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JACOBS E - H.

Received 2006/11/16

MINUTES OF "TASK TEAM ON TRC CASES" MEETING 6/11/06

Members present:

- Adv Ackermann SC
- Comm Jacobs
- Brian Koopedi
- Yvonne Mabule
- Martyn Raswisiwi
- Nhlamhla Ngidi
- Josias Lekalakala
- Mthunzi Mhaga

Apologies:

Meeting started at 09H15 and Dr Ramatse requested Mr Ngidi to chair the meeting because he was attending a meeting with the NDP.

Minutes of the last meetings were adopted with a few amendments.

Adv Ackermann dealt with the revised audit report which incorporated an objection of the proposed reappointment of Mr Britz to assist SAPS in compiling their report. However Comm Jacobs maintained that he had been misunderstood as he never said he will seek the services of the said Mr Britz. The matter was therefore closed as no further action was contemplated.

A revised audit report from SAPS was circulated to all members but it was felt that it would be fair for members to study the report and reserve their deliberations for our next meeting.

Brian suggested that Adv Ackermann should proceed with the prosecutable matters reflected in PCLU's first report. The suggestion was supported and he proceeded as such.

During his presentation several recommendations were made except for a few matters which were held in abeyance pending further information. I must mention however that for the purposes of these minutes I deem it fit not to give such detailed recommendations as a full progress report is still to be compiled on all these matters.

It is however worth mentioning that When Adv Ackermann informed the meeting that a decision to prosecute has already been made by the NDP on the Reverend Chikane case, Josias indicated that recommendations of

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the "task team" are necessary because the National Commissioner is of the view that Rev Chikane is not interested in prosecution of the matter. He suggested that contact has to be made with Rev Chikane to ascertain his attitude. *Adv Ackermann also informed that NPA does not make contact with Rev Chikane.* According to Adv Ackermann the complainant (Rev) indicated that he leaves the matter in the hands of the NPA. It was then decided that the latter's attitude be ascertained and the matter was therefore closed pending a feedback on his attitude.

Brian and Adv Ackermann asked to be excused and they left the meeting but shortly thereafter it was closed and Mithunzi was tasked with arranging the date and venue for the next meeting.

Prepared by Mithunzi Mhaga

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REPORT ON AUDIT DOCUMENT
OF
SOUTH AFRICAN POLICE SERVICE
TRC RELATED MATTERS

1 At the last meeting of the Committee, a list of dockets in the possession of the South African Police Service, relating to the conflicts of the past was provided to the Committee. The key to the list was not available at that stage.

2 The key to the list is now available and the following matters need in our view to be followed up:

2.1 Messina CR 57/11/85 MZ Ncube and Two Others

The investigation relates to 8 landmine explosions which took place in the Messina area as well as two landmines planted in the Alldays area, and the death of two police officials during the escape of suspects.

In his report on this matter, Advocate Ackermann indicated that "The ANC had approved the use of landmines, and orders in this regard were given by the command structure of Umkhonto we Sizwe (MK) to

members (Amnesty judgement of those involved). According to the evidence those mentioned, were under the command of one

Mancheck who gave orders and who had to report to MK commanders. All the other ANC-members (foot soldiers) who were involved in these crimes, are deceased. Advocate Ackermann made

the following decision: In respect of the so-called foot-soldiers, no further investigation is necessary. In respect of the ANC leadership

who gave orders for the land-mines campaign, and who have not

been found

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received amnesty, a decision need to be taken at an opportune time, after consulting with all relevant parties. This is a difficult decision. (26 June 2006). PCLU has indicated that NPA has already decided that no prosecution of cases against ANC NEC leadership will be instituted. A decision is required on how outstanding Inquests of deceased in these matters should be disposed of.

2 2Elisa's CR A28/8/88 MJ Rapholo

(38)

Jacob Rapholo received amnesty for an incident where he and six other ANC members entered the Republic from Botswana into the district of Ellisras, where the security forces became aware of their presence. The trackers were ambushed by the ANC members. One member of the police was killed and another wounded in an ensuing shoot-out. One member of the ANC was also killed.

Advocate Ackermann indicated on 11 August 2003, that an Inquest must

be held. According to our information the Inquest is still outstanding.

