney will lead his own clients, Counsel. That is unacceptable, at least in my own books.

ADV SEMENYA: Okay, let us do this. We possibly, if this is heeded enough, we will possibly make a day available for arguments to be made on the point and for the Commission to rule.

20 Can I, if you do not mind?

ADV SEMENYA: Yes, go ahead.

ADV MUVANGUA: I just wanted to ask piggybacking off of the debate between my learned friends. As I understand the rules, the rules say; and Ms Ntloko said that. The rules contemplate that the evidence leaders would lead the evidence of everyone. So I am not

entirely now sure where the rules place us. That is just the first point of clarity I wanted to seek.

And I want to share in my sister's concern in her first question about when the decision was... never mind that, I do not quite know how it sits with the rules, when the decision was made and with whom and how it was communicated. That is all I will say.

ADV SEMENYA: Seriously, there was no room where a decision was made of that kind. Just my track record with Commissions, I know exactly how they get run and I did not anticipate a controversy about
10 this. But if the rules provide for legal representation and you are going to consult with that client and you are going to give me a statement only for me to read it out with your client, is that what you have in mind?

ADV MUVANGUA: I did not make the rules.

ADV SEMENYA: No, no, no, but the rules are there.

ADV MUVANGUA: Yes and the rules contemplate that evidence leader lead the evidence.

ADV SEMENYA: No, you are using the Norman cliché of evidence leader to be... I even cross-examine witnesses. Do not use the
20 Norman cliché. It does not help you by using the label. Oh ja, please have your mic on, just for the recording.

ADV MUVANGUA: What are we recording now? What... (intervenes)

ADV SEMENYA: (Indistinct).

ADV MUVANGUA: Oh okay. Okay, so the first one that spoke after Boqwana. My name is Nyoko Muvangua and I act for President

Mbeki and some of the ministers that I represented by Boqwana (indistinct).

ADV SEMENYA: Now I would like you to engage with me now for argument's sake and just using it as an illustration. You want to bring all of those people to consult with me?

ADV MUVANGUA: With respect, sir, the question is not the point. I think what we need... the funny thing is; everyone here, except ostensibly you and Mr Howard, seems to have understood something differently. So I want clarity.

10 It is not for me to debate with you, because I do not want to retain everybody here. You are the Commission, evidence leaders. What would be most helpful is not the dialectical. What would be most helpful is clarity communicated to everyone on how the process is going to be run. And quite frankly, I do have a horse in this race. I have got clients in this race. My client is accused of having breached the Constitution. That is high.

 So I want to know exactly how the process is going to work. We walked in here understanding rules a particular way. We seem to be the only ones. So I do not want to debate anything. I just want
20 clarity from the Commission on how its rules are going to work and what they even mean.

ADV SEMENYA: Firstly, the Commission has the power to make its own rules. So that is not the debate, but I am trying to accommodate all of us. I am saying give me the time so that I can consult with Minister Didiza, with all of those that you represent. And I am saying

give me a statement of them if you want to. If you do not want to, I can invite each one of them to take their statements and to lead their evidence. It is really for the support and comfort of your own clients that you deal with their evidence as best you see fit. This Commission has as its genesis the Calata matter and I am not surprised that they are the first one who gave us statements and all right the statements. You want me to lead them, I can.

MR BOQWANA: But Counsel, that is what... (intervenes)

10 ADV SEMENYA: No, but it is not a question of want. I am saying what prejudice is there if he is led the same, same evidence? What prejudice will the Calata Family suffer if you lead the evidence of Mr Mbeki?

ADV MUVANGUA: I do not want to (indistinct).

ADV VARNEY: Ja, from the side of the Calata Families, we fail to see the prejudice. That simply has not been made or stated. Now in my experience of inquiries; and this includes Commissions, judicial inquests and the like. It is pretty standard that evidence is led by counsel representing the parties in question if they receive permission from the Commission to do so.

20 So we made the request, given that we have had a long relationship and we know the facts of the matter. It will be quite difficult for evidence leaders coming in cold to get on top of the facts that quickly. So, in terms of the fact-finding exercise in assisting the Commission and its work, we made that request and the Commission responded favourably.

Now the NPA on behalf of Adv Batohi, yourselves on behalf of former President Mbeki; you can also make the request and be granted permission to lead your clients. Just a point of correction; we will certainly not be using anything that transpires in this Commission in the litigation. The courts are confined to what is before it. It cannot simply take the outcome of the Commission and dump it before that court.

So, we suggest that, to the extent necessary and if other parties also wish to do so; that they be given the same opportunity to
10 make the request and to lead their own witnesses and we think that would assist the Court. Where witnesses are not represented or where those parties prefer the evidence leaders to lead the evidence, then the Commission should make that ruling.

ADV NTLOKO: Again, Yanela Ntloko on behalf of the NPA. I think this debate is going in a particular direction. I think two things have become clear. One, I do not think we can make the assessment – and this is with all respect to Howard; that the evidence leaders, they have been appointed because of their particular expertise are not able to go through this and do their job. That is the first thing.

