

**IN THE COMMISSION OF INQUIRY INTO STOPPED TRC INVESTIGATIONS
AND/OR PROSECUTIONS**

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CALATA GROUP VOLUME
BUNDLE 5: YASMIN SOOKA**

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373

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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: _____

In the matter between:

LUKHANYO BRUCE MATTHEWS CALATA 1st Applicant

ALEGRIA KUTSAKA NYOKA 2nd Applicant

BONAKELE JACOBS 3rd Applicant

FATIEMA HARON-MASOET 4th Applicant

TRYPHINA NOMANDLOVU MOKGATLE 5th Applicant

KARL ANDREW WEBER 6th Applicant

KIM TURNER 7th Applicant

LYNDENE PAGE 8th Applicant

MBUSO KHOZA 9th Applicant

NEVILLE BELING 10th Applicant

NOMBUYISELO MHLAULI 11th Applicant

SARAH BIBI LALL 12th Applicant

SIZAKELE ERNESTINA SIMELANE 13th Applicant

SINDISWA ELIZABETH MKONTO 14th Applicant

STEPHANS MBUTI MABELANE 15th Applicant

Date: 17/01/2025
Certified a True Copy
of the Original
Nicola Irving
Nicola Grace Irving

lc
ASW
NGI

THULI KUBHEKA	16 th Applicant
HLEKANI EDITH RIKHOTSO	17 th Applicant
TSHIDISO MOTASI	18 th Applicant
NOMALI RITA GALELA	19 th Applicant
PHUMEZA MANDISA HASHE	20 th Applicant
MKHONTOWESIZWE GODOLOZI	21 st Applicant
MOGAPI SOLOMON TLHAPI	22 nd Applicant
FOUNDATION FOR HUMAN RIGHTS	23 rd Applicant
and	
GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA	1 st Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	2 nd Respondent
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	3 rd Respondent
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS	4 th Respondent
MINISTER OF POLICE	5 th Respondent
NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICE	6 th Respondent

SUPPORTING AFFIDAVIT – YASMIN LOUISE SOOKA

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A.M.

I, the undersigned,

YASMIN LOUISE SOOKA

do hereby make oath and state as follows:

1. I am an adult female and I reside in Johannesburg. I am a member of the Foundation for Human Rights ("**FHR**") Supervisory Board situated at Metal Box Building, 7th Floor, 25 Owl Street cnr Stanley Avenue, Auckland Park, Johannesburg
2. I am a former Commissioner of the South African Truth and Reconciliation Commission ("**TRC**" or "**the Commission**").
3. Save where 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.

My Background

4. I set out below some highlights from my career -
 - 4.1 I served as a Commissioner on the TRC from 1995 to 2001 and chaired the committee responsible for the final report between 2001 and 2003.
 - 4.2 I was subsequently appointed by the United Nations ("**UN**") to serve as a Commissioner on the Truth and Reconciliation Commission of Sierra Leone from 2002 to 2004
 - 4.3 Since 2000, I have been a member of the High-Level Expert Advisory Group for the Global Study on the 15-year implementation of the United Nations Resolution 1325 on Women, Peace and Security (which

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acknowledges the disproportionate and unique impact of armed conflict on women and girls).

4.4 I was the Executive Director of the Foundation for Human Rights between 2001 and 2019.

4.5 In 2010, I was appointed by the UN to a three-member Panel of Experts advising the UN Secretary-General on accountability for war crimes committed during the final stages of the civil war in Sri Lanka.

4.6 I am the Executive Director of The International Truth and Justice Project, an independent non-profit organisation based in London working since 2013 to protect and promote justice and accountability in Sri Lanka.

4.7 In 2015, I was appointed by the UN Secretary General to serve as a Member of the Independent Review Panel for the Central African Republic ("CAR"), which investigated allegations of sexual abuse by Foreign Military Forces in CAR as well as the UN response to the allegations.

4.8 In 2016, I was appointed by the UN Human Rights Council as the Chairperson of the Commission on Human Rights in South Sudan and have served in that role since then.

Confirmation

5 I have read the notice of motion and a substantially complete version of the founding affidavit of Lukhanyo Bruce Matthews Calata and confirm the contents in so far as they relate to me.

