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**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: RAY LALLA.**

EMAIL: [lalla.rayman@gmail.com](mailto:lalla.rayman@gmail.com)

**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 are:

- a. The applicants in the matter of L.B.M. Calata and 22 Others v Government of the Republic of South Africa and Others (Case No. 2025-005245, North Gauteng High Court, Pretoria); and
- b. The families of victims in TRC cases who have a substantial interest in the matters under inquiry.

#### **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 one or more applicants in the Calata case, and any person who in the opinion of the Evidence Leaders possesses information that relates to the paragraph **Error! Reference source not found.** allegations against you and is relevant to the Commission's work.
7. The specific date and venue for the hearing at which such evidence will be presented will be communicated to you in due course.
8. Below is an extract from the Calata matter's founding affidavit, with corresponding paragraph numbering, which implicate, or may implicate, you in

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allegations regarding efforts or attempts to halt or suppress the investigation or prosecution of TRC matters. Further details of the Calata proceedings, including the said affidavit, are available on the Commission's website at [www.trc-inquiry.org.za](http://www.trc-inquiry.org.za).

## **PARTICULARS OF IMPLICATION**

### *“The Amnesty Task Team*

148. *A Director-General’s Forum chaired by Adv Pikoli, the then Director General of the DOJ, met on 23 February 2004 to consider how to give effect to the President’s objectives set out in his speech the year before. Essentially this involved how to deal with the TRC cases, which Pikoli described in his affidavit, as being “politically sensitive” (TN7 at pp 170 – 216 in Nkadimeng 2). The Forum appointed a Task Team to report on a mechanism to give effect to the President’s objectives. This task team was known as the “Amnesty Task Team” (ATT).*

149. *The ATT was required to:*

149.1 *explore options for the NPA and the intelligence agencies to accommodate persons who still wish to disclose the truth about past conflicts.*

149.2 *consider a further process of amnesty on the basis of full disclosure of the offence committed during the conflicts of the past.*

149.3 *advise whether legislative enactments were required.*

150. *The original terms of reference for the ATT (as attached to Macadam’s affidavit*

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(FA5) as annex RCM14 (at p863) were to consider and report on:

150.1 *The criteria the NPA applies in deciding on current and impending prosecution of cases flowing from the conflict of the past.*

150.2 *The formulation of guidelines that will inform current, impending and future prosecution of cases flowing from the conflicts of the past.*

150.3 *Bearing in mind the abovementioned guidelines, whether legislative enactments were required.*

150.4 *Whether any of the two Bills that have already been formulated can be taken forward, while taking into account the views of the intelligence agencies.*

151. *The names of the two bills were not disclosed but presumably one of them was the Indemnity Bill (first 2 pages at RCM13 at p861). The views of the Intelligence Agencies were also not disclosed.*

152. *The ATT comprised the following members:*

152.1 *Deon Rudman (Chairperson): DOJ*

152.2 *Yvonne Mabule: National Intelligence Agency (NIA)*

152.3 *Vincent Mogotloane: NIA*

152.4 *Gerhard Nel: NPA*

152.5 *Lungisa Dyosi: NPA*

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152.6 *Ray Lalla: SAPS*

152.7 *Joy Rathebe: Department of Defence (DOD)*

153. *The ATT was requested to submit its report to the Director General's Forum by close of business on 1 March 2004. The ATT met on 26 February 2004 and again on 1 March 2004.*

154. *The undated 2004 secret report, titled "Report: Amnesty Task Team", which was disclosed during the proceedings in the matter of Nkadimeng & Others v The National Director of Public Prosecutions & Others (TPD case no 32709/07 [2008] ZAGPHC 422) (Nkadimeng 1) as annex TN42 at p431. It is annexed hereto marked FA24. The report set out the ATT's mandate, background, proposals and concerns.*

155. *The ATT Report noted that a further amnesty would face challenges because of constitutional issues but nonetheless the team still had to find ways to accommodate those perpetrators who did not take part in the TRC process.*