20 ADV SEMENYA: Sorry?

ADV NTLOKO: Because the suggestion is that because there will be so much paper, the evidence leaders would not be able to go through that paper in order to lead this evidence, these witnesses. I do not think that is a statement that should ever be made when evidence leaders have been appointed based on their expertise and their

particular craft, one, as lawyers, but two, with quite high experience and it is not a small team either. So I do not think that should be the basis. It is not a correct basis.

But secondly, Nyoko mentioned earlier about the rules. The rules have been quite clear and we have not been notified about any changes to these rules as the rest of the parties. But thirdly, this request comes for the first time here. This is how we find out about it for the first time here.

And in actual fact, Mr Semanya, what you indicated was that
10 there is a preference and Mr Varney indicated that they would be leading their witnesses, which means there has been a decision that has been made. And so, when statements that there is no decision that has been made yet are made, it is very discomforting, because it is quite clear that a decision has been made.

And then as Mr Ntanga and the former President's team has also indicated, we are not running a trial here. We are doing a fact-finding and it cannot then be in the fact-finding, which is supposed to be neutral in its very nature, that parties lead their own witnesses. You can clarify certain things with your own witnesses. You can
20 cross-examine other people's witnesses, but I think we need to go back when Mr Varney says he does not see the prejudice. Well, I would not also see the prejudice if the prejudice to the other person is to my advantage. I would not. If the prejudice is to that...
(intervenes)

ADV SEMENYA: No, madam, let us conduct ourselves with courtesy.

The innuendos are not necessary.

ADV NTLOKO: Mr Semenya, I am not sure I made any innuendos. I just ran through the facts of what has just transpired here.

ADV SEMENYA: All right.

ADV NTLOKO: And therefore, if there are any innuendos; that are unintended, I apologise for that, but the facts have been said quite clearly.

ADV SEMENYA: No, okay, all right, all right.

ADV NTLOKO: You said he does not see. And we have clearly, at
10 the very least, the NPA, the former President and the ministers that are represented by the former President's attorney, have indicated that the prejudice to me is quite clear. You cannot then come. You cannot... there are certain implications that go into constitutional duties; and this is also true for my client.

ADV SEMENYA: Madam, I can... (intervenes)

ADV NTLOKO: And so therefore; sorry, Mr Semenya, can I finish?
And therefore, while we are heavily debating this, I think the best way forward is that we now have established a decision has been made. Permission has been granted to Mr Varney's client. Now an objection
20 has equally been put to the table that that is not how it is supposed to be, because the point of this is that there should be no favour and it should be unprejudicial to anybody. So, that is the point that we should be moving from. And formally, whether we need to put this on paper to say there is a strong objection, I think that decision is to be made, so that there is not this back and forth.

ADV SEMENYA: All right, would everybody be agreeable to have a hearing on 7 October, just before the opening statements? November, rather; before the opening statements, the Monday following, precisely to argue the prejudice that you say exists about the decision you presumably say has been made and we can canvass all of these things and the Commission will give us a ruling?

ADV NTLOKO: In that event, can we be furnished with the request that was made and the response that was done; and equally, if we can also equally be furnished with all the documentation in relation to
10 the communication, because we would need to know when the communication started.

ADV SEMENYA: Madam, Mr Varney, you have heard the question. Can we set aside the 7th for argument by all the players who say there has to be a rigid or not rigid way of dealing with this?

MR BOQWANA: Sorry, Counsel, Max Boqwana here. What are the matters that are in your purview that you decide on? What are the matters that are supposed to go to the Commission, because I am not sure where this decision vest. Has this been the decision of the Commission or the decision of the evidence leaders? Just to be quite
20 clear, Counsel; we want to go to a process led by yourselves, not a process led by Webber Wentzel.

ADV SEMENYA: As far as I am concerned, and I want you to appreciate the proceedings, we can even have the Calata witnesses last at the end of, at the tail end of the hearing. It do not change anything.

MR BOQWANA: As long as they are led by you, Counsel. That is the bottom line.

ADV SEMENYA: It does not matter. Let me give you an example. I will lead Boqwana. He will ask for further clarification and deal with the entire evidence.

MR BOQWANA: That is okay.

ADV SEMENYA: No, man, it cannot be a matter of optics.

MR BOQWANA: He will not do that, Counsel. He will not do that. You will have covered 90 percent of what needs to be covered. How
10 this process is seen is much more critical than our own theatrics. It is really, really a serious matter for us. I am representing people that are in retirement, have been dragged into this process and the process that they come to must have all the hallmarks of credibility, not these questions that are raised by my colleague here. Please, please, I beg you for this.

ADV SEMENYA: Yes, and you have my acquiescence to that begging. We will have Friday, 7 November, we will have a full argument before the Commission and you will get a ruling.

ADV DE VOS: Evidence Leader, I apologise. I need to take a
20 microphone, Irene de Vos for the presidency. I just want to follow up. It seems that there was a request, but we were not known in the request or the response. So we are in the dark as to that exchange. That seems something that we should be entitled to have been known in and had an opportunity to respond to.

It might be a communication problem, but this is the first

moment we hear of this request and the exchange on it. Would it be possible to just reiterate to see that request and the responses that have been received? I believe we should have been known in that.

Thank you, Evidence Leader.

