

MEMORANDUM

TO : MR B L NGCUKA

FROM : A R ACKERMANN

DATE : 11 MARCH 2004

SUBJECT : TRC: PROSECUTIONS: TASK TEAM

We have had sight of a document which proposes that before any prosecutions are instituted such prosecutions must be approved by a task team and that you will then act on their recommendations. The task team will also direct all the investigations in to TRC matters. I am concerned that this amounts to an erosion of your office's independence. I have furthermore concerns about the composition of the task team. It appears to be dominantly an intelligence-driven committee and our experience with Commissioner Selebi and Lala furnishing the President with malicious and false information, speaks for itself.

It is not clear when this task team will start functioning. At present there are the following pressing matters:

- (i) State versus M Mphahlele (Apla)
- (ii) State versus Otto and two others (Chikane poisoning)
- (iii) State versus Blani (Addo-case)
- (iv) State versus van Rensburg (Brain Ngulunga)

Kindly, as a matter of urgency, advise me whether I should proceed with the investigations and prosecutions of these cases.

We are considering the full content of the task team document and will furnish you with our views in due course.

A R ACKERMANN SC
HEAD: PRIORITY CRIMES
LITIGATION UNIT