*In relation to its first task, the ATT recommended the creation of a Departmental Task Team comprising representatives from:*

155.1 *Department of Justice and Constitutional Development,*

155.2 *The Intelligence Agencies,*

155.3 *South African National Defence Force,*

155.4 *South African Police Service,*

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155.5 *Correctional Services,*

155.6 *National Prosecuting Authority,*

155.7 *Office of the President.*

156. *The functions of the proposed Departmental Task Team would, inter alia, be*

*the following:*

156.1 *Before the institution of any criminal proceedings for an offence committed during the conflicts of the past, it must consider the advisability of the institution of such criminal proceedings and make recommendations to the NDPP.*

156.2 *To consider applications received from convicted persons alleging that they had been convicted of political offences with a view to making recommendations for their parole or pardon, and in making such recommendations to consider various criteria.*

*Aside from the TRC's amnesty criteria, other considerations included, inter alia:*

156.2.1 *Whether a prosecution "politically" reflects the aims of the TRC Act*

*and is not in conflict with the requirements of objectivity.*

156.2.2 *Various humanitarian concerns.*

156.2.3 *Whether a prosecution could lead to conflict and traumatisation of victims.*

156.2.4 *The perpetrator's sensitivity to the need for restitution.*

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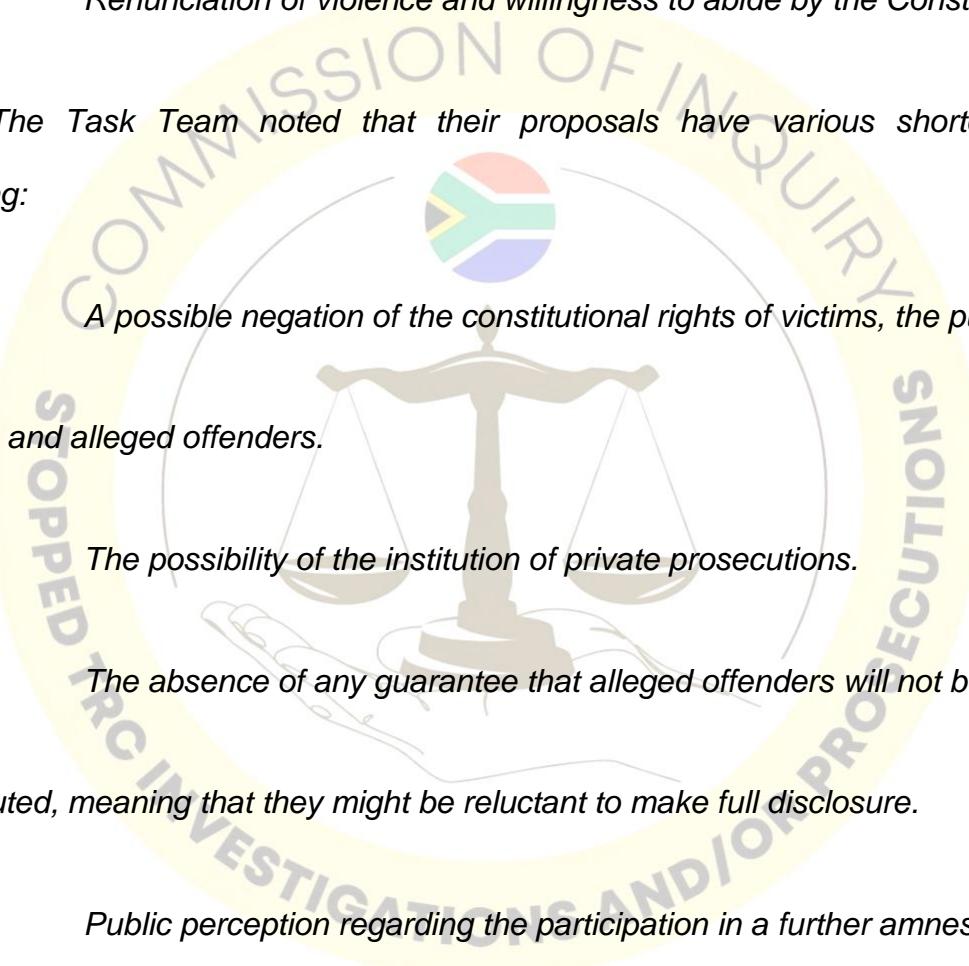
156.2.5 *The degree of remorse shown by the offender and his attitude towards reconciliation.*

