

IN 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

SWORN AFFIDAVIT: PHILIPPUS CHRISTOFFEL JACOBS

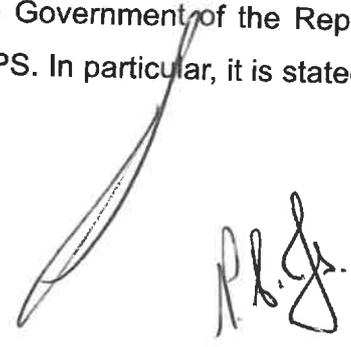
I, the undersigned

PHILIPPUS CHRISTOFFEL JACOBS

do hereby declare under oath as follows:

1. I am an adult male and a retired member of the South African Police Service (SAPS), residing at 308 Bronberg Retirement Estate, 47 Midas Avenue, Olympus, Pretoria.
2. The facts herein contained are, unless specifically stated or the contrary appears from the context, within my personal knowledge and to the best of my belief, both true and correct.
3. I depose to this affidavit in my capacity as a retired member of the SAPS, in response to the notice dated 01 November 2025, issued to me in terms of Rule 3.3 of the Rules governing the Commission of Inquiry: Stopped Investigations /Prosecutions of Truth and Reconciliation Commission Cases ("the notice").
4. According to the notice, I am implicated or potentially implicated in the political interference aimed at stopping the investigation or prosecution of the TRC cases. Specific reference is made in the notice to paragraphs 229 - 235 of the founding affidavit of LUKHANYO BRUCE MATTHEWS CALATA (*"the Calata affidavit"*), filed in support of the High Court that is pending before the Gauteng Division brought by *Calata and 22 Others* against the Government of the Republic of South Africa and Others, among them, the SAPS. In particular, it is stated in the said notice that:

"The politicians intervene



"...229. The ITT met for the first time on 12 October 2006. Pikoli attended the opening session of the first meeting together with his adviser, Ms. Kalyani Pillay, the Directors General of the NIA and Justice and Mr. Jafta from the Presidency. Pikoli did not participate further in the activities of the Task Team. According to Macadam, the NPA representatives on the ITT were Ackermann and Ramaite. Macadam noted in his affidavit (at p 796 at para 30, p801) affidavit (FA5) that on occasions when he stood in for Ackermann at meetings of the ITT, that:

"... the task team was predominantly comprised of members of the intelligence community who were **more intent on cross-examining me as to why matters should be investigated** rather than addressing the issue of all the outstanding cases." (Bold added)

230. It is interesting to note that Mr. Loyiso Jafta, Chief Director in the Presidency, who had an intelligence and security background, was present at the meetings of the ITT. Strictly speaking he should not have been there, as Part B of the Amendments, did not provide for a member of the Presidency to be part of the group assessing the TRC cases. This indicated that the Presidency intended to have direct involvement in the decisions relating to the TRC cases.
231. Meanwhile Pikoli had received further representations from the suspects in the Chikane matter claiming that they had received indemnity against prosecution in terms of the Indemnity Act 35 of 1990. Pikoli sought an independent opinion from a senior counsel who advised him in November 2006 that the claimed indemnities were no bar to prosecution and that Act 35 of 1990 had been repealed in 1995.
232. Ramaite reported to Pikoli that at the ITT meeting on 25 October 2006, Ackermann had presented an audit report of all the TRC cases in the possession of the PCLU. Ramaite also reported to Pikoli that at the 6 November 2006 meeting of the ITT, Joseph Lekalakala, a senior officer in the SAPS Crime Intelligence Division, stated that National Commissioner Selebi believed that Chikane was not interested in a prosecution. However, Ackermann advised that Chikane had left the matter in the hands of the NPA.



233. *In early December 2006 Pikoli was advised by Ramaite that Selebi was insisting that Chikane had not been consulted about the proposed prosecution. This claim was rejected by Pikoli since he knew that Chikane had been extensively consulted. According to Pikoli, he had personally met with Chikane during 2006 and 2007, who advised that while he may have forgiven his perpetrators, insofar as the application of the law was concerned, the matter must take its ordinary course. Pikoli asserted that Chikane said that if a decision was made to prosecute, he would accept that. Although Pikoli was aware that Ackermann had discussed the matter with Chikane as far back as 2004, he instructed Ackermann in December 2006 to once again visit Chikane to confirm his position.*
234. *According to Ackermann, on 6 December 2006, the PCLU received a letter from the head of the SAPS Legal Support section, Major General PC Jacobs, representing the view of the National Commissioner, which bluntly stated that before any prosecutorial decision could be made in respect of the TRC cases, the Task Team must submit a final recommendation to a Committee of Directors General in respect of each case, which in turn must advise the NDPP who to prosecute or not.*
235. *Towards the end of 2006 it became clear to Pikoli that "powerful elements within government structures were determined to impose their will on my prosecutorial decisions."..."*
5. I wish to state from the onset that, I have neither been present nor participated in any high-level discussions related to the meetings being referred to in paragraphs 221 to 228 of the *Calata* affidavit at any given moment. I was only present in the meetings, the minutes of which, shall be dealt with below.
6. Before responding to the allegations made in paragraphs 221 and 237 of the *Calata* affidavit, I deem it appropriate to provide a summary of my educational background, followed by my career in the Public Service, and more specifically, my career in the SAPS.

EDUCATIONAL BACKGROUND



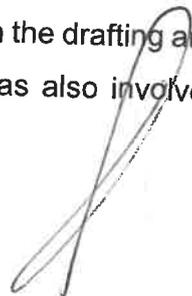
7. I obtained a B.luris degree through full-time study from the University of the Free State (UFS) in 1978, followed by an LLB. degree in 1984 and Diploma in Advanced Public Administration in 1988 from the University of South Africa (UNISA). I further obtained an LLD. degree (Public Law) in 1990 and D.Phil. degree (International Relations) in 2010 from the University of Pretoria ("UP").
8. Whilst in the employ of the SAPS, I attended the following training courses related to my functions:
 - 8.1 '*Legal Aspects of Terrorism*', presented by Professor Yona Alexander at the George Washington University in 1996.
 - 8.2 '*Leadership Development Programme*' presented by the School of Public Management at the University of Stellenbosch during 1996/1997.
 - 8.3 '*Investigation of War Crimes, Genocide and Crimes against Humanity*' presented by INTERPOL in Lyon, France in January 2009. This was preceded by a conference I attended in June 2005 in Lyon, France, hosted by INTERPOL on '*War Crimes, Genocide and Crimes against Humanity*'.

EMPLOYMENT BACKGROUND

9. I started my career in the Public Service in the employ of the erstwhile Department of Justice on 05 December 1975. Whilst in the said Department, I studied full time from 1976 to 1978 for a B. iuris degree. Thereafter I performed two years of compulsory military service as a military legal officer (at the rank of Lieutenant) at the Army Battle School, Lohatlha. During my military service, I remained in the employ of the Department of Justice.
10. From January 1980, whilst still employed by the Department of Justice, I was appointed as a Public Prosecutor in Springs, whereafter I completed the Prosecutor's Course with the Justice College in Pretoria in 1982. I worked as a



- prosecutor in the magistrates' court and on some occasions, in the Regional Court in Springs from 1980 to September 1983.
11. From October 1983, I was transferred, as an official of the Department of Justice to serve in the Directorate for Security Legislation. Having been exposed to a vast jurisprudence on the application of security legislation, I enrolled for a doctoral study in Public Law, with interest in Constitutional Law and Administrative Law at the UP. Among the recommendations made in my thesis, were that there was a need for the review of the security legislation with references to the studies of the United Nations and the International Law Association.
 12. During the negotiation process leading up to the formation of a democratic government, the Directorate for Security Legislation was renamed "*Diverse Legal Services*" within the Department of Justice and Constitutional Development ("the DOCJ"). The said newly formed Diverse Legal Services at the time played a pivotal role prior to, and during the negotiations process by the administration, through the Minister of Justice, of the legislation pertaining to indemnity and temporary immunity.
 13. On 26 June 1995, I was transferred from the DOCJ wherein I was occupying a post at a Director Level to the newly established SAPS. My post title was the Head: Legal Support: Crime Operations at National Crime Investigative Services (*NCIS*). During 2006/2007 my post was assigned a rank of an Assistant Commissioner, which was subsequently changed to Major General.
 14. It was also during the said period that the Legal Services Division in the SAPS was reconfigured, and I was placed under the supervision of a Divisional Commissioner: Legal Services, headed by the then Divisional Commissioner LTMP Mtimkulu. My areas of responsibilities in the SAPS included, among others, rendering legal advisory to Operational Divisions. These included Detective Services and Crime Intelligence Divisions.
 15. During my career in the SAPS, I was involved in the drafting and/or presentations of police related legislation in Parliament. I was also involved in the initiation,

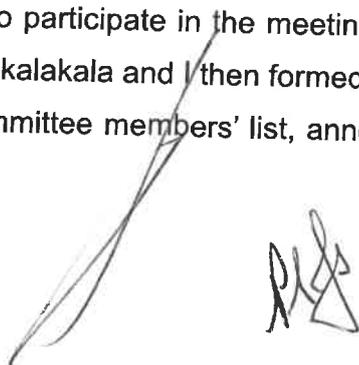


drafting and promotion, through Parliament of the Safety Matters Rationalisation Act, 1996 (Act No. 90 of 1996), which repealed the security laws of South Africa and the former TBVC states. A total number of 34 laws were repealed and the operation of several Acts of the Republic were extended to the whole national territory of South Africa. I also made presentations to Parliamentary Committees on the establishment of the Directorate for Priority Crime Investigation (DPCI) and enactment of the Dangerous Weapons Act (Act 15 of 2013), among others.

16. I retired on 30 September 2017 from the SAPS as an Honorary Lieutenant General. After my retirement, I was appointed at the Civilian Secretariat for Police Service on a one-year contract for 3 (three) consecutive terms from March 2018 until March 2021, with an additional six months contract until August 2021. During my employment at the Civilian Secretariat for Police Service, I mainly focused on the reviews of the SAPS Act (1995) and the Protection of Democracy against Terrorist and Related Activities Act (2004). I had served in the Public Service for a cumulative period of 44 years in the Department of Justice, SAPS and the Civilian Secretariat for Police Service respectively.

INVOLVEMENT IN THE TRC RELATED CASES

17. On 06 October 2006, the then National Director of Public Prosecutions, Advocate Vusi Pikoli (*"the NDPP / Adv Pikoli"*), addressed a letter to the National Commissioner of the SAPS at the time, the late Jackie Sello Selebi (*"the National Commissioner"*), requesting him to designate a senior official(s) from the SAPS to serve on the Interdepartmental Task Team (*"the ITT"*), specifically established to deal with the TRC cases. A copy of Adv Pikoli's letter dated 06 October 2006 is annexed hereto and marked **"PCJ1"**.
18. In response to the request made by Adv Pikoli in his letter dated 10 October 2006, the National Commissioner assigned Assistant Commissioner J Lekalakala (*"Major General Lekalakala"*) and I to participate in the meetings of the ITT on behalf of the SAPS. Major General Lekalakala and I then formed part of the ITT as evinced by a copy of the TRC committee members' list, annexed hereto and marked **"PCJ2"**.



19. As recorded in the letter dated 06 October 2006 from Adv Pikoli and received by the office of the National Commissioner on 10 October 2006, the following is stated:

- “1. As you are aware, the Prosecuting Policy with regard to criminal matters arising from conflicts of the past came into effect on 1 December 2005.”
2. In terms of the guidelines, all such prosecutions will be conducted by the Priority Crimes Litigation Unit (PCLU), which is located in my office.
3. I have appointed Dr Silas Ramaite to head and supervise the prosecution process of all TRC-related matters.
4. In terms of par B6 of the guidelines, the PCLU shall be assisted in the execution of its duties by a senior designated official of your department.
5. You are therefore kindly requested to nominate a senior official(s) to perform the above function...”

20. Of further importance to point out at this stage, is what is stated in paragraph 6 of part B of the amended Prosecution Policy¹ to the effect that:

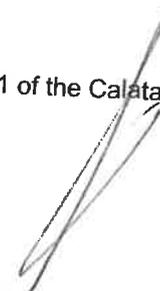
“The PCLU shall be assisted in the execution of its duties by a senior designated official from the following State departments or other components of the NPA:

- (a) *The National Intelligence Agency.*
- (b) *The Detective Division of the South African Police Service.*
- (c) *The Department of Justice & Constitutional Development.*
- (d) *The Directorate of Special Operations.”...*

THE INTERDEPARTMENTAL TASK TEAM (the ITT / Task Team)

21. As appears in annexure “PCJ2”, the ITT comprised of the senior officials from various state institutions. Among them were Advocates Anton Ackermann (“Adv

¹ Annexure FA27 to the Calata affidavit: Pages 537 - 542: Bundle 1 of the Calata Group.

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Ackermann”) and Ramaite with Adv Pikoli being one of the principals of the committee. Advocate Mthunzi Mhaga (“Adv Mhaga”), also from the NPA, was responsible for taking the minutes of the meetings of the ITT.

22. I interpose to mention that I had interacted with Advocates Pikoli, Macadam and Ackermann and other PCLU members in my professional capacity in many instances throughout my career in the SAPS.

23. According to the minutes of the ITT in which I had been involved, the meetings took place on 12 October 2006; 25 October 2006; 06 November 2006; 16 November 2006; 04 December 2006 and 29 January 2007.

12 October 2006 meeting of the ITT

24. This meeting was attended by 15 (fifteen) persons, including the Director-General of National Intelligence Agency (“NIA”), Mr Manzini, Mr Brian Kopedi (NIA), Ms Yvonne Mabule (NIA) and Asst Comm Lekalakala of Crime Intelligence (CI) from the national intelligence structures (“intelligence structures”). The intelligence structures are established in terms of the National Strategic Intelligence Act 39 of 1994 and comprise of the members of the National Intelligence Coordinating Committee (NICOC), the intelligence divisions of the South African National Defence Force (“SANDF”) and SAPS.