Handwritten signature and initials: LQ, NGI

6. In particular, I confirm that I oversaw the handover of the cases from the TRC to the National Prosecuting Authority ("the TRC cases") in the winding up phase of the Commission.
7. I also confirm that, on behalf of the former TRC Commissioners, I addressed letters to the President in 2019 and 2021 requesting him to appoint a commission of inquiry into the political suppression of the TRC cases.
8. I wholeheartedly endorse the application of Lukhanyo Calata and the other families. They have suffered deep and intolerable injustices to their dignity. The rule of law of has been trashed for the sake of political expediency.
9. What the families have endured should have been unthinkable in a society based on democratic values, social justice and fundamental human rights.
10. The families have had to fight every inch of the way to get their cases before the courts. Over decades they have faced the ongoing intransigence and indolence of the authorities.
11. That the families had to go to such lengths speaks volumes of the indifference of the post-apartheid state and its uncaring and contemptuous approach to their struggles for closure.
12. The families are eminently entitled to an independent and open commission of inquiry to get to the bottom of the suppression of the cases which resulted in the mass denial of justice to those who gave so much for South Africa's liberation.
13. In light of the egregious and unrelenting violation of their rights over decades, they are also entitled to constitutional damages to vindicate the defilement of such rights.

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14. Given the abandonment by South Africa's law enforcement agencies of their responsibilities under law, the families had to rely on their own devices. They had to appoint their own lawyers and investigators or rely on pro bono attorneys and counsel, or those provided by the FHR
15. If constitutional damages are awarded, the families will be able to more coherently pursue those few cases where justice is still feasible. They will also be able to properly commemorate the memories of their loved ones, which were so easily abandoned by the ruling elite.

The former TRC Commissioners

16. I bring to the attention of this Honourable Court that the former TRC Commissioners in two letters to the President in 2019 and 2021 expressed their deep concern at the brazen shutting down of the TRC cases. We called on the President to appoint a commission of inquiry to enquire into the suppression of the cases. Both letters are annexed to the founding affidavit of Lukhanyo Calata
17. The former Commissioners who endorsed the aforesaid letters were:
 1. The late Archbishop Emeritus Desmond Mpilo Tutu
 2. Ms Yasmin Sooka
 3. Adv Dumisa Ntsebeza SC
 4. Ms Mary Burton
 5. Ms Glenda Wildschut
 6. Dr Fazel Randera

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7. Mr Richard Lyster

8. Revd Bongani Finca

9. Adv Denzil Potgieter

10. Dr Wendy Orr

18. Former Committee Members who endorsed the letters were:

1. Ms Pumla Gobodo-Madikizela

2. Dr Russell Ally

3. Prof Piet Meiring

19. The letters were also endorsed by the following organisations:

1. Desmond and Leah Tutu Legacy Foundation

2. The South African Coalition for Transitional Justice, including:

2.1 Centre for the Study of Violence and Reconciliation

2.2 Khulumani Victims Support Group (Galela Campaign)

2.3 Human Rights Media Centre

2.4 Institute for Justice and Reconciliation

2.5 Foundation for Human Rights

2.6 South African History Archives

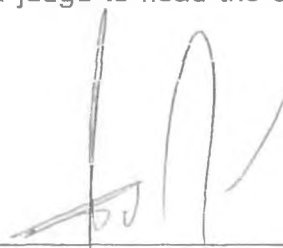
3. Ahmed Timol Family Trust

4. Legal Resources Centre

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5. Imam Haron Family Trust

20. We also called on the President to issue an apology to the families, noting that "no expression of regret, remorse or apology has been offered by anybody in authority for the deep betrayal of victims of past atrocities."
21. Aside from letters of acknowledgment we have heard nothing further from the President. It is time for an honest reckoning with the past.
22. Since the President appears to be still held back by political constraints, he must be compelled to exercise his responsibilities under the Constitution.
23. Given the compromised position of the President and his government, we support the relief sought that the President must be required to request the Chief Justice to recommend a sitting or retired judge to head the aforesaid commission of inquiry.