156.2.6 *The degree of indoctrination to which the offender was subjected.*

156.2.7 *The extent to which to which the perpetrator carried out instructions.*

156.2.8 *Renunciation of violence and willingness to abide by the Constitution.*

156.3 *The Task Team noted that their proposals have various shortcomings, including:*



156.3.1 *A possible negation of the constitutional rights of victims, the public at large and alleged offenders.*

156.3.2 *The possibility of the institution of private prosecutions.*

156.3.3 *The absence of any guarantee that alleged offenders will not be prosecuted, meaning that they might be reluctant to make full disclosure.*

156.3.4 *Public perception regarding the participation in a further amnesty*

*process by the security services as the public may regard them as perpetrators in past conflicts.*

157. *According to Pikoli in his affidavit in Nkadimeng 2, the recommendation of the Interdepartmental Task Team for 'a two-stage process', which would have required its*

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*recommendation before the NDPP could prosecute was rejected. This was because it would have been a violation of the NDPP's prosecutorial independence enshrined in section 179 of the Constitution. Although the Task Team's role was meant to be advisory in nature it soon became apparent that the non-NPA members of the team saw their role as supervisory rather than advisory. Indeed, as will be seen below, the 'two-stage process' was reintroduced causing a crisis of conscience for Pikoli.*

158. *With regard to the ATT's second task, namely, to consider a further amnesty process, the team was of the view that the only way to address the concerns was to provide a further amnesty similar to that of the TRC process.*

158.1 *Some members argued against another amnesty, pointing out it would undermine the TRC process, while others supported a new amnesty to encourage more disclosures.*

158.2 *The ATT decided not to make a recommendation on the question of another amnesty but to leave it in the hands of government.*

158.3 *It attached a draft Indemnity Bill to the report (as annex B) in case government decided to proceed with a further amnesty. The annex was not attached to the report in the version disclosed in Nkadimeng 2. However, the first 2 pages of the draft bill were attached to Macadam's affidavit (FA5) as RCM13 at p861. It would have provided for a rerun of the TRC's amnesty process.*

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159. *With regard to the ATT's third task, namely, to advise on any legislative steps needed, it noted that its recommendations in relation to the first task do not require any legislation. However, it noted:*

*"Should Government, however, decide on a further amnesty process ..., legislation will be required since the mechanisms and procedures of the TRC Act have run their course and can no longer be applied. If it is decided to follow the latter route, an amendment of the Constitution is also proposed in order to enable such legislation being adopted and to pass muster in the Constitutional Court."*

160. *Much of the ATT's report was accepted by government and implemented, as is evident by the 2005 amendments to the Prosecution Policy and the introduction by President Mbeki of a Special Dispensation for Political Pardons in 2007, to be discussed below.*

#### *The Secret Further Report of the Amnesty Task Team*

161. *The secret Further Report of the ATT was disclosed by Macadam in his affidavit (FA5) as annex RCM15 at p864. Perhaps more than any other document, the Further Report reveals the real intent of those behind the political interference. The report is undated, but it would have been generated in 2004 in the weeks or months following the submission of the ATT's first report to the Heads of Department Forum on 4 March 2004.*

162. *The report reveals that the Heads of Department Forum discussed the first ATT Report with members of the Task Team, "whereafter they deliberated the Task Team's proposals and recommendations in camera". Following these deliberations, the Heads*

of Department Forum indicated that they preferred the Task Team's recommendations relating to the establishment of a Departmental Task Team (referred to as Option I). However, they requested the Task Team to further consider the following aspects:

162.1 In performing its functions, the proposed Inter-departmental Task Team (ITT) must make use of existing structures rather than parallel structures.