ADV SEMENYA: I am openly inviting my team to react to this.

ADV NALANI: We are evidence leaders. We do not represent any specific party. If the President comes to the Commission, the expectation is that he will tell his side of events. We have even asked the President and every other party a list of questions. Do you have
10 anything in your possession, any statement; anything that you feel would help the Commission in determining the terms of reference? The parties, we have asked and they will do those statements in due course.

The mechanics of whether the President comes and reads his affidavit, 200 or 100 or 10 pages or if the evidence leaders take them through the evidence or if the lawyer of the President says: 'Mr President, you confirm this is your name?' 'Ja.' 'You confirm what you said in page 2?' 'Yes.' You cannot say anything. Your statement is meant to pre-recognise everybody what you are going to
20 say.

So for us it is a question of mechanics really and ultimately the question will be: has sufficient evidence been placed before the Commission for it to deal with and decide on the terms of reference? You could even say: okay, just give me your statements. Then the Commission look at it. It is mechanics. How do you deal with the

evidence? Ultimately the Commission will decide what order to place on it and what value to place on it, but the rest is mechanics.

So we are trying to have everybody. Of course we are sensitive to every party's concerns and (indistinct) is impossible; and I think our leader said let us set aside the day of the 7th and then the Commission will deal with it. Also you must bear in mind the time constraints and trying to limit as much as we can; that the Commission must not go on for the next two years or so. Thanks.

ADV SEMENYA: Howard, I think...

- 10 ADV VARNEY: Ja, we are with the evidence leaders on this point. The Commission at the end of the day is entitled to determine its own procedure; and if there are objections, then let us get the Commission to rule on it on the 7th.

MR THEMA: Nkosinathi from Webber Wentzel. Chair, there was an insinuation made that we are going into a process led by Webber Wentzel. That needs to be corrected. It has been said that we wrote to the Commission, particularly the Chair, requesting that we lead the evidence of the Calata Group and that request was approved. And you have correctly... (intervenes)

- 20 ADV SEMENYA: (Indistinct).

MR THEMA: I do not have the dates in mind, but it is written "communication". The Secretariat should have that. And so, it is rather unfair to be told that it is a process led by Webber Wentzel when in fact a request was made. It is frankly inappropriate to suggest that. Again, I am in concurrence with Mr Varney. Anyone

who opposes that – you have suggested the 7th; we are aligned with that.

MR SEMELANI: Hello, hello.

ADV SEMENYA: Yes.

MR SEMELANI: Hello, there is another mic here. Yes, I wanted to make a certain point which I will make. I just want to make a rejoinder of sorts to this last statement that there is an objection to the question. This is a Webber Wentzel process. All participants in this process of the Commission, as we understand it, must be kept au
10 fait of what is happening. Things must not leak at a particular point, as it is the case now that we come to know at this late hour that Webber Wentzel will be leading witnesses.

The point I wanted to make before this rejoinder is that if there is going to be the sitting of the Commission as to decide a certain point, Chair, you will be aware that (indistinct) us for certain documents relating to that appearance and decision by the Commissioners.

Those documents, whatever the Commission will be required to decide, must be made available to all of the parties to this process.
20 We cannot be running somebody (indistinct) and this group of the likes. Participants here must be treated equally, the same. These Commissions are known what they are doing. No one must just invent one's own law. Thank you.

CHAIRPERSON: Okay, thank you. Mr Semenya?

ADV SEMENYA: Yes, I am just trying to read the letter, but also

confer with my technical group. I am told the letter I am going to read to all of us has been on SharePoint since the 29th and it is the secretary writing: Commission of Inquiry, hearing scheduled and witnesses and... It is a letter by Webber Wentzel dated 29 September 2025. It says:

- 10 "1. We act on behalf of Lukhanyo Calata, 25 other survivors and families of victims of apartheid era, gross human rights violations and the foundation for human rights, hearing scheduled on 24 September 2025. We provided you with a proposed draft hearing schedule for the Commission's review. We understand that the Commission has provisionally approved this hearing schedule. We suggest that it be circulated to the parties as soon as possible.
4. Witnesses: We confirm the arrangement reached between the Commission's evidence leader, Adv Semanya SC, and our lead counsel, Adv Varney; that Varney will lead the evidence of our client witnesses during the public hearing.
- 20 Our client's witnesses..."

Paragraph 4 they cite all of them. They number about eight. So as I say, I would recommend we take a short break. I need to confirm with the Commissioners whether they are available for Friday, the 7th. And now that you have that, now that it has been on

SharePoint, we can then have a debate.

ADV RANTHO: Thank you, *Ntate* Semenya. I think once again, I do not want to repeat what my other colleagues have said, save to express the discomfort also on the part of the Minister of Police and SAPS in the process that has been followed, the same approach that Ms Ntloko raised and my other colleagues, but I think what I did not come out clearly, what I did not get so clearly. I know there is a request that we have to be furnished with correspondence.

10 What Mr Semenya just read out now is a letter that points to some, I think, arrangement with the Commission. And I think you did ask a question as to what prejudice is there and I do not see how we can actually raise issues without understanding the underlying reasons behind the arrangements.