25. Perusal of the minutes of the first meeting of the ITT held on 12 October 2006, reveals that the said meeting was held in two phases, namely, the opening by Adv Pikoli and thereafter continued in his absence chaired by Dr Ramaite. A copy of the minutes of the ITT Committee meeting dated 12 October 2006 is annexed hereto and marked “PCJ3”.

26. What is further reflected in the minutes of the first meeting of the ITT is that, in his opening remarks, the NDPP indicated ‘that the establishment of the committee is derived from the policy guidelines which were approved by Parliament on 1 December 2005’.




27. It is further evident from the minutes of the first meeting of the ITT that the NDPP emphasised the fact that he would be the one to decide on each prosecution and not the committee members. He also explained that 'the role of the committee will be to make recommendations to the NDPP on each case'.
28. The minutes of the meeting further reflect that Mr Manzini from NIA indicated that there was a need to prioritise and fast track the process relating to the TRC cases. Dr Ramaite then requested the PCLU and SAPS to compile an audit report of all cases in their possession. The PCLU would take charge of the investigations with assistance of the SAPS. The committee would then deal with all cases, including matters that had been closed by the PCLU at the time. Adv Macadam did not attend this very first meeting.

25 October 2006 meeting of the ITT

29. This meeting was attended by 9 (nine) persons, with Mr Brian Kopedi (NIA), Ms Yvonne Mabule (NIA) and Asst Comm Lekalakala (CI) being the only 3 (three) from the intelligence structures. A copy of the minutes of the ITT committee meeting dated 25 October 2006 is annexed hereto and marked as "PCJ4".
30. I presented in this meeting an audit report of all the TRC cases that were in possession of the SAPS at the time and indicated that I was not in charge of the investigations. Instead, Hennie Brits who had retired from the SAPS and served on the D' Oliveira Task Team, possessed a better knowledge as he dealt with those cases. I further undertook to provide the committee with a detailed report on potential prosecutions of those matters to be considered by the committee. In addition thereto, Adv Ackermann presented the memorandum he prepared for the NPA, containing an audit of cases emanating from the TRC process. Adv Macadam was not present at this meeting.
31. I attach hereto Adv Ackermann's memorandum dated 24 October 2006 marked "PCJ5".



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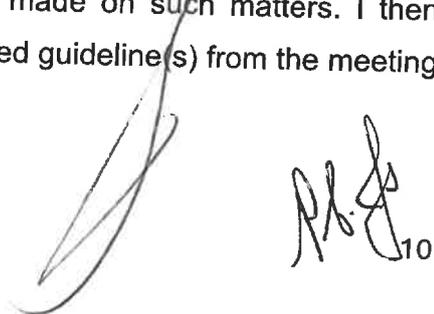
06 November 2006 meeting of the ITT

32. This meeting was attended by 8(eight) persons, (3) three of whom were from the intelligence structures, namely, Mr Brian Kopedi (NIA), Ms Yvonne Mabule (NIA) and Asst Comm Lekalakala (CI). I attach hereto a copy of the ITT committee meeting dated 06 November 2006, marked as "PCJ6".
33. It is apparent from the minutes of this meeting that a revised audit report was circulated to all committee members for deliberation at the next meeting. The meeting resolved that Adv Ackermann would then proceed with the identified matters reflected in the PCLU's first report.
34. It is further recorded in the minutes that, "*the latter's² attitude be ascertained and the matter was therefore closed pending feedback on his attitude*". Once again, Adv Macadam was not present at this meeting.
35. I attach hereto a copy of my presentation together with Adv Ackermann's memorandum dated 30 October 2006 marked as "PCJ7," and "PCJ8" respectively.

16 November 2006 meeting of the ITT

36. This meeting was attended by (eight) persons, and it is clear from the minutes that there was only one person, Ms Yvonne Mabule (NIA), from the intelligence structures. Both Advocates Ackermann and Macadam were present at the said meeting.
37. The minutes further reveal that it was agreed at this meeting that the Task Team had indeed made progress as there were already cases identified for investigations and that there were interim recommendations made on some of the cases. It is also apparent that Adv Ackermann wanted to know from me as to who compiled the report and why it was necessary to include the cases that had been finalised and request for inquests were made on such matters. I then indicated that I compiled the report and requested guideline(s) from the meeting

² The 'latter' refers to Rev Chikane.



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on how to deal with the outstanding inquests, some of which had been finalised while others were not. These were all the TRC related matters.

38. Of further importance to highlight from what is recorded in the meeting is the following:

"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 the 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. (sic)

39. A copy of the minutes of the ITT Committee meeting dated 16 November 2006, is annexed hereto and marked "**PCJ9**".

04 December 2006 meeting of the ITT

40. Although the meeting took place on 04 December 2006, the date is erroneously recorded as 04 December 2007. Of the 8 (eight) persons who attended, only Asst Comm Lekalakala (CI) was present from the intelligence structures. A copy of the minutes of the ITT committee meeting incorrectly dated 04 December 2007, is annexed hereto and marked "**PCJ10**".
41. It is apparent from the minutes of the meeting that Adv Macadam's name is not indicated on the list of those who attended. However, his participation is very apparent from the minutes of the said meeting. I can therefore confirm that both Advocates Ackermann and Macadam were present in the said meeting.
42. It is also important to note that Adv Macadam indicated in this meeting that, *we need to adopt a wait and see approach as all perpetrators will probably make representations in anticipation of prosecution upon completion of investigations*".




29 January 2007 meeting of the ITT

43. This meeting was attended by 8 (eight) persons, of which 3 (three), namely, Mr Kopedi (NIA), Ms Yvonne Mabule (NIA) and Asst Comm Lekalakala (CI) were from the intelligence structures. It was during the said meeting that I informed the committee members that I was waiting for feedback from the Provincial Commissioners ("the PCs") on the appointment of investigators for the TRC cases. I further requested to be provided with a list of the dockets that were in possession of the PCLU at the time. Adv Macadam was not present at this meeting. A copy of the minutes of the ITT Committee meeting dated 29 January 2007 is annexed hereto and marked "PCJ11".
44. It would not be possible for me to represent the SAPS in the ITT without having consulted with the National Commissioner and/or relevant Divisional Commissioners regarding the recommendations made to the ITT.
45. It is alleged in paragraph 229 of the *Calata* affidavit that Macadam stated that, "*on occasions when he stood in for Ackermann at meetings of the ITT... the task team was predominantly comprised of members of the intelligence community who were more intent on cross-examining me as to why matters should be investigated rather than addressing the issue of all the outstanding cases*".
46. These allegations are inconsistent with the minutes of the meetings mentioned above, inclusive of the few attended by Adv Macadam, in that no meeting predominantly comprised of members of the intelligence structures as alleged in the *Calata* founding affidavit.

Allegations of a letter sent to the PCLU on 06 December 2006

47. It is alleged in paragraph 234 of the *Calata* affidavit that Adv Ackermann claims that I sent a letter to the PCLU, representing the view of the National Commissioner in respect of the recommendations for the prosecution of the TRC cases. Adv Ackermann specifically states in his affidavit to the Commission that:



"In respect of paragraph 33.1 of my aforesaid affidavit and paragraph 234 of the Calata affidavit I point out that the letter from the SAPS Legal Support Section Maj Gen PC Jacobs was probably addressed to the NDPP and not the Priority Crime Litigation Unit (PCLU)".

48. I wish to inform the Commission that the correspondence being referred to by Adv Ackermann, attached hereto as "PCJ12" was, in fact an email correspondence exchanged between Adv Mhaga and I consequent to a meeting of the ITT held on 04 December 2006. This was informed by the suggestion made by Assistant Commissioner Lekalakala that the committee members needed to consult with their principals before the 'trial' report was submitted to the NDPP. This is much clear when regard is had to the following facts:
49. At 11:33, on 06 December 2006, I sent an email to Adv Mhaga stating that:
- "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 from the 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 principal's and that they must make a recommendation to the NDPP on the matter. Kindly rectify this in your report." (sic)*
50. Adv Mhaga replied at 14:28 as follows:
- "Thanks for ya input but I would like you to establish whether the national Commissioner has met with the Rev Chikane to verify Josia'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." (sic)*
51. I then responded to Adv Mhaga at 16:48 as follows:

"I have conveyed to you and the Committee the view of the National Commissioner. It was decided in the Committee that this route will 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."

52. Adv Mhaga then responded on 07 December 2006 as follows:

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

53. Perusal of the minutes of the ITT meeting held on 04 December 2006 also confirms that, the ITT / committee members were indeed requested to send their inputs to the committee, after consulting with their principals before 07 December 2006.

54. The gist of what I indicated in the email correspondence exchanged with Adv Mhaga and I was the fact that the views of the National Commissioner were also confirmed by the contents of the letters dated 6 February 2007, by the National Commissioner addressed to Adv. Pikoli and the Directors General ("the DG's") of Intelligence and the Department of Justice.

55. It is also apparent from the minutes of the meeting of the ITT held on 29 January 2007 ("PCJ11") that, I again raised the issue of the *Chikane* matter and that it needed to be discussed with the principals. These were the same views the National Commissioner conveyed to the NDPP and the Directors-General of the Department of Justice and Constitutional Development and National Intelligence respectively, through the letters signed by the National Commissioner on 6 February 2007.

56. The National Commissioner further stated in the letter dated 06 February 2007 addressed to the NDPP that:

"My understanding was that the officials designated on the Task Team by the Directors-General will provide recommendations to the Directors-General who



will, as a collective, advise the National Prosecuting Authority as the decision maker on prosecutions."

57. It is therefore clear from the National Commissioner's letter referred to above that the NDPP is referred to as the "decision maker on prosecutions". It is also clear from the letter that the National Commissioner also requested that a meeting be convened by the NDPP to discuss the matters at hand. Copies of the letters by the National Commissioner to that effect are annexed hereto and marked "PCJ13", "PCJ14" and "PCJ15" respectively.
58. The NDPP responded to the National Commissioner in his letter, also dated 6 February 2007, stating that *"it is clear that our understanding of the mandate of the Task Team, as well as the guidelines that Cabinet approved are not the same. In the circumstances, this matter, as well as other issues that have emerged in the course of the NPA dealing with the TRC cases are currently being taken up with the Minister of Justice and Constitutional Development."* A copy of the NDPP's letter to that effect is annexed hereto and marked "PCJ16".
59. The then NDPP, Adv Pikoli, also stated in paragraph 44 of his affidavit³ in the Nkadimeng matter that, *"In early 2007, as a result of the differences in approach that had developed between the NPA and the SAPS, NIA and DoJ I informed Mr. Selebi and the Directors General that there was a serious misunderstanding. I resolved to approach the Minister of Justice and request her guidance. Pending such response the functioning of the Task Team was compromised by the uncertainty, and it held no further meetings until 8 August 2007"*. I do not have any knowledge about the meeting of 08 August 2007.
60. According to the minutes of the ITT of 04 December 2006, I informed the meeting that a letter was sent to Commissioner de Beer and that a list of investigators would be ready soon. My position as a Component Head responsible for legal advisory to the Operational environments was such that I had no powers to issue instructions regarding investigative assistance sought from the SAPS. This meant that all requests for assistance required by the ITT/NDPP had to be

³ Page 17 (580) of the Calata Group Volume Bundle 2: Vusumzi Pikoli.




conveyed to the relevant functionary in the SAPS. In the case of investigative assistance, the Divisional Commissioner: Detective Service, Commissioner J de Beer was the relevant functionary in that regard.

61. In order to solicit the necessary assistance sought by the ITT, an Information Note was prepared for Commissioner de Beer, after my meeting with Adv Mhaga on 22 November 2006. This was pursuant to our discussion regarding the issues relating to investigations of the outstanding TRC matters. In terms of the said Information Note, Commissioner De Beer was requested to allocate investigators to assist the ITT in the *PEBCO 3*, the *Cradock 4*, *S v Hantie Botha and Others CR Swart Square CR 2004/9/97*, *S v Coetzee John Vorster Plain CR 1469/2/96*, *COSAS four (Krugersdorp)*, *Heidelberg Tavern and St James Massacre*, *Cala CAS 92/2/95 Bathandwa Nondo* and *Moss Monude* cases. A copy of the draft Information Note I prepared in that regard is annexed hereto and marked as "PCJ17".
62. I further prepared a draft letter for Commissioner de Beer's signature on 06 December 2006, addressed to the PC's of the Eastern Cape, Western Cape, Gauteng, Kwa Zulu Natal and one Supt Noladi of Head-Office, listing the names of the investigators identified to assist with the relevant cases. In this regard it was reported to the ITT on 29 January 2007 that feedback was being awaited from the PC's on the appointment of investigators and that some had already provided their lists in that respect. A copy of the draft letter to that effect is annexed hereto and marked "PCJ18".
63. In compliance with the request by the ITT committee on 04 December 2006 in the *Highgate* matter, the docket was handed over to Adv Mhaga on 29 January 2007. The docket which was handed to Adv Mhaga consisted of the two lever arch files containing Evidence A1 - A80, plus Photo Album with 102 colour photographs; Correspondence B1 - 89 and the Investigative diary C2 - 153. A copy of the hand over letter dated 26 January 2007 is annexed hereto and marked as "PCJ19".



64. At all material times during my tenure as a member of the SAPS, I had to perform my work subject to the National Commissioner's approval, who was the person responsible for decision making on behalf of the SAPS. What was communicated to the members of the PCLU and/or ITT were the views of the National Commissioner as my principal. Furthermore, it is clear that the National Commissioner suggested that a meeting be held regarding the issues relating to the functioning of the ITT as appears in his letters dated 06 February 2007. In response thereto, the NDPP elected to elevate the matter to the level of the Minister of Justice and Constitutional Development.

