

I, the undersigned,

ANDREW GORDON LEASK

do hereby state under oath:

1.

I am an adult male employed at the Private Prosecutions Unit of the civil rights organisation AfriForum NPO (Non-Profit Organisation). I am registered as a "Private Investigator" with the regulatory body, namely the Private Security Industry Regulatory Authority (PSIRA), under Reg. No. 2976555.

2.

I have more than 40 years of experience as a detective. My experience and competencies span the specialised units of the South African Police Service from 1982 until 2000, the Investigative Directorate for Organised Crime (IDOC) in the Dept of Justice from 2000 until 2001, the Directorate of Special Operations from 2001 until 2008, the Asset Forfeiture Unit from 2008 until 2017, and thereafter the Private Prosecutions Unit, which remains my current position.

3.

I was employed from 2001 to 2008 as a Chief Investigating Officer ("CIO") within the Directorate of Special Operations ("DSO") (also known as the "Scorpions"), a component of the National Prosecuting Authority. My involvement in criminal matters as a member of the SAPS preceded the TRC process.



4.

I make this affidavit in an endeavour to assist the Judicial Commission with the terms of reference of the Commission. This affidavit is filed to assist the Commission with its terms of reference, namely.

“1.1. ...whether, why and to what extent and by whom, efforts were made to influence or pressure members of the South African Police Service or the National Prosecuting Authority to stop investigating or prosecuting TRC cases.”; and

“1.2...whether any members of the South African Police Service or the National Prosecuting Authority improperly colluded with such attempts to influence or pressure them.”

5.

I believe it would be prudent to begin my contribution by emphasising that the South African Police Service, the Directorate of Special Operations, and the National Prosecuting Authority no longer employ me. I have no access to any of the documentation and rely mainly on my memory. My involvement in these matters goes back more than twenty-five years.

With this affidavit, I intend to provide an overview of matters I believe are relevant. In the main, I respond to issues raised during a consultation with Advocates Semanya SC and Nalane SC and to matters raised in evidence by Minister Simelane and Mr Calata during their evidence before this commission.

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6.

I have no hesitation in assisting with any matters for which I am capable. As indicated, I rely on memory but am willing to respond to any submissions put to me.

7.

I trust this affidavit will help clarify my involvement in the investigation of issues related to the Truth and Reconciliation Commission ("TRC matters") and my understanding of the circumstances under which the DSO's assistance in these investigations was discontinued.

8.

I am not a prosecutor, and I did not personally make prosecutorial decisions about whether to prosecute or not. My role was that of a detective, and during my tenure at the DSO, after Adv McAdam's transfer to the PCLU, I served as Head of the Special National Projects Unit (SNPU) until the DSO's disbandment.

My recollection is that I received instruction from Adv Geoph Ledwaba in July 2003 to hand over all the files pertaining to TRC cases to the PCLU and to provide limited operational support to the PCLU.

After the handover to the PCLU, I was never given a case docket to investigate, nor was I appointed as the Investigating Officer in any TRC matter.

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My recollection is that my office was requested to assist the PCLU and tasked with conducting certain specified investigations. I was shown a memorandum addressed to me by Adv Macadam requesting that I conduct specified investigations, and my recollection is that I either assigned members of my unit to assist or conducted the investigations myself.

My understanding is that the prosecutors at the PCLU retained control of the case dockets and tasked investigators with specified investigation tasks.

9.

I have no way of disagreeing with the evidence of Adv Ackerman or Adv Pikoli regarding the circumstances that led to the failure to prosecute those individuals who failed to obtain or apply for amnesty.

10.

I have been involved in matters of the TRC since the early 1990s and have always considered the investigation of such crimes serious. At the time of these investigations, I was initially heading up a team of detectives assigned to work with the Director of Public Prosecutions in Johannesburg, and we later amalgamated with the D'Oliveira Investigation Unit.

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11.

It might be important to mention that, while I was based at the D'Oliveira Investigations Unit, several of my investigations were removed on the grounds that they were to be escalated with a focus on the involvement of General Krappies Engelbrecht and his possible arrest.