So I think we should be furnished not only with the letter that we have been referred to, but also that arrangement that was embarked upon between Mr Varney and yourself, I think perhaps it will assist. So I think if we can just have the benefit of what were the reasons, because now we are required to make out a case for prejudice; and I think all the facts must then come forth.

20 ADV SEMENYA: But I am saying even with the Usindiso hearing there have been legal representatives that led their own clients. There is nothing in itself that is inimical to fair, objective, balanced hearing, but maybe I am wrong. It may very well be that the Commission's ruling will say they should not. Can you wait for that argument to happen?

ADV RANTHO: No, but the difficulty, Mr Semenya is that I do not think the evidence leaders seem to appreciate the concern that is being raised. Maybe Usindiso people never raised the concern or it was never an issue, but here it is an issue and I think... (intervenes)

ADV SEMENYA: That is why the 7th. That is why the 7th, madam. Can we come and argue it on the 7th?

ADV RANTHO: I am saying for the purpose of us, we are now required to prepare argument for that. Will we be furnished with all the documents that inform the arrangement between you and Mr
10 Varney, so that we can prepare for the argument on the 7th, Mr Semenya?

ADV SEMENYA: I do not remember us sharing any documents with you, but you can answer.

ADV VARNEY: Well, what I understand from the secretary, all this correspondence has been on the SharePoint and accessible to everybody for weeks. So the question is: why are not you accessing these documents and keeping in touch with these developments?

ADV NTLOKO: Sorry, if I can just interject there. I do not think the question is why should not we be accessing documentations. The
20 question is simply this. When the request was made, because unfortunately, sorry, I forgot the gentleman's name from Webber Wentzel; he confirmed firmly right here that there was correspondence that occurred. In instances when this discussion started, there was; we are not certain that there was such an undertaking.

So, and then secondly, to make this assertion that you should have had regard to the SharePoint. I do not think that is a fair assertion to be making. Was there correspondence? Was that correspondence then sent to everybody to have a comment on before a decision was made? That is what we require before we get to the 7th. The correspondence, the reasons for the decision before we can even get to the 7th and therefore, it will make no difference to have the back and forth until such time as we are all on the same page, not to be read what Webber Wentzel has then transmitted in relation to
10 their idea of how they will be leading their witnesses.

What we require is the request for them to lead their witnesses and the decision that was then made without everybody being consulted on. That is what we are asking for. And when we are asking for those, it would be great and I am going to make this request very clear, so that it is not that you did not ask for this.

We require the correspondence; and if it was sent on email, the email covering it and then whatever reasons went into the decisions as well. That is what we require, because we cannot be having this back and forth on saying you should have had this. You
20 should have had this. Then they should have had at the beginning; everybody should have been included in that correspondence and given opportunity to actually have a say.

ADV SEMENYA: Can you put that in writing on the 7th, so that you present it as you do?

ADV NTLOKO: Can we get an undertaking that we are going to get

the information?

ADV SEMENYA: But I have told you. The correspondence that confirms that arrangement is *ex facie* the letter written on Webber Wentzel and responded to and given to everybody.

ADV NTLOKO: Mr Semenya, that is not the case.

ADV SEMENYA: No, I know... (intervenes)

ADV NTLOKO: We are asking for the request. We are not asking for the confirmation that the request was approved. We are asking for the actual request that was made; and then we actually ask as well
10 the response that was made, because Mr Boqwana here also asked a very pertinent question, which has not been answered, whether the request was made to the evidence leaders or to the Commission itself and who made the decision.

At this point, as we all sit here, we do not know. Well, at the very least, the government respondents do not know and the other implicated persons do not know. So that is the correspondence that we require. That is the information that we require, which is why I am very specific on what information we therefore require.

And then if there is any other correspondence that we might
20 not know about but that relates to the issue, can it also be furnished to everybody that actually requires that information, because it is not ideal that we come here on the 7th, but one party has more information than the other. The whole point of this is that the process should be fair.

ADV NALANI: And please confirm the questions and issues that you

want. Put it in writing and we will respond. So whatever you are asking for now, confirm that in writing.

ADV NTLOKO: We are happy to do that.

ADV NALANI: And then we will respond. Thanks.

MR NTANGA: Chair, I think there seems to be an understanding that everyone has access to documents. That is not correct. Not all of us have access to SharePoint. And also I think we need to also outline the process. I do recall in some, for instance some tribunals or Commissions that there will be this format of documents where they
10 come in. So parties must from time to time check and be able to respond to.

I will give you an example. In the SIU tribunal matters there will be an agreement that every document will be dropped in on CaseLines. Then it becomes the responsibility of every party (indistinct) in the proceedings to check the documents and respond, but at this point on time not all of us have access to SharePoint. I do not, as I am seated here. I do not have access to SharePoint at all.

ADV THOKOA: May I request everyone... (intervenes)

ADV SEMENYA: Ms Thokoa, your name.

20 ADV THOKOA: Oh, Ms Thokoa. May I request everyone who does not have access to SharePoint, let me know? I will send it to the documents manager to... You will have it immediately, all the documents.

ADV SEMENYA: I am not IT savvy. Is the SharePoint contact details not on our letterheads?

