

NOTICE IN TERMS OF RULE 3.3 OF THE RULES OF THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS REGARDING EFFORTS OR ATTEMPTS HAVING BEEN MADE TO STOP THE INVESTIGATION OR PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES.

TO: ADV TJ PRETORIUS

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INTRODUCTION AND ESTABLISHMENT OF THE COMMISSION

1. On 29 May 2025, the President of the Republic of South Africa issued Proclamation Notice No. 264 of 2025, establishing the Judicial Commission of Inquiry into Allegations Regarding Efforts or Attempts Having Been Made to Stop the Investigation or Prosecution of Truth and Reconciliation Commission Cases (“the Commission”).
2. The Commission was appointed in terms of section 84(2)(f) of the Constitution, 1996. The Honourable Madam Justice S. Khampepe serves as Chairperson, with the Honourable Mr Justice F. D. Kgomo and Adv A. Gabriel SC as members.
3. In terms of its mandate, the Commission is required to inquire into, make findings, report on, and make recommendations concerning allegations that, since 2003, efforts or attempts were made to influence, pressure, or otherwise improperly

prevent the South African Police Service and/or the National Prosecuting Authority from investigating or prosecuting TRC cases. The Terms of Reference further require the Commission to determine whether officials within these institutions colluded in such efforts, and whether further action—including investigations, prosecutions, or the payment of constitutional damages—is warranted.

4. Among the parties identified as having a substantial interest in these proceedings is Mr Imtiaz Ahmed Cajee.

NOTICE IN TERMS OF RULE 3.3

5. This notice is issued in terms of Rule 3.3 of the Rules of the Commission, read with the Regulations made under Government Notice R.278 of 2025.
6. The Commission's Evidence Leaders intend to present the evidence of Mr Imtiaz Ahmed Cajee (**Mr Cajee**). Amongst the allegations that Mr Cajee makes concerning you and related to the Terms of Reference of the Commission (ToR) are that:

- 7.1 **There was no concerted effort on your part to investigate the death of his uncle, Mr Ahmed Timol and that you should be held accountable for failing to execute your duties. In this respect, he says:**

“In my view had there been a concerted and intentional will on the part of the prosecutor/s to guide the investigator, this evidence could have been presented as early as 2003 when all those involved in my uncle’s matter were alive. In essence, both the NPA’s PCLU and investigators from the DSO who were seized in investigating the TRC matters, shifted the responsibility to me to furnish further information to take the investigation forward, despite them having the powers and functions to investigate and prosecute. It is my considered view that they must be held accountable for failing to execute their duties. Without having regard to all available evidence, they took a decision to close the file.” [at paragraph 47]

7.2 You conducted a sub-standard prosecution in respect of the TRC Cases. In this regard, he says:

“Lastly, Hartzenberg accused the state of appearing to be certain as to what the truth was, and by urging the court not to believe anything that contradicted the state’s version of the truth. In other words, despite compelling evidence available, state prosecutors Ackermann and Pretorius (both alleged political interference in post-TRC prosecutions) presented a substandard case before the courts resulting in Basson’s acquittal.” [Paragraph 221.5]

7.3 Your failure to investigate his uncle’s matter was not due to political interference, as you claimed in the Rodrigues matter. He says:

“PCLU was seized with the TRC matters from 2003 and they oversaw and dealt with these matters. Under their control, and at that stage, in my view, there was no political interference. Neither was there a lack of logistics or capacity raised as a reason for hindrance to the investigation. It was only during the 2019 Full Bench hearings when the NPA made reference to political interference. This after I had raised this in my affidavit (as advised by my legal counsel). Prior to this, they were silent on the matter. It was only Pikoli who made this allegation in his 2015 affidavit in the Simelane matter. [Paragraph 44]

7.4 You failed to earnestly follow up on the leads furnished by him, stating that:

“Macadam made no mention of any further investigation pertaining to the leads that I had submitted, i.e., the transcripts of the TRC hearing, input from detainees, details of the SAP members involved in uncle Ahmed’s interrogation and photographs of his body that might have been relevant to an expert or specialist forensic pathologist. Nor was there any mention made of any further investigation that Macadam did or could have directed to obtain to either support or refute the suicide allegation. In my view, the NPA failed me dismally. Working with the NPA/DPCI, I now have a clear understanding of how investigations are presently undertaken with guidance and accountability from the prosecutor. I have found no evidence that this was done in my uncle’s matter.” [Paragraph 33]

7.5 You unlawfully placed the burden of investigating his uncle's death on him. He alleges that:

*“Contrary to the prosecutor guiding the investigator on investigation the case, the impression I got was that they placed an onus on me to investigate the matter. In the **Nkadimeng & Others v The National Director of Public Prosecutions & Others** (TPD Case No: 32709/07) Judge Legodi in 2008 held thus, at paragraph 16.2.3.3:*

“Crimes are not investigated by victims. It is the responsibility of police and prosecution authority to ensure that cases are properly investigated and prosecuted.” [Paragraph 32]

7. Attached to this notice is the affidavit of Mr Cajee dated 9 October 2025, together with its annexures, which implicates or may implicate you in allegations regarding efforts or attempts to halt or suppress the investigation or prosecution of TRC matters, [AHMED TIMOL](#), (please click on the link to access the affidavit and its annexures).
8. The specific date and venue for the hearing at which such evidence will be presented, will be communicated to you in due course.

YOUR RIGHTS AND OBLIGATIONS

9. You are entitled to attend the hearing at which the evidence relating to the above allegations, and any other that may be led against you, is presented. You may be represented by a legal practitioner of your choice.
10. You are required to submit a statement in the form of an affidavit by 24 October 2025 responding to the allegations and putting forward your own version of events relating to the ToR. Your affidavit must further specify which parts of the evidence of Mr Cajee are disputed or denied, and set out the grounds for such dispute or denial.
11. If you wish to—
 - a. give evidence yourself;
 - b. call any witness in your defence; or
 - c. cross-examine the witness whose evidence implicates you,you must apply in writing to the Commission for leave to do so within fourteen (14) calendar days of this notice, accompanied by your affidavit.
12. You may also apply for leave to make written and/or oral submissions regarding the findings or conclusions that the Chairperson should draw from the evidence relating to you.

COMMUNICATION WITH THE COMMISSION

13. All correspondence, applications, and affidavits must be directed to: The Secretary of the Commission at secretary@trc-inquiry.co.za

DATED at **Sci-Bono Discovery Centre, Newtown** Johannesburg on this day of the 14th of October 2025.

For and on behalf of the Evidence Leaders to the Judicial Commission of Inquiry into Allegations Regarding Efforts or Attempts Having Been Made to Stop the Investigation or Prosecution of TRC Cases.

