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30 OCTOBER 2025

Enq: Mr. N.R. Baloyi
Email: RonBaloyi@justice.gov.za

Our Ref: **00188/25/Z83**
Your Ref:

The Honourable Madam Justice, Khampepe
C/o The Secretary
Adv AM Thokoa
Commission of Inquiry into Stopped TRC Investigations & Prosecutions
JOHANNESBURG

BY EMAIL: secretary@trc-inquiry.org.za

Dear Madam Justice, Khampepe

**COMMISSION OF INQUIRY INTO STOPPED INVESTIGATION OR PROSECUTION
OF TRUTH & RECONCILIATION COMMISSION CASES**

1. We herein act on behalf of the Minister of Justice and Constitutional Development.
2. We refer to the above matter and to the letter of Adv AM Thokoa dated 27 October 2025 relating to the pre-hearing held on the same date. A copy of the letter is attached hereto as annexure "A".

3. According to the letter, the parties raised an objection during the pre-hearing *“against the leading of witnesses by their legal representatives when so requested”* and contended *“that all evidence before the Commission must be led exclusively by the Evidence Leaders.”*
4. The objection and contention as reflected in Adv Thokoa’s letter are incorrect.
5. We hereby place on record that our client’s objection is in respect of the process that was followed by the Chief Evidence Leader, Adv I Semanya SC (**“Adv Semanya SC”**) when he decided to permit Webber Wentzel’s counsel, Adv H Varney SC (**“Adv Varney SC”**), to lead approximately eight of the Commission’s witnesses.
6. On 19 September 2025, you advised Webber Wentzel that you would go with their proposed solution and would have another member of the Evidence Leader deal with this aspect (the Prosecution Policy). A copy of your letter dated 19 September 2025 is attached hereto as annexure **“B”**. Although, we record our concerns that we were not copied on Webber Wentzel’s letters to the Commission, our client nevertheless agrees to abide by your decision.
7. However, despite your decision that another member of the Evidence Leaders would deal with the evidence, Adv Semanya SC decided that Adv Varney SC would lead witnesses.
8. We object to the verbal discussions that took place between Adv Semanya SC (the Chief Evidence Leader) and Adv Varney SC (Webber Wentzel’s appointed counsel), that we were not privy to such discussions, and that they were contrary to your decision. The process leading to Adv Semanya SC’s decision creates an impression that there is unequal treatment of other parties/representatives.
9. Further, we will make necessary submissions according to the timelines set out in Adv Thokoa’s letter (annexure **“A”**).

10. We trust that you find the above in order.

Yours faithfully.

A handwritten signature in black ink, reading "NR Baloyi". The letters are cursive and fluid, with a small dot above the 'i'.

Mr. N.R. Baloyi
FOR STATE ATTORNEY PRETORIA