2.3 King Williams Town CR 397/1/92 TT Xundu (45)

11 TT Xundu and three others (APLA members) received amnesty for an armed attack with hand grenades, AK 47, R4 and R5 automatic weapons on guests in the bar at the dining room of the King Williams Town Golf Club. Four persons were killed by shrapnel, from the hand grenades, and 25 were injured.

In 13 August 2003 Advocate Ackermann decided that Inquests should

be held in respect of the following persons:

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- Gillian Davis
- Rhoda MacDonald
- David Andre Theresa Davis
- Ian Wheelwright Macdonald

It needs to be established whether these inquests were concluded and if not to follow it up.

24 Diepkloof CR 228/8/89 Michael Ndlovu, William Mafa and Ben Bani (57)

C-19 August 1989 two municipal police officers were attacked at the

Diepkloof Clinic, and robbed of their service pistols. One member was killed

and the other seriously wounded. Two persons (Mafa and Ndlovu) were

arrested for the crime. Ndlovu escaped on 4 June 1990 and a warrant issued

for his arrest. Mafa applied for and received amnesty. A person by the name

of Ndlovu applied for amnesty. A third suspect, Ben Bani (possibly a

pseudonym) has been implicated. Advocate Ackermann indicated on 4

September 2003 that it must be established whether Ndlovu received

amnesty and that the warrant for the arrest of Ndlovu is outstanding.

25 Umbumbulu CAS 35/4/87 Steven Mkuusi, Moses Mize and Sakhlile

Two members of the security police were attacked with an AK 47 and one

police officer was killed. One of the suspects was apprehended, but was

seriously ill of cancer. He died. The ANC in the TRC assumed responsibility

for the incident. Advocate Ackermann on 3 October 2003, decided that the

investigation against the suspects should continue. The deceased suspect

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was, however, the main source of confessions, etc on which the evidence is based. It had been decided that, if the suspects cannot be traced, an inquest needs to be held, if it was not done already. It should be established if inquest has been held and if not to ensure that it is done.

2.6 Case Docket Jeppe CR 47/7/88 (65)

A car bomb exploded on 2 July 1988 at the Ellis Park Stadium during a rugby match. Two persons were killed and 37 injured. Huge damage to cars and property was caused. Four MK members claimed responsibility for the incident and received amnesty. Advocate Ackermann decided on 3 October 2003 that: "The Amnesty Committee, in accordance with the ANC submission to the TRC, found that the ANC leadership had accepted responsibility for the Ellis Park bombe explosion. The ANC leadership, which was abroad at that time, did not receive amnesty. A decision on their involvement in these charges, as well as other incidents, will be taken at an opportune time once all relevant parties have been consulted. The investigation into the ANC leadership and specific individuals' criminal responsibility for political violence in the RSA, which relates to the ANC's struggle to overthrow the then National Party Government, is being thoroughly investigated and will be relevant to these charges."

The PCLU report already indicates that the NPA has decided that no prosecution will be instituted against the leadership of the ANC. A decision on outstanding inquests in the matter need to be taken.

[Handwritten signatures]

3/3

3. in respect of the objections of Advocate Ackermann in respect of Mr. Britz: it was said at the meeting that we needed to contact him in order to explain the list, as he was the person who dealt with the cases. It was never said or implied that he would be appointed as investigator. He worked closely with Advocate Ackermann, who requested the SAPS from

ANC.

It is assumed that the above observation is covered by the report of the PCLU that no prosecution will be instituted against the leadership of the and other cases, will be taken separately.

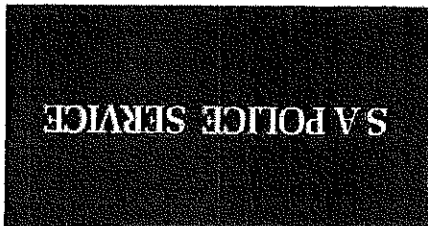
that a decision about the involvement of the ANC leadership in this received amnesty for the matters. Advocate Ackermann observed regarded as finalized, in view of the fact that Rohan Saloojee Advocate Ackermann in these matters was that the investigation is Police Station, Durban, 7 April 1989. 3 persons injured. The decision of Explosion of limpet mines and demolition charges at CR Swart Plain Parade, Durban 10 March 1983. 15 persons injured damage to buildings. Ridgeway, Durban, exploding limpet mines at Natal Command Shell Placing limpet mines and demolition charges at transformer in Abubaker Ismael

2 7 Mayville CR No. A188/1/89; CR Swart Plain CR A567/3/89; CR Swart Plain CR A425/4/89 Mohammed Rafiq Rohan, Riaz Saloojee,

time to time to reappoint him. He also compiled lists of the cases and drafted the key to the huge volumes of documentation.