162.2 Consider whether there is a way in which private prosecution and civil litigation can be eliminated if the NDPP decides not to prosecute; and investigate the possibility and desirability of legislation, if required.

162.3 The proposed Task Team should work under the direct supervision of an Inter-Ministerial Committee.

162.4 It is important that the proposed Task Team, the Inter-Ministerial Committee and the NDPP, in performing their functions and reaching decisions, should take the national interest into account.

162.5 Advise the Forum on whether a person who is aggrieved by a decision of the National Director may approach the International Criminal Court (ICC).

162.6 Advise the Forum on a timeline for the completion of the work of the proposed Task Team. Twelve months was mentioned as a possibility.

163. Perhaps most revealing was the Forum's instruction to the ATT to explore ways in which private prosecution and civil litigation could be eliminated where the NDPP decides not to prosecute, including the possibility of fresh legislation to achieve this

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end. This exposes the intent to come up with a means to guarantee maximum impunity for apartheid-era perpetrators.

164. The fear that victims and families could turn to the ICC, in the event that avenues for accountability in South Africa were completely closed, presented a real fear to the Forum.

165. Equally chilling was the desire of the Forum for the ITT to “work under the direct supervision of an Inter-Ministerial Committee”.

165.1 If there was any doubt that the prosecution process in relation to the TRC cases was to be under the thumb of political overlords, it was dispelled by this requirement.

This is in fact what transpired.

165.2 As will be discussed below, towards the end of 2006, the ITT was instructed that it must submit a final recommendation to a “Committee of Directors General” in respect of each TRC case, which in turn must advise the NDPP in respect of who to prosecute or not.

165.3 In addition, it emerged that at least by 2007, if not earlier, there was a “Cabinet Committee on Post TRC matters”, which was a subcommittee of the Justice, Crime Prevention and Security Cluster.

166. The proposal that all players in the process, including the NDPP, should “take the national interest into account” when making decisions in relation to the TRC cases was ‘shorthand’ for the expectation that all involved, particularly the NPA, would be expected to ‘do the right thing.’

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166.1 *Needless to say, no attempt was made to define what the national interest meant in this context, although I am advised that the ‘national interest’ is not necessarily the same as the ‘public interest’.*

166.2 *The national interest constitutes the interests of the state, usually as defined by its government. Typically, politicians invoke the ‘national interest’ in seeking support for a particular course of action.*

166.3 *The public interest on the other hand typically refers to the collective interests of a community or society, in particular when steps are taken on behalf of disadvantaged, marginalised and vulnerable people; as well as the pursuit of objectives that benefit society as a whole, such as the protection of civil liberties.*

166.4 *I am advised that while the national and public interest may coincide, in this instance it does not. The shielding of perpetrators of serious crimes from scrutiny and justice may have served the narrow or expedient interests of the state at that time, but it hardly served the public interests of victim communities or society more generally.*

166.5 *It goes without saying that the national interests, as espoused by the*

*ATT, were also diametrically opposed to the ‘interests of justice’.*

#### *Response of the ATT*

167. *The ATT then met to work out how to take the Heads of Department Forum’s directives forward. They consulted legal experts who advised that setting up the Departmental or ITT Team did not require legislation.*

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167.1 Only a Memorandum of Understanding would be needed, although all existing structures, such as the NPA, would have to “commit themselves and give their full support and cooperation” to the process.

167.2 It was apparent that for this to work, everybody would have to ‘play the game’. As it turned out, they could count on almost everybody in all departments to ‘play the game,’ or at least ‘look the other way’.

