

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

AFFIDAVIT IN SUPPORT OF CONDONATION APPLICATION


I, the undersigned,

JACOBUS PETRUS PRETORIUS

state under oath as follows:

Introduction

1. I am an adult male and senior counsel. I was employed by the National Prosecuting Authority ("NPA") as a Deputy Director of Public Prosecutions from 1995 and served as a member of the Priority Crimes Litigation Unit ("PCLU") since its inception in 2003. From October 2015 to March 2019, I held the position of Acting Special Director of Public Prosecutions in the Office of the National Director of Public Prosecutions. I retired at the end of May 2022 and currently reside in Gauteng.
2. I hereby respectfully request condonation for the late filing of my affidavit in response to the Rule 3.3 Notice issued by the Commission on 14 October 2025, for the reasons set out below.
3. Save where it appears from the context, the facts contained in this affidavit are within my own personal knowledge and are to the best of my knowledge and belief both true and correct.



1

SL

Chronology of Relevant Events

Initial contact with the Commission

4. On 2 October 2025, prior to receiving the Rule 3.3 Notice, I was contacted by the Head of Legal Research and Investigation of the Commission requesting my assistance to consult with the Evidence Leaders.
5. Pursuant to this request, I voluntarily attended a virtual meeting with Adv Nalani SC on 6 October 2025. The consultation concerned the TRC matters generally and did not relate to any specific allegation against me.

Service of Rule 3.3 Notice and access to affidavit

6. On 14 October 2025 at 21:25, I received the Rule 3.3 Notice by email.
7. The hyperlink in the Notice to Mr Imtiaz Cajee's affidavit was accessible, but the document itself was not fully scanned or legible, rendering substantial portions unreadable.
8. Between 15 and 22 October 2025, I made repeated efforts to obtain a complete and readable version of the affidavit, including written communications and a telephone call on 17 October 2025 to the Head of Investigations of the Commission.
9. On 21 October 2025, despite not yet having received the complete affidavit, I acknowledged receipt of the Rule 3.3 Notice and notified the Commission of my intention to cross-examine under Rule 3.3, request for legal representation, denial of the allegations, and assertion of my procedural rights under the Rules of the Commission.
10. I subsequently received access to the full affidavit on 23 October 2025.

2
sa

Engagement with the NPA regarding representation

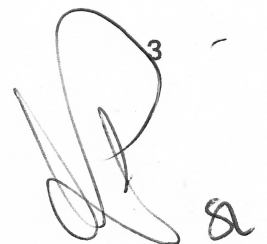
11. On 20 October 2025, I met with representatives of the NPA to request legal representation in relation to the Rule 3.3 Notice. At that meeting, and subsequently confirmed by email, the NPA indicated that counsel would be appointed to represent all NPA officials implicated in Mr. Cajee's affidavit, and that such counsel would request an extension from the Commission to enable the preparation and filing of affidavits on behalf of those officials.
12. To date, no formal instructions, consultation, or further support have been provided by either the NPA or the appointed counsel, leaving me without legal assistance to prepare my response within the original timeframe.

Basis for the Request

13. The delay in filing was not due to any neglect or lack of diligence on my part but arose from circumstances beyond my control: namely, (a) the inability to access a complete and legible version of the affidavit referenced in the Notice, and (b) the absence of the legal representation that the NPA had undertaken to provide.
14. I have acted in good faith and with diligence throughout, maintaining communication with both the Commission and the NPA to obtain clarity and ensure compliance.

Interest of Justice

15. Granting condonation will not, as far as I am aware, cause prejudice to any party and will assist the Commission in receiving a considered, accurate, and complete response.
16. Refusal of condonation would, conversely, deny me the opportunity to respond fully to serious allegations in a fair and procedurally just manner.

A handwritten signature, possibly 'R', with a small number '3' written above it. To the right of the signature are the initials 'a'.

17. Given the complexity and sensitivity of the issues raised, I respectfully submit that it is in the interests of justice that condonation be granted.
18. I deny the core allegations made against me and intend, once represented, to place before the Commission the relevant facts and context necessary to demonstrate the propriety of my conduct and the absence of any wrongdoing.
19. I remain committed to co-operating fully with the Commission and will submit my affidavit promptly once the necessary legal representation has been formally confirmed.

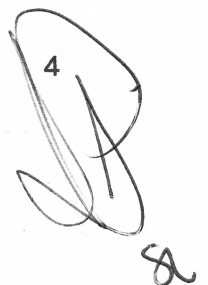
Reservation of Rights

20. I respectfully reserve my right to supplement, amend, or expand upon the contents of this affidavit after consultation with the legal counsel appointed by the NPA, should such consultation reveal additional facts, clarifications, or legal issues that require further response. This reservation is made to ensure that the record before the Commission is complete, accurate, and aligned with the advice of counsel once formally instructed.

Relief Sought

21. Accordingly, I respectfully request that the Commission:
- 21.1. Condone the late filing of my affidavit in response to the Rule 3.3 Notice dated 14 October 2025;
- 21.2. Grant me reasonable time to consult with the legal counsel appointed by the National Prosecuting Authority ("NPA") to represent implicated officials, so that my submission may be properly aligned with the NPA's coordinated legal position, avoid unnecessary duplication of effort, and assist the Commission by

4

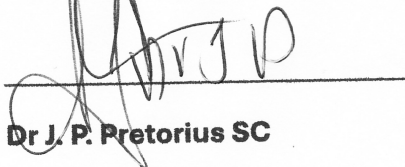


providing a coherent and comprehensive response. I respectfully request that such affidavit be filed within 5 (five) business days of counsel's formal instruction;

21.3. Note and preserve my rights under Rules 3.3.6 and 3.4 of the Rules of the Commission, it being recorded that I intend, upon consultation with counsel, to apply for leave to (a) give evidence myself, (b) call witnesses in my defence, and (c) cross-examine the witness or witnesses whose evidence implicates me, and that the accompanying statement contemplated in Rule 3.4 will be submitted once finalised; and

21.4. Permit such affidavit to be filed and accepted by the Commission upon submission.

Signed at PRETORIA on this 10 day of November 2025.


Dr J. P. Pretorius SC

Deponent

The Deponent has acknowledged that the Deponent knows and understands the contents of this affidavit, which was signed and sworn to or solemnly affirmed before me at Silverton on this 10 day of November 2025, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS

Full names: SL Human

Business address: 441 Pretoria Road

Designation: Constable

Capacity: Silverton