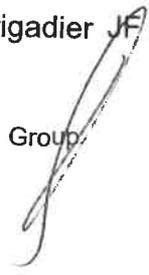
Alleged fraudulent document / note

65. On Monday morning of 20 August 2007, Adv Ackermann telephoned me to request a copy of a note he authored related to the issues raised in the newspaper article published by the Rapport on 19 August 2007. A copy of the article is annexed hereto and marked "PCJ20".
66. I then obtained a copy of the note in question from the documents provided to me by Senior Superintendent (Snr/Supt) Louis Bester, for purposes of the work of the ITT and sent it to Adv Ackermann by fax on the same day. Later that day, I received a fax correspondence from Adv Ackermann, requesting that the original note be provided to him before 16:00 on that day. This was preceded by a telephone call I received from Adv Ackermann, questioning me about the accuracy of the date appearing on the note. A copy of Adv Ackermann's request as well as my fax with a copy of the note in question, dated 26 June 2006, are annexed hereto and marked as "PCJ21" and "PCJ22" respectively.
67. I thereafter brought the contents of Adv Ackermann's fax correspondence to the attention of Commissioner de Beer and informed him that the original note was kept in safe custody at the behest of S/Supt Bester.
68. An official media release was thereafter issued by the NDPP's office on 21 August 2007, claiming that the note received by Adv Ackermann from the SAPS was regarded as forged and that they had authorised an immediate investigation

into the matter. ⁴ A copy of the press release by the office of NDPP in that regard is annexed hereto and marked as "PCJ23".

69. On the afternoon of the same day of 21 August 2007, Commissioner de Beer informed the National Commissioner in my presence of the allegations about the note. Commissioner de Beer then instructed S/Supt Bester to bring the file with the original documents to him, to which S/Supt Bester obliged.
70. Commissioner de Beer further instructed S/Supt Louis Bester to take a statement from S/Supt Britz, who was retired at that stage, to ascertain the process that was followed in the drafting and filing of the document from the NPA and that the original document be subjected to forensic investigation. The disputed note, and some 18 similar documents signed by Adv Ackermann, were subsequently sent for forensic investigation by an expert at the Forensic Services Laboratory, S/Supt MT du Toit, provided a forensic report on 22 August 2007, concluding that:
- 70.1. The signature on the document is not a forgery.
 - 70.2. There are no signs of any tampering or amendments.
 - 70.3. The ink that was used to sign the signature and the date was also used for the correction to the word "Leie(rs)kap".
71. From S/Supt Britz's affidavit, it was made clear that the note drafted by Adv Ackermann was filed and received with the other documents in 2003. However, the said note bore the date of 23 June 2006 as opposed to 23 June 2003. It was further confirmed by means of forensic investigation that the note in question was signed by Adv Ackermann. The ink, paper and other characteristics on the document were also found to be consistent with each other and that there were no alteration(s) made to it. In essence, the conclusion made in the forensic report was that the note in question was not forged.
72. On 30 August 2007, the disputed note, together with a file consisting of documents containing 72 specimen signatures and a copy of the fax received from Adv Ackermann were provided to the late ex-Brigadier JF Hattingh, the

⁴ Annexure FA37 to the Calata affidavit: Page 584: Bundle 1 of the Calata Group.




Director of Forensic Document Consultants, an independent consultant, for a second opinion on the disputed document. His report was signed on 31 August 2007 and confirmed the initial report.

73. I annex hereto copies of the two forensic investigation reports together with the affidavit by S/Supt Britz, marked as "PCJ24", "PCJ25" and "PCJ26" respectively.

CONCLUSION

74. In conclusion, I wish to state that it was never within my capability to instruct anybody to stop any investigation(s) and/or prosecution of any cases related to the TRC or otherwise. I also never had any intention whatsoever, to deny any person their rights to access justice as portrayed by the Calata Group.

75. Furthermore, I have never engaged in any act of political interference aimed at stopping the investigations and/or prosecutions of the TRC cases.

P. B. Jaws
DEPONENT

THUS SIGNED AND SWORN TO before me at Letaba on this 26 day of **FEBRUARY 2026** the deponent having acknowledged that he knows and understands the contents of this affidavit, he has no objection to take the prescribed oath and considers it to be binding on his conscience.

COMMISSIONER OF OATHS

Name: P. Steyn
Address: 73 Saenger Drive Route 21 Beersfontein
Designation: Ex Officio Attorney
012 862 0976

Office of the National Director of Public Prosecutions



Victoria & Griffiths
Mxenge Building,
123 Westlake Avenue,
Wavind Park, Silverton

Commissioner J. Selebi
National Commissioner of Police
SA Police Service Head Quarters
PRETORIA
0001

Fax: (012) 393 1530

P/Bag X752
Pretoria
0001
Tel: (012) 845-6000
www.npa.gov.za

Dear Commissioner Selebi

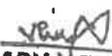
PROSECUTIONS OF CRIMES EMANATING FROM CONFLICTS OF THE PAST

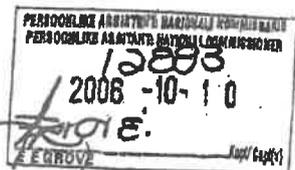
1. As you are aware, the Prosecuting Policy with regard to criminal matters arising from conflicts of the past came into effect on 1 December 2006.
2. In terms of the said guidelines, all such prosecutions will be conducted by the Priority Crimes Litigation Unit (PCLU), which is located in my office.
3. I have appointed Dr Silas Ramate to head and supervise the prosecution process of all TRC-related matters.
4. In terms of par B6 of the guidelines, the PCLU shall be assisted in the execution of its duties by a senior designated official of your department.
5. You are therefore kindly requested to nominate a senior official(s) to perform the above function.

 You are further requested to make such official available to attend a meeting to be held in the Boardroom of the National Director of Public Prosecutions, VGM Building, 123 Westlake Avenue, Wavind Park on Thursday, 12 October 2006 at 14h00. You are also kindly requested to attend this first meeting.

7. Your assistance and cooperation in this regard will be highly appreciated.

Yours sincerely


ADV V.P. PIKOLI
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS



*Meeting moved to
2006/10/10.*



TRC COMMITTEE MEMBERS

NAME	DEPT.	CONTACT No.	EMAIL	
Anton Ackermann	NPA (PCLU)	012-845 6474	arackermann@npa.gov.za	
Mthunzi Mhaga	NPA (PCLU)	012-845 6398	mcmhaga@npa.gov.za	
Dr S Ramaite	NPA (NSSD)	012-845 6765	msramaite@npa.gov.za	Convenor
Marlyn Raswiswi	Justice	012-315 1730 0826600463		
Yvonne Mabule	NIA	012-427 4498 0827872853	yvonnem@nia.gov.za	
Philip Jacobs	SAPS	012-395 0063	jacobspc@saps.gov.za	
Josias Lekalakala	SAPS	0825745870	milekalakal@telkomsa.net	
Brian Koopedi	NIA	012-4262602 0824168357	bkoopedi@nia.gov.za	
AT Mngwengwe	NPA(DSO)	012-845 6470	atmngwengwe@npa.gov.za	
NVE Ngidi	NPA(DSO)	012-845 6401	nvengidi@npa.gov.za	
		<u>PRINCIPAL</u>		
		<u>S</u>		
Adv Vusi Pikoli	NPA(NDPP P)	012-845 6758		
Kalyani Pillay	NPA	012-845 6749		
Loyiso Jafta	Presidency	012-300 5458		
M Simelane	DG justice	012-315 1730		
MF Manzi	NIA			

Handwritten signature and initials, possibly 'R. Jafta' and 'M. Simelane', located at the bottom right of the page.

MINUTES OF TRC COMMITTEE MEETING 12 October 2006Members Present:

- | | |
|--------------------------|------------------|
| 1. Adv Vusi Pikoli | (NPA) |
| 2. Adv Kalyani Pillay | (NPA) |
| 3. Mr ME Manzini | (NIA) |
| 4. Mr Loyiso Jafa | (PRESIDENCY) |
| 5. Mr Simelane | (DG JUSTICE) |
| 6. Dr Ramaite | (NPA & Convenor) |
| 7. Adv Anton Ackermann | (NPA) |
| 8. Comm. Philip Jacobs | (SAPS) |
| 9. Mr Brian Koopedi | (NIA) |
| 10. Mr NVE Ngidi | (DSO) |
| 11. Mr AT Ngwengwe | (DSO) |
| 12. Ms Yvonne Mabule | (NIA) |
| 13. Ms Marilyn Raswiswi | (JUSTICE) |
| 14. Mr Josias Lekalakala | (SAPS) |
| 15. Mthunzi Mhaga | (NPA) |

Apologies : none — National Commissioner.

1. Opening Remarks by the NDPP who gave a detailed background of the cases emanating from the conflict of the past with particular reference to TRC matters. He indicated that the establishment of the committee is derived from the policy guidelines which were approved by parliament in December 2005 on prosecution of all TRC matters. The NDPP had attended a meeting with DGs from SAPS, NIA, justice and a representative from the office of the Presidency where it was decided that a committee should be established. Cases in possession of PCLU and SAPS have to be identified and an update on their status is also required. SAPS has to provide investigating officers for all cases identified for prosecution. The NDPP emphasised the fact that he will decide on each prosecution and not the committee. The role of the committee will be to make recommendations to the NDPP on each case.
2. Mr Manzini indicated that these cases need to be prioritised and the process needs to be fast tracked.
3. Dr Ramaite indicated that there is a need for a task team of investigators to work on these cases.
4. The NDPP further indicated that Dr Ramaite is the convenor for the committee and the PCLU will report to Dr Ramaite directly.

R.R.

The meeting was then closed after the NDPP asked the committee to meet after the meeting with the Principals.

Committee Meeting

Dr Ramaite requested PCLU and SAPS to compile an audit report of all cases in their possession and that the PCLU will take charge of investigations being assisted by SAPS. The committee will then deal with all cases including matters that have been closed by the PCLU. Mr Ngidi indicated that committee members will not be rubber stamper to decisions already made by the PCLU and he was supported by Mr Koopedi who said they are prepared to go through volumes of records in all cases.

Mthunzi was then mandated to arrange a suitable date for the next meeting. Indeed a date was arranged for the 25/10/2006 at the DSO boardroom.

Ngidi
[Signature]
[Signature]

MINUTES OF TRC COMMITTEE MEETING 25/10/2006Members present:

Dr Ramaite
Adv Anton Ackermann
Comm. Jacobs
Brian Koopedi
Yvonne Mabule
Marlyn Raswiswi
Ntlantla Ngidi
Josias Lekalakala
Mthunzi Mhaga

Nhlanhla

Apologies: Mr Mngwegwe (Out of the country)

Adv Ackermann presented an audit report of all cases in possession of PCLU. There were three categories of cases dealt with by PCLU, cases that were finalised in court, matters closed by PCLU in the form of representations from relatives of victims and victims themselves as well as matters pending which have been identified by PCLU for prosecution. In some cases members requested full report on how the matters was disposed of, for Ms Mabule requested that PCLU must show consistency in their report by giving a detailed report on all cases. It was agreed that matters that have been finalised in court cannot be entertained by the committee.

Comm. Jacobs presented an audit report on all cases in possession of SAPS, however his report was not detailed as a result he was requested to compile a more detailed report which is reconciled with the report from PCLU. He indicated that he was not hands on in these TRC cases and that one Hennie Brits who has since retired from the police has better knowledge as he dealt with all these cases. He further indicated that he will seek the services of the said Mr Brits to compile a detailed report. He was therefore given until 6/11/2006 to provide the committee with the said report.

Dr Ramaite remarked that the prosecutorial decision on all these matters rests with the NDPP assisted by other agencies and that the PCLU has to guide the committee on all these cases. It was then agreed that the committee will meet on 06/11/2006 at 09H00 and venue will be announced later. It was further agreed that in our next meeting the

Pls
3/11
Pls

committee will be briefed on the revised SAPS audit report and will consider potential prosecution matters.

The meeting was then closed.

NB Please do not hesitate to correct any errors noted.



/Z56 forms

Office of the Head
Priority Crimes Litigation Unit
VGM Building
PRETORIA

P. O. Box 752,
PRETORIA
0001



VGM Building
Hartley St.
Weavind Park
0001
Pretoria
South Africa

TO: DR MS RAMAITE
FROM: ADV AR ACKERMANN SC
SUBJECT: AUDIT OF CASES EMANATING FROM TRC PROCESS
DATE: 24 OCTOBER 2006

Tel: (012) 845 6474

1. HISTORICAL BACKGROUND

- 1.1 After the closure of the Goldstone Commission in 1993/94 the government of the day decided that its work in investigating human rights abuses relating to conflicts of the past should continue under the supervision of the then Attorney General of Pretoria, Dr J D'Oliveira. A team of the South African Police Service was seconded to his office to conduct the necessary investigations.
- 1.2 The team was divided into two groups. One focusing on offences committed by security force members and the other group on offences committed by Liberation Movements and the Right Wing.
- 1.3 This latter team comprised of Director Nel and Senior Superintendent Britz.
- 1.4 The Attorney General decided that Deputy Attorney General Fick would supervise all the investigations conducted by the two police officers while he would deal with cases involving security force members.
- 1.5 On 7 November 1996 the National Commissioner at the request

of Dr D'Oliveira instructed all his Provincial Commissioners to submit all outstanding and unsolved cases pertaining to the entire political spectrum of the conflicts of the past to Dr J D'Oliveira's office. Such instruction also related to cases where not all the accused had been prosecuted.