ADV THOKOA: (Indistinct) took the email address down and then from there we give them access onto the platform.

ADV SEMENYA: Would it mean that he has never sent us an email? Would that be an explanation?

ADV THOKOA: (Indistinct).

ADV SEMENYA: The gentleman.

ADV THOKOA: No, he has (indistinct).

ADV SEMENYA: So why are you not able... (intervenes)

10 ADV THOKOA: Supposed to have been put on the, to be given access.

ADV SEMENYA: How does it work? Where is my spokesperson? Where is Lionel?

MR NTANGA: All that has to happen is that we be granted access to SharePoint. It may be that is an administrative error somewhere or it was a mistake somewhere, but what has to happen, we just have to be granted access to SharePoint. Then that closes the issue.

20 ADV SOKHELA: Mr Semenya, if I could just also on behalf of the former President and the ministers confirm that we too did not have access to SharePoint, but then just also to raise that in these Rule 3 notices there is a link to the TRC website and then it gives us access to the Calata papers.

Perhaps the correct thing to do then is to put everything that is not obviously privileged on the website itself, because SharePoint, I know from experience and practise, sometimes kicks you out and then you cannot and then it is an administrative issue to try and get

back on. So I would suggest that perhaps if documents are not sensitive and privileged, that they be put on the website.

ADV SEMENYA: No, thank you. In fact, all documents in the Commission are open to public scrutiny, except where confidentiality is requested and the chairperson has ruled on its confidentiality and its status, but there should not be anything outside public view. As I say, can I invite all of us, even if it is by way of confirmation that I confirm I have access or I state that I do not have access, so that we can close this glitch? Can I ask for a short adjournment; that we
10 consult with the Commission to hear whether they are available on the Friday or whatever date they can be?

ADV RANTHO: No, we just wanted to record for, I mean for purposes of records that we are also not on, what is it; SharePoint for Minister of Police and SAPS. And think the same goes for NPA and the Minister of Justice.

ADV SEMENYA: Wait a minute. The Secretariat, Secretariat, can we please make sure that the SharePoint, I do not know how it works, is available to everybody? Even if Joe Soap somewhere out there accesses it, what is the problem? These are public hearings by
20 default.

ADV THOKOA: (Indistinct) what she says that the SharePoint sometimes kicks people out. Let us rather put everything on the website, so that it does not have to go to the SharePoint. Then you are granted access. And if we do not have your email address, it means we cannot grant you the access. Let us rather put everything.

As we break, we will put everything on the website and I think that is the easier way.

ADV SEMENYA: Okay, that might solve it.

ADV THOKOA: I do not know if there are any objections, but I think if we put it on the website, everybody has access to the website.

ADV SEMENYA: Okay, let us take a five-minute break and then I ask the Commissioners.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 ADV SEMENYA: Hello. Hi, everyone. Hello. Hello. Hello. Are we ready to start?

[Background discussion]

ADV SEMENYA: Thank you. Thank you. The Judge is unfortunately not available the 7th of November with other prior commitments, she is suggesting we consider the 5th, which would be a Wednesday, in that week. Is that agreeable?

ADV VARNEY: I am actually travelling on that day, so I unfortunately will not be here on the 5th, I only arrive on the 6th.

ADV SEMENYA: She is not available the 6th, 7th, 8th, I think
20 Thursday, Friday, Saturday, Sunday she is not.

ADV VARNEY: Would it be possible for some counsel to appear virtually?

ADV SEMENYA: Well, I will have to confirm that.

ADV VARNEY: If I can appear virtually then the 5th is okay.

ADV SEMENYA: I have just asked the Secretary to confer with the

Judge to see if we can still have some of that argument virtually on the 5th.

MALE SPEAKER: Oh sorry, I thought you were saying the 7th. I am not available that week for 3, 4, 5 and 6, I am not available. I am squeezing myself for the 7th.

FEMALE SPEAKER: As the junior I am also not available, I am in court.

ADV SOKHELA: Chair, Mr Semenya, could I on behalf of myself and my, the President, the former President's team, but if availability is an
10 issue might it be possible to just deal with it on paper, for the Commission to deal with it on paper and then issue a ruling just to get the matter going?

ADV SEMENYA: Well, I think that the loudest protest was from this side. Is that idea doable?

ADV RANTHO: I also seek clarity insofar as the 5th is concerned. When do we file papers? Because I think, I understand that the 5th is for argument. The question becomes when... (intervenes)

ADV SEMENYA: (Indistinct).

FEMALE SPEAKER: Which is what, the 4th?

20 ADV SEMENYA: The 4th, yes. Are we all agreed the best vehicle we can use is to make these submissions on paper and the Commission to rule on paper?

ADV VARNEY: Agreed.

ADV SEMENYA: Okay, let us reverse. In the event the Commission goes with the objection, when can I see all your witnesses so that I

am able to lead them? From any time you know that your clients, if I tell you the 6th and they say they are not available on the 6th, what do I do next?

FEMALE SPEAKER: (Indistinct).

ADV SEMENYA: Okay. When can I get answers, having received instructions on whether or not they will consult with me, and by when? And let me understand, is there any objection on the part of legal representatives leading their own witnesses? Is there a fundamental objection to that as well?