4 In respect of the minutes of the first meeting, an apology was tendered for the National Commissioner of the South African Police Service.

W/E JRG



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FAX

TO: S/Suplt. Josh Lekalakala

FROM: ASST. COMM. PC JACOBS
LEGAL SUPPORT: CRIME OPERATIONS
PRETORIA

YOUR FAX NO.: (012) 361 6752

PAGES: 3 (INCL. COVERING SHEET)

DATE:	2006-11-16
REF. NO.	
X	
URGENT	
FOR REVIEW	
PLEASE COMMENT	
PLEASE REPLY	
PLEASE RECYCLE	

SUBJECT: MINUTES OF "TASK TEAM ON TRC CASES"

Josh

Attached the minutes of the previous meeting handed out today. I confirm that Mthunzi is coming to my office on 22 November 2006, to discuss the issue of investigation for the outstanding matter 09:00.

The next meeting will be arranged for early December 2006, to discuss an interim report.

Regards,

PC JACOBS
Date: 2006/11/16
PCJ3104

HEAD, LEGAL SUPPORT: CRIME OPERATIONS
Asst. Commissioner

MINUTES OF THE MEETING OF TASK TEAM ON TRC CASES 16/11/2006

Members present:

Dr Ramatse

Adv Ackermann SC

Adv Chris Macadam

Comm Jacobs

Yvonne Mabule

Marlyn Raswisi

Nhlamhla Ngidi

Mthunzi Mhaga

Apologies: Josias Lekalake

Brian Koopedi

Minutes of the last meeting read and adopted as true reflection of the meeting.

Matters arising from the minutes of the last meeting discussed.

Adv Macadam informed the meeting of a representation from the family of Claire Steward who requested investigations of the matter.

Adv Ackermann raised a concern over the impression created by the revised audit report from SAPS that he had indicated his intentions of exploring the possibility of prosecuting the President and 37 ANC leaders. He contended that it was SAPS through Supt Brits who had persuaded in vain the PCLU to prosecute the President as there was enough evidence on the case. He said that SAPS was the driving force behind such prosecution and Adv Macadam produced a letter he wrote to Supt Brits in which he indicated that no sufficient evidence exists to institute such prosecution. He asked Comm Jacobs if he agrees with that contention.

Dr Ramatse enquired from Adv Ackermann on the relevance of the complaint but also said he understood his frustration. He however called upon any agency intending to have an input on the matter to come forward with such.

Adv Ackermann wanted to know from Comm Jacobs who compiled the report and why was it necessary to include cases that had been finalised and request inquests on such matters.

Comm Jacobs indicated that he compiled the report and requested guidance from the meeting on how to deal with outstanding inquests. He said they had six inquests, some had been finalised and others not done at all and that all were TRC matters.

Adv Macadam clarified the position relating to the case against the President and the 37 ANC leaders.

Adv Ackermann indicated that he was really not happy with the report about the ANC

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SAPS

Dr Ramatse asked if a reconciled report with SAPS and PCLU had been compiled to consolidate all TRC cases for investigations. In so far as the President maintained that as long the status quo remains the same the matter will be considered closed.

Mthunzi and Comm Jacobs undertook to compile such a report with a view of identifying cases for appointment of investigating officers by SAPS as Comm Jacobs indicated that he Comm de Beer has undertaken to appoint a investigators for all cases.

Dr Ramatse asked the task team to agree on the time frame for final recommendations as we only had interim recommendations pertaining to some cases.

Yvonne raised a concern on identifying matters to utilise NIA on security aspects but agreed that on completion of investigations and receipt of representations from perpetrators such could be dealt with depending on the circumstances of the cases.

Anton suggested NIA provides the PCLU with any information they might have on these cases from a security point of view.

Mthunzi was requested to compile a draft progress report on the task team to be submitted to the NDP and other principals. The

Adv Macadam asked to be excused from the meeting.

It was agreed that the task team has indeed made progress as there were already cases identified from investigations and interim recommendations made on some cases.