- 1.6 With the appointment of the NDPP the cases dealt with by D'Oliveira were transferred to his office while Fick continued to deal with the cases originally allocated to him i.e. the Liberation Movement cases. He continued to be assisted by the SAPS members, Nel and Britz. Their contracts were routinely extended by SAPS.
- 1.7 The NDPP however instructed Fick not to institute any prosecutions without his authorisation and no prosecutions were therefore instituted.
- 1.8 With the creation of the DSO in 2001 the cases with the NDPP were transferred to the DSO Head Quarters. Fick however continued with his cases assisted by the two police officers.
- 1.9 No prosecutions were instituted because the TRC's final report and the President's response thereto were outstanding.
- 1.10 With the creation of the PCLU in March 2003, the NDPP assigned all TRC matters to it after the TRC had tabled its final report and the President had mandated the NDPP to institute prosecutions where appropriate, arising from the TRC process.
- 1.11 The PCLU was not an investigative agency and was therefore dependant on SAPS and the DSO for investigations. The PCLU reports monthly to a Deputy National Director and the NDPP approved all its decisions to institute TRC prosecutions and, in certain high profile cases, certain decisions not to prosecute.
- 1.12 The DSO policy guidelines for prosecutions in these matters were accepted by the PCLU. In essence, these were to the effect that prosecutions should only be instituted for serious human rights abuses, based on reliable evidence while accepting that humanitarian factors and the interests of reconciliation could also be taken into consideration.
- 1.13 It was decided that Ackermann would take over Fick's cases and Macadam would take over the DSO cases.
- 1.14 The PCLU conducted an audit of all the cases in both offices.
- 1.15 In this auditing process it was established that the police officers at Fick's office at the DPP Pretoria had registered 395 police dockets.
- 1.16 During 2003/2004, Ackermann declined to prosecute in +- 80 of the abovementioned cases.
- 1.17 Similarly +- 50 cases from the DSO were finalised by Macadam and Ackermann.



1.18 The audit process further identified a small number of cases warranting prosecution which are dealt with hereunder.

1.19 The 395 police dockets which were in the possession of Nel and Britz were returned to SAPS and the NDPP informed Commissioner Tim Williams that these dockets were police property and that the NPA had no interest in them except if SAPS desired prosecutions in which case they could be re-submitted for these purposes. The then Director General of Justice, Mr V Pikoli and other high ranking officials were present when this discussion between the NDPP and Williams took place. As of the date of this memo, no such dockets have been submitted to the NPA for decision.

2. CASES FINALISED IN COURT

2.1 S v Khwezi Ngoma and Others (Mhaga)

This matter involved four APLA cadres who attacked Willowvale police station in 1994 resulting in the death of a policeman and another injured. They didn't apply for amnesty. They made representation through their attorneys requesting a withdrawal of the charges but it was rejected and entered into plea bargain and received suspended sentences.

2.2 S v Aron Tyani & Another (Mhaga)

The matter relates to the attempted murder and murder of Stembele Zokwe an MK cadre during 1987 and 1988 by the Transkei security police. They were convicted and sentenced to direct terms of imprisonment in 2005.

2.3 S v Eugène Terre'blanche (Ackermann)

In November 2003 the accused pleaded guilty to several charges of terrorism, linked to 1994 pre-election bombings. He was sentenced to 6 years wholly suspended.

2.4 S v Blani (Macadam and Ackermann)

The accused was convicted on two counts of murder in Grahamstown High Court and sentenced to a partially suspended sentence.

3. MATTERS CLOSED BY PCLU

3.1 Death in detention Ahmed Timol

3.1.1 This matter relates to the death of Ahmed Timol who died in police detention on 27 October 1971 during interrogation by the Apartheid Security Police.

3.1.2 There was an allegation that one of the Interrogators had confessed to a journalist that Timol had been murdered and that was followed up but was later denied by the said journalist.

3.1.3 The matter was therefore closed.

3.2 Death in detention of Steve Biko

The matter prescribed in 1997 as evidence only proves culpable homicide which according to our criminal law prescribes after 20 years.

3.3 Carl Niehaus (Macadam)

3.3.1 Victim tortured during detention.

3.3.2 Victim does not desire prosecution.

3.3.3 File closed.

3.4 Skoulides (Macadam)

3.4.1 Victim's sister alleged that her brother had been framed for a murder committed by the Security Forces.

3.4.2 No evidence to substantiate this claim.

3.4.3 File closed.

3.5 Nelson Sithole (Macadam)

Closed – no evidence as to perpetrators.

3.6 Pro Jack (Macadam)

Closed – no reliable evidence as to perpetrators.

3.7 AM Zulu (Macadam)

No admissible evidence arising from TRC.

3.8 Bult (Macadam)

Offence not serious – assault common.

3.9 Castro Khumalo (Macadam)

Matter was referred to Missing Persons' Task Team.

3.10 Winnie Mandela (Macadam)

No reliable evidence.

Handwritten signature and initials, possibly 'P. B. G.' or similar, located at the bottom right of the page.

3.11 Ermelo Black Cats (Macadam)

No reliable evidence to prosecute IFP members in Mpumalanga linked to this incident.

3.12 Chadwick (Macadam)

Extradition request withdrawn because of a lack of evidence.

3.13 Anton Lubowski (Macadam)

No evidence.

3.14 Ciskei coup d'etat (Macadam)

No evidence.

3.15 General Basie Smit (Macadam)

No evidence.

3.16 S v Bongani Wana (Mhaga)

3.16.1 This matter relates to the murder of Zolile Sangoni, Zonwabele Mayapi and an MK cadre Gift Mgibe who were killed by Vlakplaas operatives in 1988 in Umtata.

3.16.2 Mr Wana had applied for amnesty but later withdrew his application.

3.16.3 After a careful perusal of the TRC transcript and consulting with all relevant potential witnesses it became clear that there was no sufficient evidence upon which prosecution of Mr Wana can be instituted.

3.16.4 The matter was then closed.

3.17 Representation by Mr SM Mavuya (Mhaga)

3.17.1 Mr Mavuya claimed to have been an informer during 1984 and was applying for amnesty and requested protection from members of his community.

3.17.2 We however informed him that we have no such authority and that TRC committee has disbanded. His activity did not amount to any criminal offence thus we could not even consider it in terms of prosecution guidelines.

3.18 Representation by Mpho Masemola (Mhaga)

3.18.1 This matter arose from a representation by Mr Masemola, a former ANC who claimed to have been arrested and subsequently tortured in 1985.

3.18.2 He also claimed that in 1991 members of the Counter Insurgency Unit shot at him



during a march he had organised. We however informed him that in as far as the torture in 1985 the matter has since prescribed and in respect of 1991 shooting there was no evidence to support his allegations as he bases his accusations on assumptions.

3.19 Representation by Mr N Dlamini (Mhaga)

- 3.19.1 Mr Dlamini had made allegations against Swaziland police whom he claimed to have sold out some MK cadres during 1985 to 1986. Unfortunately he could not supply us with any proof apart from a newspaper article from Times of Swaziland which we did not receive.
- 3.19.2 Apart from lack of substance in his allegations the NPA does not have jurisdiction in crime committed in Swaziland. He could not indicate to us his interest in the matter when requested to do so.

3.20 Thabo Armando Sithole (Ackermann)

- 3.20.1 The mother of Thabo requested the NPA to investigate death of his son who died in police custody after being arrested for robbery in 1976.
- 3.20.2 They received a report from Greytown police that he committed suicide by hanging himself.
- 3.20.3 The PCLU could not find any records of the inquest and the police in Greytown police station could not assist us as they could not find any records of Thabo though they remember that he was indeed detained there. The PCLU therefore decided to close the file as there was no further action contemplated

3.21 Murder of Michael Mcetywa (Mhaga)

- 3.21.1 The matter arises from a representation by Zolile Mcetywa who is the son of the deceased who was an ANC chairperson in Pongola and murdered in 1993.
- 3.21.2 A man called Mavuso is currently serving 25 years for the murder.
- 3.21.3 During his amnesty application which was refused, he implicated a number of IFP leaders.
- 3.21.4 The family of the deceased requested the PCLU to consider prosecution of the implicated IFP leaders.
- 3.21.5 After reading various documents and consulting with Mavuso it transpired that he is the only witness who can be used but he demanded that the NPA secures his release before he can testify against the IFP leaders.
- 3.21.6 Apart from his evidence there was nothing to corroborate him. We therefore closed the file as there was no further action contemplated.

Two handwritten signatures in black ink are located at the bottom right of the page. The first signature is a large, stylized cursive 'S'. The second signature is smaller and more complex, possibly containing initials or a name.

3.22 Smit murders (Dr Pretorius)

- 3.22.1 Perpetrators all deceased except one suspect who apparently lives in Australia.
- 3.22.2 Insufficient evidence to apply for extradition.
- 3.22.3 Matter closed.

3.23 Refusal of amnesty to the President and other high-ranking ANC officials

No evidence that specific crimes had been committed, which attracted personal criminal liability could be found. Consequently, the case was closed.

3.24 IFP Hit Squads (allegations of Luthuli Mbambo and Mkhize)

No reliable evidence upon which to overturn the decision of the DPP: KZN not to prosecute.

3.25 Bombing of Early Learning Centre and other Western Cape CCB activities (Macadam)

The perpetrators were all granted indemnity in terms of the Indemnity Act or in terms of section 204 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

3.26 Plus-minus 80 cases against members of the Liberation Movement (Ackermann)

All these cases were investigated by SAPS and were all closed.

4. POTENTIAL PROSECUTIONS IDENTIFIED BY PCLU

4.1 S v Otto & 2 Others (poisoning of Rev. Chikane) (Ackermann)

- 4.1.1 Indictment already drafted in 2004 – prosecution was put on hold pending approval of guidelines.
- 4.1.2 In February 2006, NDPP authorized prosecution.
- 4.1.3 In terms of the guidelines, representations were received from the accused which were considered by the NDPP.
- 4.1.4 On 19 September 2006, Ackermann was directed to proceed with the prosecution against the accused.
- 4.1.5 Beginning of October 2006, it was decided to put prosecution on hold, pending the obtaining of a legal opinion on whether the accused have received indemnity or not in terms of the Indemnity Act, 1990.

3 accused have not applied for amnesty



4.6.3 The PCLU is not in possession of the docket.

4.7 Murder of Askari Strongman Sambo

(De Koch allegations)

The matter had been identified as a potential prosecution case but a decision has already been made by the DPP in Pretoria not to prosecute.

4.8 Matter of SAP General Engelbrecht

The matter had also been identified for prosecution but a decision was made by the DPP in Pretoria not to prosecute General Engelbrecht.

4.9 Death of George Mashele and Lilian Magosha (Mhaga)

4.9.1 This office received representation from Joseph Yende who claims to be the son of Lillian and brother of George.

4.9.2 George and his mother died during a raid by the SAP at his home in July 1992.

4.9.3 According to the police statements and post-mortem reports, the two died as a result of hand grenade explosion.

4.9.4 There is no evidence to rebut that version but Yende claims that there are witnesses who claim to have seen otherwise.

4.9.5 The PCLU is currently arranging consultations with them to verify these allegations. The family was compensated by the TRC for the incident.

4.10 Nicolas Boykie Thlapi (Disappearance in police custody) (Mhaga)

4.10.1 ANC branch in Klerksdorp submitted a memorandum demanding investigation into the disappearance of Boykie in March 1986 after being arrested by police with other members of Ikakgeng Youth Congress.

4.10.2 The matter is currently investigated by Capt Mathi of Klerksdorp serious and Violent Crimes Unit.

ANC Branch Klerksdorp: petition.

4.11 Lethlapa Mphahlele (Heidelberg Tavern and St James Massacre)

Mhaga (Mhaga + Abrahams).

4.11.1 A representation was received by PCLU from Democratic Alliance and the father of Lynn Fourie who was killed during the attack.

4.11.2 A number of APLA cadres involved in the attack applied for and received amnesty after serving sentences. Mr Mphahlele applied for amnesty but later failed to appear before the commission resulting in his application refused in his absence.

4.11.3 As soon as an investigator is appointed for the case a decision will be made on whether

Reconciliation with mother of victim; not father.

to prosecute or not. *Radio Cape Talk.*

4.12 Bathandwa Ndondo (Murder by Vlakplaas operatives in 1985) *Mhaga- (Ackermann)*

4.12.1 Bathandwa Ndondo was an MK underground cadre operating in Transkei after his expulsion from the University of Transkei for his political involvement.

4.12.2 He was wanted by the Security police in Transkei and the Vlakplaas operatives and subsequently murdered in 1985. We received a representation from Adv Dumisa Ntsebeza requesting prosecution of the police officer who did not receive amnesty.

4.12.3 A decision had been made by the former NDPP not to prosecute him, we are therefore still considering the request as this will require overturning the previous decision if we decide to prosecute.

4.13 Moss Morudu (kidnapping and murder) 1987

4.13.1 Moss Morudu was a Cosas member in Mamelodi and had been politically active during 1986.

4.13.2 He was alleged to be a member of the underground unit of Umkhonto Wesizwe under the command of Obet Masango.

4.13.3 He disappeared from his home during October 1986 after the Security police had been looking for him in connection with a landmine explosion.

4.13.4 He was kidnapped by three security operatives under the pretence that they were MK cadres taking him to exile for military training. He was never seen again by his family.

4.13.5 The three officers who kidnapped Moss received amnesty for kidnapping and others did not apply for amnesty. As soon as an investigator is appointed a decision will be made on whether to prosecute or not.

4.14 Kidnapping and murder of Betty Boom, Mashiya and Selamane

The perpetrators were refused amnesty by the TRC.