10 FEMALE SPEAKER: That is the objection that we had raised.

ADV SEMENYA: No, I am asking a different question. Is there an objection for you to lead your own witnesses?

FEMALE SPEAKER: So if I may just clarify, what we had indicated is the discomfort of it, it does not matter who is doing it.

ADV SEMENYA: Okay, okay.

FEMALE SPEAKER: So I is the principle that evidence should be led by evidence leaders.

ADV SEMENYA: Okay.

20 FEMALE SPEAKER: So that is the principle and that was the core objection.

ADV SEMENYA: No, I have heard that one.

FEMALE SPEAKER: Mr Boqwana as well indicated the same.

ADV SEMENYA: I have heard that one, madam *asseblief*.

FEMALE SPEAKER: Yes.

ADV SEMENYA: I have heard that one. I am asking a different

question now. We are going to have your written arguments. I am saying is that objection so far as including you, legal representative leading your own witnesses, does it go that far?

FEMALE SPEAKER: The principle is... Yes.

ADV SEMENYA: No, no okay. So we will have those representations by the 4th. Can we put the 4th? We must find a date. What date will best accommodate everybody for this argument to be heard?

ADV SEMENYA: Look, I think the only re-jiggling that we can do is
10 on the 10th before opening statements we would have to have this application argued and ruled upon.

ADV VARNEY: You know, from our side this is a technical procedural issue. All the points that all the parties need to make can be placed on paper. From our perspective it is just simply being placed before Judge Khampepe and her Commissioners with the request that they issue a ruling. If we submit our arguments by the 4th of November or even earlier then the Judge can issue her ruling before the 10th. There really is no need for oral argument on this technical issue, it is in the hands of the Commission.

20 ADV SEMENYA: Well, there is no agreement on that, Howard, that is the problem.

ADV VARNEY: Well you know, there really does not have to be agreement on this, it is not our decision. It is the decision of Judge Khampepe and I think she should be approached to decide whether we have a hearing on the matter or whether she can issue a ruling on

the papers.

ADV SEMENYA: Ja, even that, there would have to be, she would have to be addressed and... (intervenes)

ADV MUVANGUA: I think you are quite right about it being the decision of Justice Khampepe, but I also think that what Bab Ish(?) is doing is try and facilitate in the event that she prefers oral hearing, number one. Number two, also she is entitled to ask counsel questions if she does not understand, that she cannot do on paper.

ADV VARNEY: Well, it is for the Judge to decide whether she wants
10 to do it on paper or hear oral argument.

ADV SEMENYA: Okay, can the (indistinct) commence with this application? And can we have, because (indistinct), can we have, on Monday, can we have by Friday all the written submissions? Ja, the 10th is on Monday. Can we close on the basis that the 7th we will all receive written arguments to and fro to be filed by 12:00? I would like to have an opportunity to see exactly what response I should give to what.

MR NALANI: Sorry (indistinct) one of the evidence leaders. Mr Semenya SC, perhaps, could we also perhaps ask for the Chair to
20 perhaps also issue directives as to how we proceed following a ruling? So for example the issue of consulting with witnesses, suppose she takes the position that the objections are valid and she upholds them, what does that mean practically? Are we consulting with the witnesses?

Because my suggestion would have been notwithstanding

that we would be leading, I mean I suppose we would be open to the respective legal teams taking their own statements and then leading on the basis of those statements rather than us having to consult with each of them.

ADV SEMENYA: No, I think the problem, if you confront it, it is the optics. I accept that there is quite a weight in the nature of the Inquiry itself and it is the Commission which unfortunately has serious adversaries in litigation going somewhere, so I understand the optics and we are trying to find a way in which we can work within the
10 timeframe we have, but if all the witnesses are legally represented, but they want the evidence leaders to lead each one of them, please give me a diary of all your witnesses so that I can take statements from them. Well, for now I am not having any one of them, those statements, of Mr Mbeki, Didiza and whoever, I do not have. Now what I am asking is can you please give me those statements so that after the opening statements I am able to hear their evidence?

FEMALE SPEAKER: Yes, we can. I do not want to make this the story of everyone, but you might recall that we wrote you a letter last week asking for certain information, the Commission obviously, ja
20 naturally, not you personally, asking for certain information that would enable us to write the very statements that you would like us to produce. The answer is yes, you can get the statements, but what, we need the documents that we are asking for in order to produce them.

ADV SEMENYA: I want to be practical. You heard when I started

and I asked the Presidency surely you have records starting from the TRC days and I do not have them today and for Mr Mbeki to make a statement through which I can lead him he needs all these documents. This Commission will never start, I can promise you.

MALE SPEAKER: Just to clarify the objection, if any party who wants to lead their own witness makes a request, so you, the President, Minister, if they themselves said we would like to lead our own witness, is that objection?

MR BOQWANA: No, I think counsel, we might be missing each
10 other. All we want is a very simple thing. This matter has come a long way and it has been used and abused in particular against our own clients. All what we want to do is to land in a fair process and that fair process is a process of equal treatment and that equal treatment is that the Commission has appointed evidence leaders and we want to land in all of those evidence leaders, all of us, and come before you as equals.