167.3 However, two key persons in the NPA, Pikoli and Ackermann, were not

willing to bow to political instruction. The charade could not work without them playing along. As will be seen below, the former would be shown the door while the latter was sidelined.

168. According to the Further Report, the question of “eliminating private prosecution[s] and civil litigation in cases of a no prosecution [] elicited much debate” within the ATT.

168.1 The ATT spoke to two State Law Advisers and obtained a legal opinion from Adv JH Bruwer, which was attached to the report, although it was not attached to the copy annexed to Macadam’s affidavit. There appeared to be agreement that “legislation eliminating private prosecution and civil litigation will at least affect a person’s right to equality and the right of access to courts”.

168.2 They also doubted that “the motivation for such legislation would meet the requirements of section 36 (the limitations clause) of the Constitution”, which would be “seen as a further amnesty process.”

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168.3 *The ATT drew the Heads of Department Forum's attention to an article in the Rapport of 7 March 2004 where Archbishop Desmond Tutu was quoted as saying that those who did not receive amnesty should face prosecution and any new initiative to stop prosecutions "would be seen as negating the amnesty process of the TRC."*

168.4 *The ATT advised that the only way to eliminate private prosecutions and civil litigation would be by way of legislation and a Constitutional amendment which "would not be desirable."*

168.5 *It is interesting to note that in Nkadimeng 1, the Minister of Justice and the NPA argued that the Prosecution Policy amendments did not promote impunity because families and victims could still bring their own private prosecutions, even though they lacked investigative powers and the resources of the State. Judge Legodi, recognising the absurdity of this claim, noted in his judgment in Nkadimeng 1 that "crimes are not investigated by victims. It is the responsibility of the police and prosecution authority to ensure that cases are properly investigated and prosecuted."*

168.6 *It is not known if the State Law Advisors and Adv Bruwer were asked to provide an opinion on the constitutionality of the proposed amendments to the Prosecution Policy, which provided for an effective back door amnesty. Archbishop Desmond Tutu filed a supporting affidavit in the legal challenge to the new policy (in Nkadimeng 1), where he stated that the efforts of the State "represented a betrayal of all those who participated in good faith in the TRC process. It completely undermined the very basis of the South African TRC." An unsigned copy of the Archbishop's affidavit is annexed hereto marked FA25.*

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169. *In relation to the proposed establishment of an Inter-Ministerial Committee it is recorded in the Further Report that “the Task Team supports this proposal.” The members of the ATT demonstrated their subservience in agreeing with the Heads of Department Forum. However, they were constrained to provide the views of the State Law Advisers who indicated that a further structure could prove cumbersome and “might be seen as an attempt by the Government to put undue pressure on the National Director of Public Prosecutions in reaching an independent decision.”*

170. *The ATT cast further ignominy on itself when in response to the proposal that the “national interest should be the paramount objective,” it responded in servile fashion: “the Task Team wholeheartedly agrees with this viewpoint of the Forum.” The ATT was more than happy to open the door to the imposition of the dominant political views onto prosecutorial decisions.*

171. *In relation to the involvement of the ICC, the ATT relied on the advice of Adv Bruwer who concluded that it was “not inconceivable that a complainant who is prohibited [...] from instituting a private prosecution in the national court may approach the International Criminal Court for relief.”*

172. *In relation to the question of setting a timeline for the Departmental Task Team to complete its work, the ATT declined to propose a timeline but proposed that “the President should rather indicate that it is expected that the Task Team will finalise its work within a specified period and that such period will be determined taking into account the extent to which its objectives are achieved.” Perhaps the ATT realised it should leave this decision in the hands of the office holder who was really calling the*

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shots. In doing so, the ATT confirmed loudly and clearly that the question of the TRC cases was now firmly in the hands of those in political control.