4.15 Kidnapping and murder of Mbulelo Ngono

The perpetrators were refused amnesty by the TRC

4.16 Gaberone raid

The perpetrators were refused amnesty by the TRC

4.17 Maseru raid (General Johan van der Merwe implicated)

The perpetrators were refused amnesty by the TRC

4.18 Samora Machel (Dr Pretorius)

This matter was reopened in 2005.

4.19 Philip Powell (Macadam/Ackermann)

4.19.1 NDPP directed that the PCLU apply for the extradition of Powell.

4.19.2 However, accused indicated that he wished to make representations.

4.19.3 Representations are awaited.

Hand grenades - had key at camp.

4.20 Victoria Mxenge (Macadam)

Allegations of an amnesty applicant must be investigated.

4.21 George Wautchope (Macadam)

Matter with DPP Jhb.

4.21.1 The accused is a former leader of AZAPO. He was indicted to stand trial in the Johannesburg High Court in 1989 on charges of murder and attempted murder.

4.21.2 He absconded and took up exile in Zimbabwe.

4.21.3 The TRC rejected his application for amnesty, because he denied that he had admitted any crime.

4.21.4 In 2003, representations were made on his behalf to Minister Maduna to withdraw the charges.

4.21.5 The DSO evaluated the case in order to enable the Minister to respond.

4.21.6 The victims, who were also the eyewitnesses, were traced and they confirmed their allegations against the accused and also requested that he be prosecuted.

4.21.7 On their version, it would appear that the accused shot the deceased in the mistaken belief that he was a member of COSAS and in the process wounded an innocent bystander.

4.21.8 The former NDPP and the Minister decided that the prosecution should proceed.

4.21.9 The case was referred to the DPP: Johannesburg, who has in turn requested SAPS to conduct investigations.

4.21.10 These investigations are in progress.

4.22 Eugène de Kock

- 4.22.1 De Kock's legal representative has indicated that he has laid a wide ranging number of charges with SAPS relating to matters which were not put before the TRC or in respect of which false testimony was presented to the TRC.
- 4.22.2 These allegations must be considered insofar as they are relevant to the TRC processes.



ADV AR ACHERMANN SC



Received 2006/11/16

"PCJ6"

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

Adv Ackermann SC
 Comm Jacobs
 Brian Koopedi
 Yvonne Mabule
 Marlyn Raswiswi
 Nhlanhla Ngidi
 Josias Lekalakala
 Mthunzi Mhaga

2 weeks
 Draft
 meet on 30
 meet
 1st week Dec
 Reconciliation

Apologies:

Meeting started at 09H15 and Dr Ramaite requested Mr Ngidi to chair the meeting because he was attending a meeting with the NDPP.
 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 ^{in identified} 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 NDPP on the Reverend Chikane case, Josias indicated that recommendations of

[Handwritten signatures]

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. *Ackermann also informed that NPA discussed the matter 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 Mthunzi was tasked with arranging the date and venue for the next meeting.

Prepared by Mthunzi Mhaga

Adv. Mhaga

[Signature]

Adv. Mhaga

"PCJ7"

Office of the Head
Priority Crimes Litigation Unit
VGM Building
PRETORIA

/Z56 forms

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INTERNAL MEMORANDUM

TO: DR MS RAMAITE
CC: ADV VP PIKOLI
CC: ADV K PILLAY
FROM: ADV AR ACKERMANN SC
SUBJECT: 1. DETAILS OF TRC CASES CLOSED BY THE PCLU
2. REAPPOINTMENT OF SENIOR SUPER-INTENDENT BRITZ
DATE: 30 OCTOBER 2006

1. On 25 October 2006, the PCLU was requested by the "TRC Committee" to furnish more details regarding all the cases which the PCLU had declined to prosecute. The PCLU was also requested to furnish the background which led to the prosecution of one Blani.
2. **TRC CASES CLOSED**
 - 2.1 **Death in detention Ahmed Timol**
 - 2.1.1 This death in detention matter goes back to 1971.
 - 2.1.2 The nephew of the deceased requested that an allegation that one of the police officers who had interrogated the deceased had confessed to a journalist be investigated.
 - 2.1.3 The DSO traced and interviewed the journalist who denied the allegation. There was no other evidence to prove that the

deceased had definitely been murdered and all other crimes had prescribed.

2.1.4 The matter was therefore closed.

2.2 Death in detention of Steve Biko

2.2.1 Mr Ngcuka asked that this matter be investigated because of its high profile.

2.2.2 The DPP: Eastern Cape had recommended that no prosecution be instituted due to lack of evidence.

2.2.3 It was established that all the doctors who had treated the deceased were dead, except for the Chief State Pathologist, who, when consulted, conceded that he could not exclude that the injury to the deceased's head could have been accidentally caused.

i) 2.2.4 The police officer in charge of the interrogation who was responsible for making the decisions as to whether the deceased should receive medical treatment himself died after he was denied amnesty by the TRC.

2.2.5 The evidence against the remaining police officers only established culpable homicide which had prescribed in 1997.

2.2.6 The NDPP made a press statement to the effect that no prosecution was possible. An NGO organization obtained the opinion of Adv Trengove who also concurred with the decision.

2.2.7 Subsequent to this decision, the police officer who transported the deceased to Pretoria also died.

2.3 Carl Niehaus

2.3.1 A member of public asked for a prosecution after the media published an interview with Carl Niehaus in which he alleged that he had been tortured during detention.

2.3.2 Mr Niehaus was consulted and did not desire prosecution.

2.3.3 File closed.

2.4 Skoulides

2.4.1 Skoulides had been convicted of murder.

2.4.2 After his release from prison, his sister alleged that he had been framed by the CCB. There was no evidence to substantiate this claim and it was suspected that the purpose of the allegation was made so as to have the convict's criminal record deleted so that he could emigrate to Greece.

2.4.3 The file was closed.

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2.5 Nelson Sithole

2.5.1 The deceased was a Cape Town activist. He was killed outside his home. No perpetrators were identified and arrested by SAPS.

2.5.2 His lawyer alleged that the perpetrators were known to SAPS.

2.5.3 The DSO interviewed the eyewitnesses, perused the SAPS docket and interviewed a convicted prisoner whom the lawyer claimed knew about the case. The prisoner denied all knowledge of it. The witnesses had not identified the attackers. SAPS were of the view that the deceased was the victim of a criminal gang which was terrorizing that area. An identification parade had been held to see if the victims could identify members of the gang who were in custody on other charges but with negative results.

2.5.4 File closed.

2.6 Pro Jack

2.6.1 A person was refused amnesty for the murder of a Western Cape activist.

2.6.2 The TRC asked that this matter be looked into.

2.6.3 The DSO investigated the matter and came to the same conclusion as the TRC's Amnesty Committee, to the effect that the amnesty applicant had lied in respect of each and every material aspect relating to the murder of the deceased. There was no acceptable evidence to prosecute him or any other person and the file was closed.

2.7 AM Zulu

2.7.1 A convicted prisoner was refused amnesty for his role in the killing of a number of people in the Table Mountain area.

2.7.2 The TRC: KZN recommended that this matter be looked into further.

2.7.3 The convicted prisoner was an unreliable witness in his amnesty application and there was no other acceptable evidence implicating the persons whom he alleged had taken part in the attack with him.

2.7.4 The file was therefore closed.

2.8 Bult

2.8.1 Representations were made to the NPS by Bult, who alleged that he had been assaulted by the police during the Apartheid Era.

2.8.2 His allegations were however not serious enough to warrant investigation by the TRC unit which had been mandated by the NDPP only to consider serious human rights

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abuses.

2.8.3 The file was therefore closed.

2.9 Castro Khumalo

2.9.1 The victims requested that a prosecution be instituted.

2.9.2 The deceased was a member of a group of activists who had been killed by the Security Branch.

2.9.3 The perpetrators had however all received amnesty, but the bodies of the deceased had not been traced.

2.9.4 The case was therefore referred to the Missing Persons' Task Team for further action.

2.10 Winnie Mandela

2.10.1 She was implicated in the kidnapping of a youth in Soweto:

2.10.2 These allegations had been investigated by a component of the D'Oliveira Investigation Unit. It was established that all the relevant witnesses had been extensively interviewed and all had been found to be unreliable. Various allegations as to the location of the body of the missing person had been followed up with negative results.

2.10.3 There was therefore no reliable evidence to institute a prosecution against Mrs Mandela. It was noted that she had been convicted on another charge. The allegations that she was involved in the murder of Dr Asvat were also investigated with negative results. The allegations of Falati, Cebenkulu and Richardson were also looked into and it was found that these three persons were thoroughly unreliable and had strong motives to falsely implicate Mrs Mandela.

2.10.4 The file was therefore closed.

2.11 Emelo Black Cats

2.11.1 The D'Oliveira Investigation Unit had charged members of an IFP grouping called the Black Cats for various crimes committed in the Emelo area.

2.11.2 The investigations had been put on hold pending the finalization of the TRC.

2.11.3 The main 204 witness was interviewed by the DSO and found to be thoroughly unreliable.

2.11.4 The TRC had refused to grant him amnesty and the DPP: KZN had also rejected similar allegations made by him relating to activities in KZN.

2.11.5 The witness also indicated that he would not testify unless he was released from prison

The bottom of the page contains several handwritten signatures and initials. On the left, there is a large, stylized signature that appears to be 'S'. To its right, there are two smaller signatures, one above the other, which appear to be 'R. J. ...' and 'R. J. ...' respectively. There are also some other scribbles and marks.

first. There was therefore no evidence to prosecute and the file was closed.

2.12 Chadwick

2.12.1 The accused was a UK citizen who absconded to the UK after being indicted for the murder of two suspected IFP supporters.

2.12.2 The DPP: Pretoria applied for his extradition which he resisted in the UK for a period of almost eight years.

2.12.3 When his final appeal against extradition was exhausted, the UK authorities requested an undertaking from the NPA that the evidence available was sufficient to ensure this conviction.

2.12.4 A key witness had retracted his statement and there were other evidential problems. The original extradition application had to be abandoned although a new witness had been found. The UK authorities indicated that a fresh extradition application would have to be lodged before extradition could be granted on his version. Given the fact that the accused had been in custody for several years, combined with the fact that there was medical evidence suggesting that he could have been insane at the time of the crimes, it was not considered worth bringing a fresh application.

2.12.5 The Acting NDPP confirmed this decision.

2.12.6 Interpol has been requested to establish whether there is truth to the rumours that the accused might try and return to South Africa. If he were to voluntarily come to South Africa, the extradition problems would not apply.

2.13 Anton Lubowski

2.13.1 The original TRC unit was looking into this matter which related to the murder of a Swapo leader in Namibia.

2.13.2 A South African Court would only have jurisdiction in the event of evidence of a conspiracy to murder the deceased formulated in South Africa.

2.13.3 All the available evidence was perused. The most likely candidate to have killed the deceased was an Irish citizen, Alcheson, who was arrested in Namibia, but skipped bail.

2.13.4 There was no reliable evidence against any other parties and the file was closed.

2.14 Ciskei coup d'etat

2.14.1 The original TRC unit was looking into this matter.

2.14.2 It was established that although certain former Military Intelligence members had indicated their intention to apply for amnesty on the basis that the coup had been

orchestrated so as to ensure the murder of ANC supporters, they had withdrawn their applications.

2.14.3 The former Head of State of Ciskei had been prosecuted for ordering the killing of two alleged *coup* conspirators, but had been found not guilty by the Bisho High Court.

2.14.4 There was no other evidence available to justify a prosecution of any person and the file was closed.

2.15 General Basle Smit

2.15.1 Mr Ngcuka asked that this matter be looked into as a result of media attention.

2.15.2 The available evidence as gathered by the D'Oliveira unit was considered and found to be inadequate to base any prosecution for a human rights abuse. The suspect was a former Head of the Security Branch.

2.15.3 The file was therefore closed.

2.16 S.v. Bongani Wana

2.16.1 This matter relates to the murder of Zolile Sangoni, Zonwabele Mayapi and an MK cadre Gift Mgabe who were killed by Viakpleas operatives in 1988 in Umtata.

2.16.2 Mr Wana had applied for amnesty but later withdrew his application.

2.16.3 After a careful perusal of the TRC transcript and consulting with all relevant potential witnesses it became clear that there was no sufficient evidence upon which prosecution of Mr Wana can be instituted.

2.16.4 The matter was then closed.

2.17 Representation by Mr SM Mavuya

2.17.1 Mr Mavuya claimed to have been an informer during 1984 and was applying for amnesty and requested protection from members of his community.

2.17.2 We however informed him that we have no such authority and that TRC committee has disbanded. His activity did not amount to any criminal offence thus we could not even consider it in terms of prosecution guidelines.

2.18 Representation by Mpho Masemola

2.18.1 This matter arose from a representation by Mr Masemola, a former ANC who claimed to have been arrested and subsequently tortured in 1985.

2.18.2 He also claimed that in 1991 members of the Counter Insurgency Unit shot at him during a march he had organised. We however informed him that in as far as the

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*Yes finale
rapport
follow-up*

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 (4)

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gehandel van
VAN ECK EN DE
NYSSEN
VOORVALLE.*

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.

*Aansprakelike
JA- ONBEKEND
PERSON / PERS
WIE LANDMINE
JEPLANT HET*

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

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+ GEHEER KON
NIE OPGESPOOR
WORD NIE.*

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

*GO REGISTER +
MESSINA SA
NIE OOR
NIE OOR*

further investigation is necessary. In respect of the ANC leadership who gave orders for the land-mines campaign, and who have not

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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 thaton 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.

2.2 Ellisra's CR A28/8/88 MJ Rapholo (38)

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Klaac

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 397/11/92 TT Xundu (45)

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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.

On 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.

2.4 Diepkloof CR 228/8/89 Michael Ndlovu, William Mafa and Ben Bani (50)

AD WAS WER
 NOLON
 MICHEAL
 NDLOVA SE
 APTASIE WERD
 WITGEKLAAR

On 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.