We do not want a situation where I choose to lead... We will arrange our own witnesses to come and see yourselves and we will help you prepare the statements. We trust this process in your
20 hands. We do not want to run that in our own way, because if we do that we degenerate into this thing that we have been trying to deal with, so we really want to come to a place where we close this thing fairly without any accusations and counter-accusations and until this morning we thought that is the process we would be following. So we do not want to lead our witnesses, we want to put Ish(?) and

yourselves to lead our witnesses.

ADV SEMENYA: Well and clear. Now the next thing is; when am I consulting with you guys?

ADV MUVANGUA: So Bab Ish(?), what we are going to do is to consolidate the diaries of our respective clients, transmit their availabilities, three dates, alternatives, sent that through to the Secretariat, that is what we are going to do.

ADV SEMENYA: And it is when? We know we are starting on the 10th.

10 ADV MUVANGUA: When are we going to compile the dates that I am talking about?

ADV SEMENYA: Yes.

ADV MUVANGUA: We will send you the various iterations of the dates this week by Wednesday.

MALE SPEAKER: That is predicated on the basis that you will do that for all the people that will be appearing.

ADV SEMENYA: No, no (indistinct).

MALE SPEAKER: Okay.

ADV SEMENYA: (Indistinct).

20 FEMALE SPEAKER: (Indistinct). We asked for documents. I understood what you said to (indistinct), I understand that, and so when we walked in here we walked in on the back of having received correspondence back from the Commission saying we have received a letter asking for documentation and that you would revert to us. That is what we were told, so we walked in here with that.

ADV SEMENYA: Ja, I just look for practicalities now, I do not think

we are debating the concept whether you should have or whether the evidence leaders must do, I am saying in the event the objection is upheld I should be ready to run with the Commission instead of postponing to December for me to complete the consultations and we can only start with the oral evidence next year. It is the practicalities now that I am milling over.

ADV SOKHELA: Mr Semenya, on this side again Phumzile, I just, in the exchange now that has gone on I am just a bit confused as to the status of the rules. Mr Semenya will recall that the rules were issued
10 on the 25th of August and they seemed to guide, to an extent, what the process should be and one of the aspects dealt with at Rule 3.1 is this very issue that we have been debating, which is what do you do if you want to lead your own witnesses?

And that is provided for in Rule 3.1, which is that the general rule is that the evidence leaders will lead and if you as a party want to lead your own witness you then will seek a directive and the Chairperson will issue a directive, and so I am just a bit confused now about what the status of the rules are.

ADV SEMENYA: No, the status of the rules is not in dispute at all,
20 nobody is contesting the correctness or otherwise of the rules. As I say, what I gleam from this is that there is, and I am using a stronger word for emphasis, there is a perception of a leaning in favour of the Calata Group in this Commission, which I reject entirely. I have no such intention. I do not even have a reputation of behaving that way, but I still am sensitive to the optics.

If the optics are there I still want to answer to those, and as best as I can, but that will be part of the written arguments that will serve before the Commission.

ADV RANTHO: Mine is in response to the request for the dates and I just thought (indistinct) from where I am sitting now I am unable to commit to any specific dates, but if I could be allowed some time, maybe close of business today, before 10:00 tomorrow morning or (indistinct) so that we can take instructions.

ADV SEMENYA: Fair enough. Any other entities who require that
10 the evidence leaders rather lead their own witnesses? Please can we make a similar arrangement? Please bring them here. If I have 100 I will know how many days I will require with each one of them. Already you can see that finding mutually agreeable dates is a problem, that is why we have the request for information.

We said to the extent that he occupied a particular office during a particular time, policy lease give us information relevant to the terms of reference. Even today we do not have that. Then we said now you have been implicated in terms of 3.3, this is what you have to do, we still do not have that, but in the event objection is
20 upheld I think there are practical consequences to that. It means we must interview all the witnesses that will come before this Commission. I would have asked a rhetorical question, I do not understand why these witnesses are having legal representatives, I really do not.

ADV VARNEY: Yes. You know, having heard my learned friend for

Mr Mbeki, and I do not have the rules in front of me, but I am assuming that she has read section 3.1 correctly and that is my recollection of it, it is not clear to me why we are even having a debate and a hearing, because the rules are clear that it is the evidence leaders who lead the evidence unless the request is made to the Commission and if that direction is granted by the Commission then it is possible to lead the evidence of your own clients. So that if that is what the rules say, then why, what is the point of having a hearing when the rules are clear on the matter?

10 ADV SEMENYA: (Indistinct). Okay, so am I going to have dates with the NPA, the SAPS, the Presidency, the Ministries, the Portfolio Committee on that date on which all those witnesses must come to consult with the evidence leaders? When can I have those, by end of tomorrow? Is that fair? Okay. I think any further conduct we might require amongst each other would be on the 5th then after making the submissions, we would be able to perhaps (indistinct).

MS NTLOKO: I think if this needs clarification, there was clear indication that particular teams are not available on the 5th and then if I recall correctly you then said just before the opening statements on
20 the 10th can we then have the hearing? Which is then where the discussion started with Ms Muvangua and Mr Qwana on the practicalities and this is where then Mr Siboto then came in that we are going to be arguing on the 10th and if I have it correct... (intervenes)

ADV SEMENYA: Is 10 okay for all of us?