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*TRC cases remain stuck*

302. In the PCLU's presentation of its performance for the financial year of 2007 – 2008 to Parliament's Justice and Constitutional Development Portfolio Committee in March 2007, the following was noted by Ackermann in slide 8 on TRC prosecutions:

- "Only partial success was achieved due to intervening factors beyond the control of the unit."
- "Sixteen cases have been identified for investigation and possible prosecution." (Bold added).

303. The cryptic reference to "intervening factors beyond the control of the unit" could only have been the political interference alluded to above and to be described in detail below. The sixteen cases were not identified and none of these cases were taken forward. A copy of the presentation is annexed hereto marked FA44.

304. With the political suppression of the TRC cases now in full swing, there was a hiatus of activity for several years, notwithstanding the agitation of families for action. The only notable development in this period was the disappearance of the investigation dockets in the Nokuthula Simelane and Cradock Four cases.

305. *It can be safely assumed that little or no work was carried out by the NPA, SAPS or DSO on the TRC cases during 2008. Acting NDPP Mpshe had already relieved Ackermann of his responsibilities in respect of the TRC cases. He could hardly be expected to champion the TRC cases going forward, and indeed he did not. Although Ackermann was still the head of the PCLU he was no longer permitted to work on the TRC cases, and the files were left 15 largely unattended. He retired from the NPA in 2013. In any event, at that stage, no investigator within state structures would touch the cases.*

306. *Macadam records in his affidavit filed in Rodrigues (FA5), that in early 2009, Mpshe summoned him to his office and showed him a letter written by SAPS indicating that it was withdrawing from the ITT.*

306.1 *Presumably the SAPS took the view that the TRC cases were dead in the water and there was no point in serving on the task team which in practice was doing no work. In addition, following the judgment of Legodi J, the ITT no longer enjoyed a legal basis with the setting aside of the amendments to the Prosecution Policy in December 2008.*

306.2 *Since the SAPS had not been investigating the TRC cases their withdrawal did not mean much. However, according to Macadam it would mean that going forward, the TRC matters would again not be investigated because a decision had already been taken to disband the DSO.*

306.3 *Mpshe asked Macadam to negotiate with SAPS and try to get them to agree to investigate the cases. Mpshe also told Macadam to take over the TRC cases.*

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307. *It is hardly surprising that Macadam concluded his 2018 affidavit with this blunt statement: “[t]hese documents speak for themselves and go a long way in explaining why from 2003 the PCLU constantly struggled to have TRC cases investigated.”*

308. *Macadam approached Ackermann for advice, and he disclosed that he had previously closed some matters which had not required investigation and handed over a list of some ten cases. Macadam attached to his affidavit as annex RCM6 (at p821) a trail of emails between himself and various roleplayers in his attempts to get the remaining TRC cases investigated. He initially met with Rayman Lalla, then Divisional Head of the Detective Service of SAPS, who informed him that the National Commissioner had decided that the cases must be handled by the DPCI.*

309. *On 18 May 2009, Macadam sent the following email to Deputy NDPP, Adv Willie Hofmeyr (RCM6 at p821), at a time when there was an expectation that Hofmeyr was about to be appointed the new head of the DPCI:*

*“I met this morning with Commissioner Lalla concerning the appointment of SAPS investigators to investigate the TRC cases where victims have asked the NPA to look at prosecutions. We have been taking quite a beating due to the fact that nothing has been done on these matters for a number of years and in fact, in certain cases, the victims are threatening us with mandamus applications. In this regard, Commissioner Lalla asked me to provide him with the names of three/four investigators who had the necessary experience. We are only looking at a small number of cases, plus minus nine. Obviously, no progress at all will be made if the investigators do not have previous knowledge of the relevant Apartheid security structures and role players therein.*

*The only persons I could think of off-hand, were CSI Marion and three/four of his KZN DSO investigators, who were previously involved with the Goldstone Commission and ITU. All these persons have indicated their willingness to transfer to SAPS. Commissioner Lalla indicated that the TRC investigations would constitute a special tasking and the investigators would be permitted to finalise these cases before taking on other commitments. He also indicated that he would pay the costs of the investigations from his budget. This would ensure that they could deal with these matters irrespective of whether they are located in DPCI or any other police structure. He asked me to communicate directly with you on this issue.” (Bold added).*