The meeting was then closed and Mthunzi was asked to arrange a suitable date for the next meeting and that PCLU and SAPS must place before the task team a reconciled list of cases for appointment of investigators within two weeks

ME RRR

TRC COMMITTEE MEMBERS				
NAME	DEPT.	CONTACT No.	EMAIL	
Anton Ackermann	NPA (PCLU)	012-845 6474	araackermann@npa.gov.za	
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Dr S Ramatse	NPA (NSSD)	012-845 6765	mraramatse@npa.gov.za	Convenor
Marilyn Justice	Justice	012-315 1730		
Raswisiwi		0826600463		
Yvonne Mabule	NIA	012-427 4498	yvonnem@nia.gov.za	
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PRINCIPAL				
Adv Vusi Pikoli	NPA(NDPP)	012-845 6758		
Kalyani Pillay	NPA	012-845 6749		
Loyiso Joffa	Presidency	012-300 5458		
M Simelane	DG Justice	012-315 1730		
ME Manzi	NIA			

Jacobs PC - Assistant Commissioner

From: Mthunzi C. Mhaga [mcmhaga@mpa.gov.za]
Sent: 07 December 2006 02:59 PM
To: Jacobs PC - Assistant Commissioner
Subject: RE: Emailing: TTMEMO2NDPP

Dear Commissioner

Your concern has been noted. However I'm still waiting for the other inputs on the whole report if there are any.

Kind Regards
Mthunzi

-----Original Message-----
From: Jacobs PC - Assistant Commissioner [mailto:jacobspc@saps.org.za]
Sent: 07 December 2006 02:23 PM
To: Mthunzi C. Mhaga
Cc: Lalia Rayman - Divisional Commissioner; mjlekakalala@telkomsa.net
Subject: FW: Emailing: TTMEMO2NDPP

-----Original Message-----
From: Jacobs PC - Assistant Commissioner
Sent: 06 December 2006 04:48 PM
To: 'Mthunzi C. Mhaga'
Cc: Lalia Rayman - Divisional Commissioner; mjlekakalala@telkomsa.net
Subject: RE: Emailing: TTMEMO2NDPP

Dear Mthunzi

I have conveyed to you and the Committee the view of the National Commissioner. It was decided in the Committee as well that this route should be followed, in respect of the Chikane matter. Whether you are in agreement with our view or not is irrelevant. Kindly reflect our recommendation in your report, so that the Committee of Directors-General may consider it.

With kind regards
PC Jacobs

-----Original Message-----
From: Mthunzi C. Mhaga [mailto:mcmhaga@mpa.gov.za]
Sent: 06 December 2006 02:28 PM
To: Jacobs PC - Assistant Commissioner
Subject: RE: Emailing: TTMEMO2NDPP

Hi Commissioner

Thanks for ya input but I would like you to establish whether the national Commissioner has met with Rev Chikane to verify Josias's contention that he is not interested in prosecution. According to Anton Rev Chikane wants prosecution so the national Commissioner needs to substantiate such a belief.

-----Original Message-----
From: Jacobs PC - Assistant Commissioner [mailto:jacobspc@saps.org.za]
Sent: 06 December 2006 11:33 AM
To: Mthunzi C. Mhaga
Cc: mjlekakalala@telkomsa.net
Subject: RE: Emailing: TTMEMO2NDPP

Dear Mthunzi

As I have said, I am waiting to brief the National Commissioner on the draft report. I will revert to you once I have spoken to him. Provisionally I wish to indicate that form SAPS side we are still not happy how the Chikane matter is reflected. There was a

definite decision that the Rev Chikane must be consulted again, that his wishes need to be reflected, that the issue be reported to our principals and that they must make a recommendation to the NDPP on the matter. Kindly rectify this in your report. Regarding the Highgate Docket, we will obtain the docket from Director McClaren and let you know when it is available.

Kind regards.
PC Jacobs

-----Original Message-----

From: Mthunzi C. Mhaga [mailto:mcmhaga@nps.gov.za]
Sent: 01 December 2006 07:42 AM
To: Jacobs PC - Assistant Commissioner
Subject: Emailing: TTMEMO2NDPP

<<TTMEMO2NDPP.doc>> Hl Commissioner

Kindly receive a draft progress report to be discussed in our Monday meeting

Kind Regards
Mthunzi

The message is ready to be sent with the following file or link
attachments:

TTMEMO2NDPP

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