2.5 Umbumbulu CAS 35/4/87 Steven Mkulusi, Moses Mkize and Sakhile Nzama (54)

DANE'S GO
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 CLASSIEK
 ISG EGTER
 WEN
 SA WITGEKLAAR
 WERD

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

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.

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ansprekklik
YES - PERSONS
UNKNOWN

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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, Abubaker Ismael (73)

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

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 ANC.

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

PLS 3/1
PLS

) 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.

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Cell 082 778 8215
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FAX

TO: S/Supt. 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		PLSE COMMENT		PLSE REPLY		PLSE RECYCLE
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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 intern report.

Regards.

Asst. Commissioner

HEAD, LEGAL SUPPORT: CRIME OPERATIONS

PC JACOBS

Date: 2006/11/16

PCJ 3104

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

Members present:

Dr Ramaite
 Adv Ackermann SC
 Adv Chris Macadam
 Comm Jacobs
 Yvonne Mabule
 Marilyn Raswiswi
 Nhlanhla Ngidi
 Mthunzi Mhaga

Apologies: Josias Lekalakala
 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 contented 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 Ramaite 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 ~~on the ANC~~

~~leaders.~~

SAPS

~~on the ANC~~

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Dr Ramaite 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 Ramaite 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 fro a security point of view.

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

Adv Macadam asked to be excused fro the meeting.

It was agreed that the task team has indeed made progress as there were already cases identified fro 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

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MINUTES OF A TRC MEETING HELD ON 4 DECEMBER 2007

1. PRESENT:
Dr Ramaite
Adv Ackermann SC
Comm Jacobs
Josias Lekalakala
Irene Freeman (standing in for Mr Ngidi)
Maryln Raswiswi
Mthunzi Mhaga
2. APOLOGIES:
Brian Koopedi (overseas)
Yvonne Mabule (sick leave)
Mhlahla Ngidi (meeting)

3. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were read and adopted with amendments.

4. MATTERS ARISING

4.1 Matters that arose from the minutes were the following:

- 4.1 Draft report on the progress of the task team; and
- 4.2 The Highgate Hotel case.

4.2 Josias suggested that members need to consult with their principals before the trial report is submitted to the National Director. Members were requested to mail their inputs after consulting their principals before 7 December 2006.

4.3 Josias also asked if NIA had submitted any opinion relating to security aspects of cases identified for prosecution.

4.4 Dr Ramaite drew attention to page 2 of the minutes on Yvonne's concern.

4.5 Commissioner Jacobs informed members that he has sent a letter to Commissioner de Beer and the list of all investigators will be ready soon.

4.6 Adv Chris Macadam indicated that we need to adopt a wait and see approach as all perpetrators will probably make representations in anticipation of prosecution upon completion of investigations.

4.7 He also briefed the meeting on the Claire Stewart case.

R. J. 3/4


MINUTES OF TASK TEAM MEETING 29/01/2007Members Present:

Adv Ackermann SC
Mthunzi Mhaga
Nhlanhla Ngidi
Comm Jacobs
Brian Koopedi
Yvonne Mabule
Marlyn Raswiswi
Josias Lekalakala

Apologies: Dr Ramaite

The meeting was chaired by Mr Ngidi due to unavailability of our Convenor Dr Ramaite.

The minutes of the last meeting were read and adopted with some amendments and Yvonne requested for elaborations on minutes in future.

Adv Ackermann SC requested members for their inputs with a view to finalise the draft report to be submitted to the National Director. Commissioner Jacobs indicated that he was made to understand that Rev Chikane was not interested in the prosecution of the accused in his case, therefore he needs to be consulted and the matter needs to be discussed with their principals before making recommendations.

Adv Ackermann SC reminded the meeting that the National director has made his decision on the matter. Yvonne concurred with Comm. Jacobs on Rev Chikane matter. Mr Ngidi however had no objection to the National director's decision on the Rev Chikane matter.

Comm Jacobs informed the meeting that he has gone through the docket on the Highgate Hotel attack and is of the view that no further investigations is necessary. It was agreed that PCLU would have to look at the docket.

It was then agreed that Mthunzi will be provided with all the views of the agencies after meeting with their principals before 7/2/7 and finalise the report.

Comm Jacobs informed the meeting that he is waiting for a feed back from Provincial Commissioners on the appointment of investigators. Some had responded and provided him with a list of the investigators. He also requested a list of SAPS dockets in possession of the PCLU.

The meeting was then closed.



Jacobs PC - Assistant Commissioner

From: Mthunzi C. Mhaga [mcmhaga@npa.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: Lalla Rayman - Divisional Commissioner; mjlekalakala@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: Lalla Rayman - Divisional Commissioner; 'mjlekalakala@telkomsa.net'
Subject: RE: Emailing: TTMEMO2NDPP

Dear Ntunzi

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@npa.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: mjlekalakala@telkomsa.net
Subject: RE: Emailing: TTMEMO2NDPP

Dear Mtnunzi

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 from 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@npa.gov.za]
Sent: 01 December 2006 07:42 AM
To: Jacobs PC - Assistant Commissioner
Subject: Emailing: TTMEMO2NDPP

<<TTMEMO2NDPP.doc>> Hi 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.



South African Police Service



Suid-Afrikaanse Polisiediens

Private Bag
Privaatsok X94Fax No:
Faks No: (012)

Your reference/U verwysing

THE NATIONAL COMMISSIONER
DIE NASIONALE KOMMISSARIS

My reference/My verwysing

National Commissioner Selebi

PRETORIA

Enquiries/Navroe

0001

Tel:

(012) 393 1515

Advocate VP Pikoli
National Director of Public Prosecutions
Private Bag x 752
PRETORIA
0001

(By telefax No. 845-7291)

Dear Advocate Pikoli

OUTSTANDING TRC CASES

I have been briefed on the last meeting of the Task Team set up in terms of the Cabinet guidelines on outstanding Truth and Reconciliation Commission (TRC) matters.

It was brought to my attention that in Sy Otto (complainant Rev. F Chikane) a decision on prosecution was taken without consultation with the respective Departments.

I have insisted that the complainant be consulted in terms of the guidelines on the basis that the Directors-General will have an opportunity to provide input before a decision on prosecution is taken.

I am also under the impression that there is no common understanding on the process to be followed.

My understanding was that the officials designated on the Task Team by the Directors-General will provide recommendations to the Directors-General who will, as a collective, advise the National Prosecuting Authority as the decision maker on prosecutions.

In my view a comprehensive report such as the one directed to the NPA, dated 24 November 2006, and revised on 29 November 2006, should be discussed by the Directors-General.

Although I do not insist on a meeting of the Directors-General after each meeting of our officials, I deem it necessary that the substantive reports and recommendations of the officials should be discussed by the Directors-General before a decision is made.

I am of opinion that the Directors-General should meet as soon as possible to provide guidance on the procedures to be followed by the officials in the Task Team.

I am also of the opinion that the Chikane matter should be discussed, both in terms of the procedures followed, and the way forward.

You are requested to convene, as soon as possible, a meeting with the Directors-General in order to discuss the above matters.

With kind regards.

J. SELEBI
NATIONAL COMMISSIONER

[Handwritten Signature]
NATIONAL COMMISSIONER

Date: 6/02/07

PCJ 3148

[Handwritten Signature] *[Handwritten Initials]*

[Handwritten Signature] *[Handwritten Initials]*

South African Police Service



Suid-Afrikaanse Polisiediens

Private Bag
Privaatsak X94Fax No:
Faks No: (012)

Your reference/ U verwysing

THE NATIONAL COMMISSIONER
DIE NATIONALE KOMMISSARIS

My reference/ My verwysing

National Commissioner Selebi

PRETORIA

Enquiries/ Navroe

0001

Tel:

(012) 393 1515

Advocate Menzi Simelane
 Director-General
 Department of Justice and Constitutional Development
 Private Bag X81
 PRETORIA
 0001

Dear Colleague

OUTSTANDING TRC CASES

I have been briefed on the last meeting of the Task Team set up in terms of the Cabinet guidelines on outstanding Truth and Reconciliation Commission (TRC) matters.

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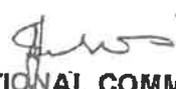
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I am also of the opinion that the Chikane matter should be discussed, both in terms of the procedures followed, and the way forward.

I have requested the NPA to convene a meeting as soon as possible, and trust that you will be in agreement with that request.

With kind regards.



J. S. SELEBI
NATIONAL COMMISSIONER

NATIONAL COMMISSIONER

Date: 6/02/07

PCJ/3148





Private Bag
Privaatsak X94

Fax No:
Faks No: (012)

Your reference/U verwysing

THE NATIONAL COMMISSIONER
DIE NATIONALE KOMMISSARIS

My reference/My verwysing

National Commissioner Selebi

PRETORIA

Enquiries/Navrae

0001

Tel:

(012) 393 1515

Mr M Manzini
Director-General
National Intelligence Agency
Private Bag X87
PRETORIA
0001

Dear Colleague

OUTSTANDING TRC CASES

I have been briefed on the last meeting of the Task Team set up in terms of the Cabinet guidelines on outstanding Truth and Reconciliation Commission (TRC) matters.

It was brought to my attention that in Sv Otto (complainant Rev. F Chikane) a decision on prosecution was taken without consultation with the respective Departments.

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P.B.G.

3/11

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I have requested the NPA to convene a meeting as soon as possible, and trust that you will be in agreement with that request.

With kind regards.

J. S. SELEBI
NATIONAL COMMISSIONER



NATIONAL COMMISSIONER

Date: 6/2/07

PGJ 3148



Office of the National Director of Public Prosecutions



The National Prosecuting Authority of South Africa
Igunya Jikelele Lobetshutshisi bokhoantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

Ref: NDPP / KP

Mr J.S. Selebi
National Commissioner
South African Police Service

Fax no.: (012) 393 - 1530

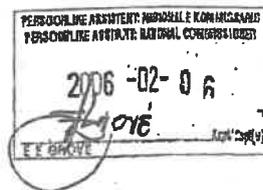
6 February 2007

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton

P/Bag X752
Pretoria
0001

Tel: (012) 845-6000
Fax: (012) 845-7291
www.npa.gov.za

Dear Commissioner Selebi



Re: OUTSTANDING TRC CASES

Your letter of 6 February 2007 refers.

I advise that it is clear that our understanding of the mandate of the task team, as well as the guidelines that Cabinet approved, are not the same. In the circumstances, this matter, as well as other issues that have emerged in the course of the NPA dealing with the TRC cases, are currently being taken up with the Minister of Justice and Constitutional Development.

Kind regards

V.P. Pikoli
ADV. V.P. PIKOLI
NATIONAL DIRECTOR OF PUBLIC PROSECUTION
DATE: 06.02.2007



Handwritten initials and signature



Justice in our society, so that people can live in freedom and security

"Together bearing the
burden for justice and safety"

Large handwritten signature

CONFIDENTIAL

1

INFORMATION NOTE

To: Divisional Commissioner: Detective Service
JF De Beer

REQUEST TO MAKE INVESTIGATORS AVAILABLE TO NATIONAL PROSECUTING AUTHORITY: OUTSTANDING TRC CASES

1. At the last meeting of the Sub-Committee appointed to deal with the outstanding TRC matters in accordance with the Cabinet's approved guidelines, it was recommended that a number of cases need to be brought to finality in terms of investigations.
2. The purpose of the investigation is to enable the relevant Committee to make a recommendation regarding possible prosecution to the NDPP, in accordance with the said guidelines.
3. A discussion was held with Advocate Nthunzi Mhaga of the Priority Crimes Litigation Unit (PCLU), who is also on the Committee in order to obtain guidance on where investigators are needed.
4. The relevant cases are:
 - 4.1. PEBC0 3 case.
 - 4.2. Cradock 4 case

Note: In both these cases, it was requested that a police official from Port Elizabeth, (Fanie Els) be appointed as he is already *au fait* with the cases.

CONFIDENTIAL

Two handwritten signatures in black ink, one larger and more stylized than the other, located at the bottom right of the page.

CONFIDENTIAL

2

- 4.3. S v Hantie Botha and Others CR Swart Sqaure CR 2004/9/97.

Note: It is requested that a detective from Durban be appointed to assist with the investigation.

- 4.4 S v Coetzee John Vorster Plain CR 1469/2/96.

Note: It is requested that a detective from Johannesburg be appointed to assist in this matter.

- 4.5 COSAS four (Krugersdorp)

NOTE: It is requested that a detective from the West Rand or Johannesburg be appointed to assist with this investigation.

- 4.6 Heidelberg Tavern and St James Massacre

NOTE: It is requested that Supt Barkhuizen or another Detective of the Western Cape be appointed to assist in this investigation.

- 4.7 Cala CAS 92/2/95

Bathandwa Ndondo.

NOTE: It is requested that a detective from Umtata be appointed to assist with the investigation.

- 4.8 Moss Monude case

NOTE: It is requested that a detective from Pretoria assist with this investigation.

5. It is recommended that detectives in the respective areas be identified and that their contact particulars be given to Advocate Mhaga, in order to make the necessary arrangements for the investigations to proceed.

CONFIDENTIAL



CONFIDENTIAL

3

- 6. Submitted for your consideration and the necessary action.

Asst. Commissioner
HEAD: LEGAL SUPPORT: CRIME OPERATIONS
PC JACOBS

Date:

PCJ 3110j

CONFIDENTIAL

Two handwritten signatures in black ink are located at the bottom right of the page. The first signature is a large, stylized loop, and the second is a more complex, multi-stroke signature.