YASMIN LOUISE SOOKA

The Deponent has acknowledged that she knows and understands the contents of this affidavit, which was signed and sworn to or solemnly affirmed before me at 34, Middelburg on this the 18th day of May 2011



COMMISSIONER OF OATHS

Full Names: **A. S. MAYET**
 Commissioner of Oaths
 Practising Attorney
 Business Address: **401 Elizabeth House**
10 Pritchard Street
Johannesburg
 Designation:

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IN THE COMMISSION OF INQUIRY INTO STOPPED TRC INVESTIGATIONS
AND/ OR PROSECUTIONS

CONFIRMATORY AFFIDAVIT OF YASMIN LOUISE SOOKA

I, the undersigned,

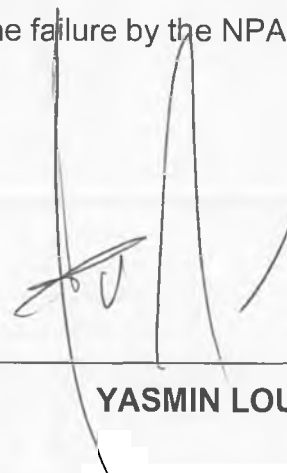
YASMIN LOUISE SOOKA

do hereby make oath and state:

1. I am an adult female and I reside in Johannesburg. I am a member of the Foundation for Human Rights ("**FHR**") Supervisory Board situated at Metal Box Building, 7th Floor, 25 Owl Street cnr Stanley Avenue, Auckland Park, Johannesburg.
2. I am a former Commissioner of the South African Truth and Reconciliation Commission ("**TRC**" or "**the Commission**") and the Sierra Leone TRC. Since 2016, I have served as the Chairperson of the United Nations Commission on Human Rights in South Sudan.
3. Save where 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.
4. I depose to this affidavit to assist the Judicial Commission of Inquiry into stopped TRC Investigations and/or Prosecutions ("**the Commission**") to address paragraphs 1 to 1.3.2 of the terms of reference of the Commission.
5. I confirm the contents of the founding affidavit of Lukhanyo Calata dated 17 January 2025 filed in *Calata & Others v Government of South Africa & Others* (Gauteng Division, Case No. 2025-005245), insofar as it pertains to me ("**the Calata affidavit**"). A certified copy of this affidavit was supplied by Webber Wentzel attorneys to the Commission on 10 October 2025 in bundle 5 of the Calata Group Volume.



6. I also confirm the contents of my affidavit dated 18 November 2024 which was attached as a supporting affidavit in the abovementioned matter. I will rely on the full contents of this affidavit to address the aforesaid paragraphs of the terms of reference. A certified copy of this affidavit was supplied by Webber Wentzel attorneys to the Commission on 10 October 2025 at bundle 5 at paginated pages 1382 – 1390.
7. My supporting affidavit details the representations my colleague Adv Dumisa Ntsebeza SC and I made to the NPA to prosecute the TRC cases in our capacity as TRC Commissioners. My affidavit further details the role the Foundation for Human Rights played to help families and victims of gross human rights abuses to find justice due to the failure by the NPA and SAPS to investigate and prosecute the TRC cases.



YASMIN LOUISE SOOKA

Signed and sworn to before me at Rondebosch on this the 04 day of November 2025, the deponent having acknowledged in my presence that he knows and understands the contents of this affidavit, the provisions of Government Gazette R1478 of 11 July 1980 as amended by Government Gazette R774 of 20 April 1982, concerning the taking of the oath, having been complied with.

CST GELA *m. Gela*
.....7213824-6

COMMISSIONER OF OATHS

FULL NAMES: *Mkhumbi Gela*
PHYSICAL ADDRESS: *Church Street*
DESIGNATION: *Constable*