310. However, Hofmeyr was not appointed to head up the DPCI, so Macadam had to approach the SAPS Commissioner again. On 1 July 2009 he wrote an email (RCM6 (at p822) to Superintendent Colla Bezuidenhout at the SAPS headquarters seeking a meeting with the Commissioner to discuss the TRC cases. He advised in the email:

*“We are under intense pressure and have been called upon to report on progress to the Minister and the Justice Portfolio Committee. The one matter which requires investigation prescribes on 12 September 2009 and this case must be fully investigated and the family afforded an opportunity to exercise their right to a private prosecution before the crime prescribes.” (Bold added)*

311. Macadam was told to meet with Commissioner Anwar Dramat, the newly appointed Head of the DPCI. He then made a number of unsuccessful attempts to secure a meeting with Dramat. During this period, the unidentified case that was due to prescribe on 12 September 2009, prescribed without being taken further. It can be

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*safely assumed that a large number of other crimes associated with the TRC cases prescribed during this period.*

312. *I am advised that at this time the family of the late Nokuthula Simelane and their representatives were working behind the scenes to persuade the Minister of Police to appoint investigators to take on the TRC cases.*

313. *Ultimately Macadam met with Assistant Commissioner Godfrey Lebeya on 26 November 2009 where the issue of conducting investigations was discussed resulting in Macadam addressing a letter to Lebeya on 18 January 2010, which is attached to Macadam's affidavit (FA5) as annex RCM7 (at p826). The letter is reproduced below:*

*"My letter dated 13 July 2009, addressed to Deputy National Commissioner Dramat and Divisional Commissioner Lalla, and our meeting of 26 November 2009 have reference.*

*The issue related to the appointment of investigators to investigate the 11 matters identified by the NPA, which were itemised in my letter of 13 July 2009. Subsequently, the Acting National Director of Public 18*

*Prosecutions declined to prosecute in the Lubowski matter and consequently, only the remaining 10 cases on the list required attention.*

*Senior Superintendent Bester of your office attended our meeting and informed you that he was in possession of a number of further dockets which he felt also required investigation. On 6 December 2009, I had a meeting with Senior Superintendent Bester and established that these dockets related to cases against the Liberation*

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*Movements in respect of which a decision was taken in 2004 by the then National Director not to prosecute. It should be noted that in the main, all the suspects implicated in the dockets had applied for and received amnesty. I therefore informed Senior Superintendent Bester that there was no basis upon which these cases could be reopened.*

*Consequently, only the remaining 10 cases on the list require attention. Since you raised the sensitivity of the matters with me, the National Director of Public Prosecutions was given a full written briefing on the matters. I had a meeting with him today and he indicated that SAPS should in fact investigate all the matters which required investigation. The matters should be referred to my office once the investigations have been concluded. Should you require any guidance as to how the matters should be investigated, you are at liberty to approach me for any such assistance which you might require.*

*Given the nature of the cases, it may be desirable that we meet to discuss the issues in person and in this regard, I would be grateful if you could indicate when you would be available to meet with me.” (Bold added).*

314. Senior Superintendent Louis Bester was appointed to oversee the investigations of the ten remaining TRC cases. It appeared that Bester was particularly interested in pursuing cases against members of the former liberation movements. As it transpired, he made no progress in the cases against former apartheid security officers and operatives.

## 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. Rule 3.4 requires that, within fourteen (14) calendar days of this notice, you submit a statement in the form of an affidavit responding to the allegations. Your affidavit must specify which parts of the evidence 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 [secretary@trc-inquiry.org.za](mailto:secretary@trc-inquiry.org.za).

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**DATED** at **SCI BONO DISCOVERY CENTRE** Johannesburg on this 30<sup>th</sup> day 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.