MS NTLOKO: We were all going to be here on... (intervenes)

ADV SEMENYA: Is 10 okay for all of us?

MS NTLOKO: Yes.

ADV SEMENYA: All right.

MS NTLOKO: Yes.

ADV SEMENYA: We will have the argument before the opening statements on the 10th and wait for the ruling. If the ruling is one direction then we go that direction.

10 MS NTLOKO: Yes, and you indicated earlier actually that we should be filing on the 7th at 12:00.

ADV SEMENYA: Okay, thank you very much to every one of us. We will reconvene on the 10th.

ADV VARNEY: Chair, do we not need to start talking about dates for next year? Because if you want to conclude by June and you issue a report within a few weeks, in my view if the next sitting does not start for example in February there is a chance that we might not make that June deadline and perhaps we should be getting a sense whether people are agreeable to have the next sitting, the next set of witnesses in February next year or roundabout then.

20 ADV SEMENYA: I have just conferred with my team that when you plan the dates for the availability of your witnesses please include Saturdays and Sundays, we will make ourselves available.

ADV VARNEY: Noted, Chair. Now I am again concerned about the fact that you know, we are almost at the next hearing and we do not have a sense of when the next sitting is going to be. I assume that

under the one agenda item about timeframes and planning that we should talk about when the next sitting is going to be. I propose that we set aside dates from early February.

MALE SPEAKER: (Indistinct).

ADV VARNEY: All right well, I am then suggesting the whole of February for the next sitting, because I think we probably will need around four weeks.

ADV SEMENYA: Is everybody agreeable to four weeks commencing February for the next hearings?

- 10 MS SAIDMAN: I would like to come in here on behalf of the victims and survivors who are watching this process as closely as they possibly can, I think there is a very strong feeling, it has been 25 years before we got this underway, we need a fast solution. People are dying without getting any solution and the longer we put off this hearing and the longer not able to deliberate, the more harm people suffer. So we would like to say if it is at all possible to speed it up and not to put it off by six months or whatever, that is really important. Thank you.

- 20 ADV SEMENYA: No, I think your concern is valid, but having sat and listened to all of this, are there ways to expedite this that you can think of, the lady?

MS SAIDMAN: I do think that the, I do not want it to become, to even try to talk about the question of the rules that would be debated here, but I do think that we should not allow this to postpone any more than the absolute minimum and... (intervenes)

ADV SEMENYA: Is there any way you can suggest to expedite it?

All of us are frustrated about this. I think the Government is not going to take easy to any request for extension either, so... (intervenes)

MS SAIDMAN: In this case if the rules are very clear that... (intervenes)

ADV SEMENYA: No, let us not go there, madam.

MS SAIDMAN: Ja, no as I said, I do not want to go into that, but it seems sensible to look at is it possible to do a paper solution, which could be done within days, not months. If it is not, is there any way to
10 limit the amount of time that will have to be lost while this is going?
So ja, those are... (intervenes)

ADV SEMENYA: So you do not have... (intervenes)

MS SAIDMAN: I do not have... (intervenes)

ADV SEMENYA: You do not have... (intervenes)

MS SAIDMAN: Not more than that.

ADV SEMENYA: Okay, all right.

MS SAIDMAN: I do not want to try and debate it.

ADV SEMENYA: All right.

ADV SOKHELA: Mr Semenya, I know you said you did not want to
20 go to the question of the rules, but I thought perhaps as a solution to try and curtail the proceedings to the extent possible... (intervenes)

FEMALE SPEAKER: (Indistinct) the submissions by the 3rd and the (indistinct) on the 5th, so the submissions on the 3rd... (intervenes)

MALE SPEAKER: (Indistinct).

FEMALE SPEAKER: The 5th.

MALE SPEAKER: (Indistinct).

ADV SEMENYA: Judge, there is no consensus about when this can happen. I think the ultimate is that we would have to have this application or objection or whatever on the 10th of the, before the statements, yes, so but we would have the written submissions the Friday the 7th, am I right? Okay, all right thanks, Judge. Ja well, the...

FEMALE SPEAKER: (Indistinct).

ADV SEMENYA: On the 10th, yes. Okay, thank you. Okay, the Judge confirms that the application for the objection and that would
10 be handled before the opening statements on the 10th. Second, written submissions to be filed by the 7th, the Friday before that Monday. You had raised the question about are we able to set aside time commencing February next year? And that is also subject to the application being approved for the extension, because as the proclamation now stands the Commission is supposed to finish its work by December, and it has not even started. Okay, that is our day, okay.

ADV VARNEY: Sorry, I would like to hear from my learned friend for Mr Mbeki on the rules if she still wants to make a point. No, she does
20 not, okay.

ADV SEMENYA: All right, thank you very much. That is the business for the day.

[End of recording]

INQUIRY ADJOURNS

CERTIFICATE OF VERACITY

We, the undersigned, hereby certify that **as far as it is audible**, the foregoing is a true and correct transcript of the digitally recorded proceedings in the matter of:

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