Privaatsak/Private Bag X302

Verwysing Reference	
Navrae Enquiries	Asst. Comm. PC Jacobs
Telefoon Telephone	(012) 395 0066
Faksnommer Fax number	(012) 395 0156

**DIVISIONAL COMMISSIONER
LEGAL SERVICES
HEAD OFFICE
PRETORIA
0001**

2006-12-06

- A. Provincial Commissioner: Eastern Cape
- B. Provincial Commissioner: Western Cape
- C. Provincial Commissioner: Gauteng
- D. Provincial Commissioner: KwaZulu Natal
- E. Commander: Supt Noldadi

**INVESTIGATING OFFICERS TO ASSIST IN FINALIZING CASES
EMANATING FROM THE TRUTH AND RECONCILIATION
COMMISSION (TRC)**

1. Following the approval of guidelines by Cabinet on the disposal of cases which emanated from the report of the TRC, certain investigations need to be finalized.
2. You are requested to make the following officers available as indicated from/against your Province. Interdepartmental Committee appointed to deal with these matters:

Supt Boshoff (Eastern Cape Province, Port Elizabeth)
Supt Barkhuizen (Western Cape Province)
Capt. Nodladi (Head Office)
Captain Zeeman (Gauteng Province)
Supt WC Olivier (Kwa Zulu Natal Province).

4. Kindly confirm the availability of these officers and provide their contact

particulars to this office, as soon as possible.

**DIVISIONAL COMMISSIONER: DETECTIVE SERVICE
JF DE BEER**

Date:

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by several loops and a final vertical stroke.

G.P.S. 002-0222



SUID-AFRIKAANSE POLISIEDIENS

SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag X84

Reference	Cambridge CR 16/05/93
Navrae	
Enquiries	Asst. Comm. PC Jacobs
Telefoon	
Telephone	(012) 393-7063
Faksnommer	
Fax number	(012) 393-7156

Legal Support
Crime Operations
South African Police Service
Head Office
PRETORIA
0001

2007-01-26

Dr Silas Ramaite, SC
Office of the National Prosecuting Authority
SILVERTON

BY HAND

Dear Dr Ramaite

HIGHGATE DOCKET: CR 16/05/1993

During the last meeting of the interdepartmental committee on the Truth and Reconciliation matters, Advocate Chris McAdam requested the above docket, and the South African Police Service members at the meeting undertook to locate and provide the docket.

Attached is a copy of the docket, in two ring binders, containing:

Evidence: A 1 – A 80, plus Photo Album with 102 colour photographs.

Correspondence: B 1 – C 89.

Investigation diary: C 2 – C 153.

Kindly acknowledge receipt of the docket on the attached copy of this letter.

It is assumed that the docket forms subject of the mandate and functions of the Committee and will be dealt with by the Committee.

PC Jacobs
Asst. Commissioner
HEAD: LEGAL SUPPORT: CRIME OPERATIONS
PC JACOBS

Date: 2007/01/29

Receipt is hereby acknowledge of the above docket as set out:

SIGNATURE: *McManga*

NAME: McManga

DATE: 29/1/7

PC Jacobs
PC Jacobs

Rapport

18/08/2007 19:25 - (SA)

ANC-lêers 'verdwyn'

SONJA CARSTENS

Pretoria

Die polisie het nog niks gedoen om meer bewyse en getuienis te kry vir die moontlike vervolging van 37 destydse leiers van die ANC aan wie amnestie vir apartheids misdade geweier is nie.

Rapport het die afgelope week uit onberispelike bronne verneem die polisie-dossiere wat twee afgetrede polisie-ede vroeër saamgestel het, is al jare toegesluit by die hoofkantoor van die polisie se speurdienste. Die bronne se name word op versoek verswyg weens die sensitiewe poste wat hulle beklee.

Volgens die bronne is geen verdere ondersoekwerk na die inligting in die dossiere gedoen nie.

Die dossiere is vroeër verwyder uit 'n kluis in die kantore van die direkteur van openbare vervolgings (DOV) in Pretoria waar adv. Paul Fick, SC, hoof van die vervolgingspan wat die vermeende Boeremag-ede aankla, die hoof was van 'n span wat verder ondersoek ingestel het met die oog op moontlike vervolging.

Die nasionale vervolgingsgesag (NV) het die ondersoek jare gelede weggeneem van Fick. Hy wou die afgelope week glad nie op vrae reageer nie.

Rapport verneem sedert dit uit Fick se kantoor verwyder is, is dit toevertrou aan 'n span by die NV wat dit verder moes ondersoek, maar wat weinig aan die ondersoek gedoen het.

Hierna is adv. Anton Ackermann, SC, in Junie 2003 aangestel as hoof van 'n eenheid wat onder meer misdade teen die staat moes ondersoek. Ackermann was die aanklaer in die Vlok-Van der Merwe-verhoor.

Oud-kommissaris Johan van der Merwe het Vrydag gesê "oorgenoeg getuienis" bestaan teen die ANC-leierskorps oor hul betrokkenheid by die landmynontploffing in 1995 waarin verskeie lede van die Van Eck- en De Necker-gesin gesterf het.

The image shows two handwritten signatures in black ink. The signature on the left is a large, stylized, cursive mark. The signature on the right is smaller and more legible, appearing to be 'A.P. J.'.

In Junie 2004 het mnr. Siphon Ngwema, destydse woordvoerder van die NV, gesê nie een van die 37 leiers, onder wie pres. Thabo Mbeki, mnr. Jacob Zuma, komm. Jackie Selebi, polisiehoof, mnr. Linda Mti, vorige kommissaris van korrektiewe dienste, en min. Essop Pahad kan vervolgt word nie omdat "daar eenvoudig nie genoeg getuienis is om 'n klagstaat op te stel nie".

Ngwema het destyds gesê die NV weet nie wíé het wát gedoen of wie die opdragte gegee het nie.

"Indien die NV dit met die getuienis tot sy beskikking sou doen, is dit net so goed die vervolger besluit oudpres. PW Botha of oudpres. FW de Klerk moet teregstaan weens voorvalle in die apartheidsjare waarvoor niemand anders verantwoordelikheid aanvaar het nie," was Ngwema se woorde.

Mnr. Dirk van Eck het reeds aangedui hy is gereed om 'n klag in te dien teen ANC-leiers wat nie amnestie ontvang het nie vir die aanval wat meer as die helfte van sy gesin uitgewis het.

Die politieke omstredenheid oor vervolgings vir misdade uit die verlede sal uitbrei as die NV 'n vervolging instel teen genl. Basie Smit, 'n voormalige hoof van die polisie se spur- en veiligheidstakke. Een van die klousules in Vlok en Van der Merwe se pleitooreenkoms dwing hulle om in 'n moontlike verhoor teen Smit te getuig.

Rapport verneem Ackermann het vroeër skriftelik opdrag gegee dat die polisie nog getuienis in die ondersoek na die ANC-leiers moet versamel met die oog op moontlike vervolging. Maar die afgelope week het die polisie geweier om te sê of die opdrag nagekom is en wat die vordering daarmee is.

Dir. Sally de Beer, Selebi se woordvoerder, het navrae na dir. Phuti Setati, woordvoerder van nasionale speurdiens, verwys.

"Die polisie wil sy kommentaar oor die saak voorbehou," het Setati gesê.

scarstenss@rapport.co.za

Available at:

http://www.news24.com/Rapport/Nuus/0,,752-795_2167209,00.html

Accessed: 2007-08-24



20. Aug. 2007 12:44

NPA PCLU 0128456357

No. 0242 P. 1



The Head
Priority Crimes Litigation Unit
NATIONAL PROSECUTING AUTHORITY

VGM BUILDING, 3RD FLOOR, ROOM A3-01
CNR HARTLEY & WESTLAKE STREETS
WEAVER PARK, 0184
TEL: (012) 845-6432 FAX: (012) 845 7224

Div. Com JF de Beer
Fax

To: Dr Fip Jacobs

From: Adv A R Ackermann SC

Fax: 012 012 393 7156

Pages: 2

Phone: 012 845

Date: 20 August 2007

Re: S v Mncube

CC:

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Kommissaris de Beer

Eh het die nou net
van Anton ontvang
Die beers is in hant
PCLU Bestu se sang.

groete
Fip



The National Prosecuting Authority of South Africa
Igunya Jikelele Labeshophisi Bo Mzantsi Afrika
Die Nasionale Vervolgingseteg van Suid-Afrika

The Priority Crimes Litigation Unit
Office of the National Director of Public
Prosecutions
Private Bag X 752
PRETORIA, 0001
20 August 2007

Ref./Verw. : arackermann

Dear Flip

STATE VERSUS MNCUBE AND TWO OTHERS

With reference to our telephonic conversation of evendate which led to you faxing to me a document with reference A 15 dated 26 June 2006 and purportedly signed by myself, I would be grateful if you could cause the original to be delivered to me at my office before 16 h00 today

Your assistance in this regard will be appreciated

Regards

A R Ackermann SC
Head Priority Crimes Litigation Unit

0123932193

"D1"

Dringende aunday.

Adv. Anton Acheomann SC
Prisoners Litigation Unit

012 8456337

Groete

Van: Flip Jacobs

0827789215.



0123932193

"PCJ22"

77

Verw : A15
Navraag: Adv A R Ackermann S
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ranaite S C
VAN : A R Ackermann S C
ONDERWERP : **DIE STAAT teen**

- (1) MTHETHELEDI ZEPHANIA MNCUBE
- (2) MZONDELELI EUELID NONDULA
- (3) JABULANI SYDNEY MBULI

Saakdossiere :

- (1) Messina MR 67/12/85 : Moord van 2 SAP lede
- (2) Messina MR 57/11/85 : Landmynontploffing
- (3) Messina MR 58/11/85 : Landmynontploffing
- (4) Messina MR 67/11/85 : Landmynontploffing
- (5) Messina MR 65/11/85 : Landmynontploffing
- (6) Messina MR 66/11/85 : Landmynontploffing
- (7) Messina MR 34/12/85 : Landmynontploffing
- (8) Messina MR 41/12/85 : Landmynontploffing
- (9) Messina MR 21/02/86 : Landmynontploffing
- (10) Alldays MR 10/10/86 : Landmyn onskadelik gestel
- (11) Alldays MR 11/10/86 : Landmyn onskadelike gestel

0123932193

- 3 -

Die ondersoek het verder op 'n gewapende aanval op 26 Desember 1986 op 'n SAW patrollie betrekking waartydens 3 ANC-lede doodgeskiet en een (MNCUBE) gearresteer is. MNCUBE het later daarin geslaag om te ontsnap deur twee SAP-lede nl ALOFF GERBER en Sers NEL dood te skiet. (Messina MR 67/12/86).

Eersgenoemde twee persone hierbo (MNCUBE en NONDULA) is later gearresteer en is weens al die gemelde misdade vervolg, skuldig bevind en gevonniss, terwyl die derde persoons (MBULI) nooit gearresteer was nie.

2. AMNESTIE

Amnestie is op 16 Maart 2001 aan al die bogenoemde persone verleen vir alle misdade wat met gemelde ontploffings verband hou. Eersgenoemde (MNCUBE) het ook amnestie vir die moord van die twee SAP lede ontvang.

3. OPMERKING

Die ANC het die gebruik van landmyn in die Messina grensgebied goedgekeur en opdragte in die verband is deur die bevelstruktuur van Umkhonto we Sizwe (MK) aan lede gegee. (Amnestie uitspraak van vermeldes).

Volgens getuienis gelewer was die vermeldes onder bevel van ene MANCHECK wat opdragte gegee en aan MK gesagvoerders verslag moes doen. MANCHECK is oorlede en daar is geen getuienis oor sy skakeling met die MK oppergesag nie.

Al die ander ANC-lede (voetsoldate) wat by hierdie misdade betrokke was is oorlede.

4. BESLISSING

Ten opsigte van die sogenaamde voetsoldate is geen verdere ondersoek nodig nie. Ten aansien van die ANC leierskap wat die opdragte vir die landmynveldtog gegee het en nie amnestie ontvang het nie, moet 'n besluit tegelegener tyd nog geneem word nadat al die relevante partye gespreek is.

Bovermelde is 'n moelike besluit.

Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

201/12/2007

ATT: Sally de Beer
FM: ~~Handwritten text~~

**Office of the
National Director of Public
Prosecutions**



The National Prosecuting Authority of South Africa
Igunya Jikelela Labetshutsishi beMzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

TO: MEDIA

DATE: 21 AUGUST 2007

RE: Response to Article in Rapport on 19 August 2007

Tel: +27 12 845 6000
Fax: +27 12 845 7281

Victoria & Griffiths
Mxenge Building
123 Westlake
Avenue
Weavind Park
Silverton
Pretoria

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

With reference to the statements attributed to Adv. Anton Ackermann SC in the Rapport of 19 August 2007, the National Prosecuting Authority wishes to place on record the following:

- In May 2004, Mr Bulelani Ngcuka, the then National Director of Public Prosecutions, declined to prosecute the ANC leadership in connection with the conflicts of the past. A press statement confirming this was released on 15 May 2004.
- Since that press release the National Prosecuting Authority and in particular Adv. Ackermann has not directed any further investigation into this matter.
- Subsequent to the media report by the Rapport on 19 August 2007, and on request by the National Prosecuting Authority, the SAPS provided a copy of a letter purporting to be written by Adv. Ackermann on 26 June 2006, to the National Prosecuting Authority. The NPA regards this letter as a forgery and has authorized an immediate investigation into the matter.