COMMUNICATION PLACING THE STATE ON TERMS		
	Communication	Reference in Bundles
Neil Aggett Case		
1.	19 January 2016: Late Frank Dutton and representatives of the Timol and Aggett families made a presentation to the NDPP, senior head office members and the PCLU urging the reopening of the inquests.	Bundle 1 (Lukhanyo Calata); page 135, para 346
2.	21 June 2016: WW Letter threatening the NPA if decision was not taken to reopen inquest.	Bundle 1 (Lukhanyo Calata); page 165, para 428.1
3.	8 July 2016: WW Letter threatening the NPA if decision was not taken to reopen inquest.	Bundle 1 (Lukhanyo Calata); page 165, para 428.1
4.	11 August 2016: WW Letter threatening the NPA if decision was not taken to reopen inquest.	Bundle 1 (Lukhanyo Calata); page 165, para 428.1
5.	23 August 2016: WW Letter of Demand sent to NPA.	Bundle 1 (Lukhanyo Calata); page 165, para 428.1
6.	29 July 2019: WW Letter threatened the Minister of Justice with an urgent High Court application if he did not instruct the judge presidents of the Gauteng and KwaZulu Natal Divisions to reopen the inquests.	Bundle 1 (Lukhanyo Calata); page 165, para 428.3
7.	15 August 2019: WW Letter threatened the Minister of Justice with an urgent High Court application if he did not instruct the judge presidents of the Gauteng and KwaZulu Natal Divisions to reopen the inquests.	Bundle 1 (Lukhanyo Calata); page 165, para 428.3
Ahmed Timol Case		
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Hoosen Haffejee Case		
13.	29 July 2019: WW Letter threatened the Minister of Justice with an urgent High Court application if he did not instruct the judge presidents of the Gauteng and KwaZulu Natal Divisions to reopen the inquests.	Bundle 1 (Lukhanyo Calata); page 165, para 428.3
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COSAS 4		
15.	September 2019: The families requested the NPA and DPCI to investigate the callous entrapment murders.	Bundle 1 (Lukhanyo Calata); page 167, para 430
16.	2 September 2020: Application with the Krugersdorp Magistrates' Court seeking an order for the disinterment and forensic examination of the bodies.	Bundle 1 (Lukhanyo Calata); page 167, para 430
17.	5 December 2022: The FHR sent an open letter to the Minister of Police asking him to change course on the question of legal costs (following court order issued by Mokgoatheng J on 4 May 2022).	Bundle 1 (Lukhanyo Calata); page 169, para 435
Cradock 4		
18.	Between July 2019 and June 2021: more than 140 interactions between Cliffy Marion, CDH and the NPA and DPCI.	Bundle 1 (Lukhanyo Calata); page 169, para 438
19.	September 2019, April and August 2020: CDH letters to NPA re: theft of docket	Bundle 1 (Lukhanyo Calata); page 170, para 439
20.	4 October 2020: CDH letter to Minister of Police and National Commissioner of the Police seeking their intervention re: missing docket	Bundle 1 (Lukhanyo Calata); page 170, para 441
Imam Abdullah Haron		
21.	4 December 2019: WW letter to NDPP providing new evidence and setting out the grounds for the re-opening of the 1970 inquest.	Bundle 1 (Lukhanyo Calata); page 172, para 446
22.	September 2021: WW letter placing NPA and the Minister of Justice on terms.	Bundle 1 (Lukhanyo Calata); page 173, para 447
23.	April 2022: WW letter placing NPA and the Minister of Justice on terms.	Bundle 1 (Lukhanyo Calata); page 173, para 447

Caiphus Nyoka		
24.	9 October 2020: WW letter placing the Deputy NDPP and the Head of the SAPS' Directorate for Priority Crimes Investigation (DPCI) on terms.	Bundle 1 (Lukhanyo Calata); page 46, para 115.12.1
Letters to President		
25.	8 June 2021: WW letter to President Ramaphosa (copied to the Justice Minister) placing him on terms, demanding a response within 10 days, failing which they would launch a court application to compel the appointment of a commission of inquiry into suppression of TRC cases.	Bundle 1 (Lukhanyo Calata); page 193, para 499 Letter at Bundle 1 (Lukhanyo Calata); page 792, FA 77
26.	10 July 2024: WW letter to President demanding appointment of a commission of inquiry by 31 July 2024, failing which legal action would be taken	Bundle 1 (Lukhanyo Calata); page 202, para 522 Letter at Bundle 1 (Lukhanyo Calata); page 918, FA 82

Letters not found in Bundle 1 (Lukhanyo Calata) can be found in the Contextual Documents to the Calata Papers:

Items 6, 7, 11, 18, 26, 29, 30, 31, 32, 35.