These investigations of mine included, but were not limited to, those of Nokathula Simelane, Adriano Bambo ("Strongman"), and incidents relating to the bombing of electrical substations.

Capt Mike Holmes collated the dockets. He informed me that Adv Torie Pretorius issued the directive.

The exclusion of Capt Mike Holmes and me from any further investigations has always remained peculiar.

12.

I have not, of my own accord, terminated my involvement in any investigation. The contrary is true, as I had argued for the arrests of the suspects in the Nokothula Simelane matter. Before the TRC processes were initiated, I had identified the suspects in the Simelane matter. Timol Coetzee and Anton Pretorius received amnesty for the kidnapping and assault charges, but no one has received amnesty for murder.

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13.

I can also mention that later, after the TRC matters were allocated to the South African Police Service, no meaningful consultation was ever conducted with my team or me, suggesting a lack of determined effort to understand the background to the TRC cases as we understood it.

14.

Expanding on para 8 (*supra*), it is perhaps apt to note that, as the Chief Investigator at the SNPU in 2003, I reported directly to the Investigating Director of the DSO, Adv Ledwaba, who, in turn, reported to the Head of the DSO, Adv McCarthy.

I did not determine policy or decide whether the DSO would investigate TRC matters. The decision not to proceed with TRC investigations was communicated to me by Adv Ledwaba within the DSO structure, and I acted accordingly. My understanding of the decision was that it was an internal argument over responsibility for the TRC investigation between the PCLU and the DSO.

15.

I provided limited assistance where possible through my personnel and caused incidental enquiries that partly assisted the PCLU where possible.

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16.

Insofar as my knowledge extends to the imposition of a "moratorium", I can only indicate that in 2004, when imminent arrests in the attempted murder matter of Dr Frank Chikane were planned, Adv Ackerman, in an informal discussion, told me that he had been informed that TRC matters were to be put on hold until guidelines on how to deal with TRC matters were finalised.

17.

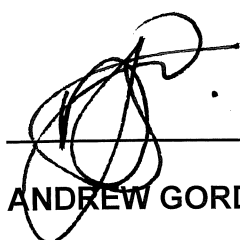
During my involvement in TRC matters, there was a clear delineation between the investigative groupings that focused on cases against the erstwhile security forces and those that focused on cases against MK, the ANC, and other liberation groupings that failed to receive or never applied for amnesty. I have not been involved in any TRC investigations against individuals in MK or the ANC for crimes for which amnesty was not granted.

18.

I know and understand the contents of this declaration.

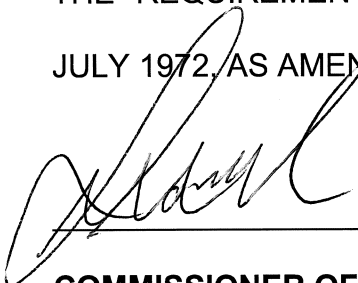
I have no objection to taking the oath.

I consider the oath to be binding on my conscience.



ANDREW GORDON LEASK

THUS SWORN AND SIGNED AT Centurion ON THIS
19th DAY OF February 2026, BEFORE
 ME, Willem Nicolaas Swanepoel, COMMISSIONER OF
 OATHS, THE DEPONENT HAVING ACKNOWLEDGED THAT THE
 DEPONENT UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, HAS
 NO OBJECTION IN TAKING THE OATH AND REGARDS THE OATH AS
 BINDING ON THE DEPONENT'S CONSCIENCE AFTER COMPLYING WITH
 THE REQUIREMENTS OF GOVERNMENT NOTICE R1258, DATED 21
 JULY 1972, AS AMENDED.



COMMISSIONER OF OATHS

NAME:

CAPACITY:

ADDRESS:

WILLEM NICOLAAS SWANEPOEL
 PRACTISING ATTORNEY R.S.A.
 MATTHEW KLIEN ATTORNEYS
 COMMISSIONER OF OATHS (EX OFFICIO)
 THE CORNER OFFICE, GROUND FLOOR
 C/O LYNNWOOD AND ROSMARY ROADS
 MENLO PARK, PRETORIA