Tlali Tlali: 082 3333 880

*All documents
related to ANC 87
lost*



Justice in our society, so that people can live in freedom and security

[Handwritten signature]

CATS 16/8/07

INFORMATION NOTE

To: Divisional Commissioner PJL du Toit: Forensic Science Laboratory and Criminal Record Centre

REQUEST FOR COMPARISON OF DOCUMENTS

- 1. It has been reported in the media that a document faxed to Advocate AR Ackermann on 20 August 2006 is a forgery and that the NPA has authorized an immediate investigation into the matter.
- 2. The original document is attached, as well as the copy that was faxed, together with a fax received from Advocate Ackermann on 20 August 2007.
- 3. Attached is a file in which the relevant documents are filed.
- 4. It will be appreciated if a comparison can be made, as a matter of urgency to determine the following:
 - 4.1. whether the signatures of Advocate Ackermann are authentic in relation to the fax received from him.
 - 4.2. whether the paper used on the respective pages of the questioned document is the same.
 - 4.3. whether there is any indication of amendments or tampering on the questioned document or indications of different pens used.
- 5. Your cooperation will be appreciated.

SECTION HEAD: CRIMES AGAINST THE STATE
 LJ BESTER
 DATE: 22 AUGUST 2007

SENIOR SUPERINTENDENT

Acknowledged receipt
M. D. du Toit
 2007-08-22



CATS 16/8/07A3

Page 1 of 3

**AFFIDAVIT IN TERMS OF SUBSECTIONS 212(4)(a) AND 212(8)(a)
OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977)
(AS AMENDED BY ARTICLE 6 OF THE AMENDMENT ACT ON
JUDICIAL MATTERS, 1998 ACT 34 OF 1998)**

LAB 118457/2007

MUSINA CAS 57/11/1985

MARTHINUS THEUNIS DU TOIT declares under oath in terms of Subsections 212(4)(a)(vi) and 212(8)(a) of the Criminal Procedure Act (Act 51 of 1977), as follows:-

1.

I am a senior superintendent with number 0410204-5 in the South African Police Service and am thus in service of the State.

2.

I have been attached to the Questioned Document Unit of the Forensic Science Laboratory since 1994 where I am permanently employed as an expert examiner of questioned documents, which includes the individualization of handwriting, signatures, typescript, printed matter and stamped impressions; the identification of forgeries, erasures and additions; the deciphering of obscured writing and indentations; the examination of South African and USA banknotes to determine if it is genuine or counterfeit as well as any other examination concerning disputed documents.

The abovementioned examinations require proficiency in the examination of disputed documents.

I have undergone 3 years theoretical and practical in-service training in the examination of questioned documents. In 1997 I completed the Advanced Program in Forensic Criminalistics presented by the University of South Africa, which is specifically directed to the examination of questioned documents. I attended a seminar at the South African Banknote Company regarding the security features and manufacture of genuine South African banknotes. During 1999 I attended a course in printing processes at the South African Printing College.



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LAB 118457/2007

MUSINA CAS 57/11/1985

I examine approximately 20 cases per month in which disputed documents are involved and give evidence on a regular basis concerning my conclusions in High as well as Lower courts throughout the Republic of South Africa and adjacent states.

3.

On 2007-08-22, during the course of my official duties, I received the following exhibits pertaining to MUSINA CAS 57/11/1985 from exhibit administration of the Forensic Science Laboratory:

3.1 1 x Sealed exhibit bag containing documents marked by me "A" and "B1" to "B9".

3.1.1 Document marked "A" "Special Investigation Unit dated "26 June 2006 Rev: A15" containing 1 x disputed signature.

3.1.2 Documents marked "B1" to "B9" containing specimen signatures.

The abovementioned exhibits were in a sealed exhibit bag with number FSD-250634.

The exhibit bag and seal were undamaged at receipt.

4.

I was requested to compare the disputed signature on the document marked "A" Special Investigation Unit dated "26 June 2006 Rev: A15" with the specimen signatures on the documents marked "B1" to "B9". I was also requested to determine if there is any indication of amendments or tampering on the mentioned disputed document.

5.

After an examination and comparison I arrived at the following conclusions

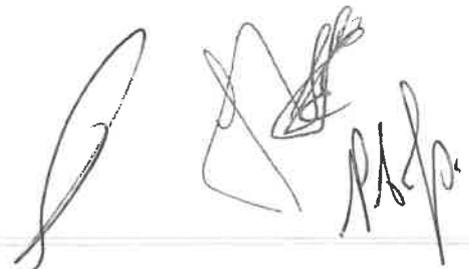
5.1 The signature is not a forgery.

5.2 There are no signs of any tampering or amendments.

5.3 The ink that was used to sign the signature and the date was also used to for the correction at the word "Leie(r)skap.

6.

Above conclusion was reached by using methods of examination which requires proficiency in the examination of disputed documents.



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7.

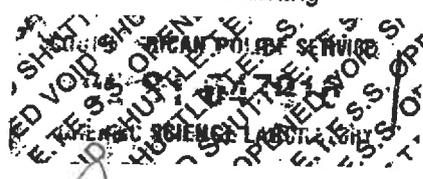
LAB 118457/2007

MUSINA CAS 57/11/1985

The abovementioned exhibits were kept in safekeeping for the duration of the examination until I personally sealed it with seal number 06 S1 047016 for returning purposes.

8.

- I know and understand the contents of this declaration.
- I have no objection to taking the prescribed oath.
- I consider the prescribed oath to be binding on my conscience.



[Signature]

I certify that the deponent has acknowledged that he knows and understands the contents of this declaration which was sworn before me and the deponent's signature was placed thereon in my presence at **PRETORIA ON 22 AUGUST 2007.**

[Signature]

 COMMISSIONER OF OATHS

PETRUS JACOBUS ESTERHUIZEN
 Forensic Science Laboratory
 218 Visagie Street
 PRETORIA 0001

[Signature]

 Supt. SOUTH AFRICAN POLICE SERVICE

/sjvw

[Signature] *[Signature]*

STATEMENT OF EXPERTISE - SENIOR SUPERINTENDENT M T DU TOIT

Professional History

From 1994-03-16 to 2000-11-16 and again from 2001-08-01 he was employed by the South African Police Service's Forensic Science Laboratory as an expert examiner of questioned documents. In his career he examined more than 8300 cases involving questioned documents and rendered expert testimony in 297 cases in High and Lower Courts in the Republic of South Africa, Swaziland, Botswana and Namibia.

From 2000-11-19 to 2001-07-31 he was employed by African Bank as a Forensic Investigator which entailed the investigation of white-collar crime as well as the expert examination of documents.

He was second in command of the Questioned Document Unit from 2001-08-01 to 2006-08-31. Since 2006-09-01 he was the Section Commander of the Questioned Document Unit. He attained the rank of Senior Superintendent on 1998-09-01 and has been a member of the Senior Management of the Forensic Science Laboratory since.

The following specialized training was undergone by him:

- 1994 - 1997 : Academic and practical in-service training in the examination of questioned documents at the Questioned Document Unit : S A Police.
- 1998 : South African Banknote Company : Identification of printing processes and genuine and counterfeit currency.
- 1999 : Advanced Printing Course (S A Printing College)
- 1999 : SAPPI : Paper manufacturing course
- 1999 : ISO9000 Internal Quality Auditing - Technikon PTA

His principal duties included :

- ▶ The examination of cases of the highest difficulty level in all aspects of questioned documents;
- ▶ Rendering of expert evidence in court;
- ▶ Scene of crime examinations;
- ▶ Management of the following aspects of the Questioned Document Unit:
 - ▶ Casework;
 - ▶ Crime Scene Examination;
 - ▶ Research & Development;
 - ▶ Finances, instrumentation and consumables;
 - ▶ Implementing new instrumentation and procedures in the examination of documents.
- ▶ Liaison with role-players in combating fraud such as the Organized Crime Unit, Commercial Crime Unit, SABRIC, Departments Of Home Affairs and Foreign Affairs, INTERPOL and Department of Justice.
- ▶ Conducting of Internal Auditing

Training presented

1992 – 2000 : Part-time lecturer at Technicon SA in the subject "Police Administration I, II and III".
 1997 to date : Training of Government Institutions, SARS, National Defense Force and SABRIC (all the major Bank institutions).

Conferences attended

2003 : First African Forensic Congress (Committee member)

International forensic and policing facilities visited :

- ▶ FBI Forensic Science Laboratory - Washington DC
- ▶ Forensic Science laboratory - Taiwan



Qualifications:

- 1990 : National Diploma (Police Management and Administration)
 1998 : Attained the Advanced Certificate in Forensic Criminalistics which is specifically directed towards the examination of questioned documents which carries a Degree status (RVQ 13) from the University of South Africa.
 1999 : Project Management and Principles - I.T. Architects

CASEWORK EXPERIENCE

Questioned document examinations	8346
Expert evidence in court	297
International Questioned Document Proficiency Tests successfully completed (Collaborative Testing - USA)	13

CONSULTING SPECIALISTS**SPECIALISED EXAMINATIONS : J G VERMEULEN (M.Sc Chemistry)**

The company is working in close collaboration with Consulting Specialist J G Vermeulen (M.Sc Chemistry) who has the necessary background, qualifications, extensive knowledge and experience to render assistance in cases where the chemical analysis of inks, paper, etc. is required making use of specialized instrumentation and equipment such as a High Pressure Liquid Chromatograph (HPLC), Thin Layer Chromatography (TLC), Fourier Transform Infrared Spectrophotometer (FTIR) and X-Ray Fluorescence Spectrometer (XRF).

POLYGRAPH EXAMINATIONS

The Company is working in close collaboration with two Polygraph specialists who is the best qualified and experienced in their fields in the country. Amongst their training, qualifications and experience are the following:

- Diploma in Forensic Psychophysiology
- Completed the Axciton Computerized Polygraph Instrument Certification Course which were presented by the Argenbright International Institute of Polygraph, Atlanta, Georgia, United States of America.
- Diploma in Psychophysiological Detection of Deception at the American International Institute of Polygraph, Atlanta, Georgia, U.S.A.
- Completed the following applicable Advanced and Specialized Courses:
 - The Academy Scientific Investigative Training Advanced Seminar on the Forensic Assessment Interview and Integrated Interrogation Techniques;
 - The Laboratory for Scientific Interrogation Course on Scientific Content Analysis;
 - Continuing Education Seminar in Psychophysiological Detection of Deception;
 - Advanced/Specialized Seminar for Forensic Psychophysiologicalists;
 - Advanced/Specialized Seminar for Forensic Psychophysiologicalists on Pre- and Post-Conviction Testing for Sex Offenders;
 - Advanced/Specialized Seminar for Forensic Psychophysiologicalists;
 - Psychophysiological Detection of Deception (Polygraph);
 - Understanding Polygraph & Providing Expert Witness Testimony.

Between them the members have 15 years experience in Polygraph Examinations and both are members of the American Polygraph Association and of the South African Professional Polygraph Association.

One member conducted Polygraph Examinations in Belgium at the request of the Belgian Rijkswacht on two occasions during the year 2000 in several high profile cases and have testified in the Assizes Court of Antwerpen, Belgium with regard to the use of Polygraph.



FIRE INVESTIGATIONS

The Company is working in close collaboration with a highly qualified fire investigation team who renders an extremely professional and competent service in the following areas:

- The provision of a service pertaining to the origin and cause investigation of Structural, Vehicle, Wildland and Industrial fires and explosions;
- Compilation of expert reports, including scene diagrams, interviews, photography and video records;
- Provision of expert opinions | legal consultations and litigations;
- The presentation of expert evidence;
- Deployment of a trained accelerant detection canine at fire scenes when required;
- Collection, storage and preservation of evidence;
- Fire investigation related training.

Amongst their training, qualifications and experience are the following:

- Diploma in Fire Investigation (Forensic Science Society and University of Strathclyde, UK);
- Certified as Fire Investigators : International Association of Arson Investigators;
- Members of the Forensic Science Society, the International Association of Arson Investigators and the Fire protection Association of Southern Africa;
- Attended 21 International Conferences and Seminars and 11 Local Conferences and Seminars;
- Have conducted more than 1500 fire investigations with regard to cause and origin determination of fires.

The fire investigation Team has access to an internationally accredited laboratory for the analysis of fire debris samples to determine the presence of ignitable liquid residues and have access to an international network of peers in the field in the field of forensic fire investigation.

COST STRUCTURE: (DOCUMENT EXAMINATION)

Initial consultation :	No charge
Tariff for examination :	R 400-00 per hour
Preparation of illustration charts :	R 400-00 per hour
Consultation with client or attorneys :	R 400-00 per hour
Training : (Basic aspects of document examination :	R 1200-00 per course
Training : (Advanced aspects of document examination :	R 1800-00 per course
Expert testimony in Court :	R 1200-00 per day
Consumables :	At cost
Travel :	Standard AA tariff

COST STRUCTURE: (POLYGRAPH AND FIRE EXAMINATION)

Initial consultation & examination :	Tariff determined per case.
--------------------------------------	-----------------------------

CONTACT DETAILS

757 Braam Pretorius Street
Montana Park
PRETORIA
South Africa

P. O. Box 13717
SINOVILLE
0129

Tel. No. +27 12 5487205
Cell. No's. +27 728321259
+27 824984584
Fax. No. +27 12 5483847
E-Mail Address : fdc@vodamail.co.za



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"PCJ25"

Hendrik Jacobus Brittz

Verklaar onder eed in Afrikaans:

1

Ek is 'n volwasse man met ID nommer 4612075055085 en woonagtig te 28ste laan 699, Villieria, telefoon nommer 012 3311613 en sel 0722244475. Ek is 'n pensionaris.

2

Ek was 'n Senior Superintendent in die Suid-Afrikaanse Polisie diens en was gesekondeer aan die Spesiale Ondersoekspan vandie Spesiale Litigasie Eenheid by die Nasionale Vervolgingsgesag, onder leiding van Advokaat A R Ackerman SC. Ondersoeke waarby ek betrokke was het hoofsaaklik gehandel oor politieke geweldsmisdade wat voor die 1994 se algemene verkiesing plaasgevind het. Ek het op 2005-02-28 uit die diens van die Suid Afrikaanse Polisie diens getree.

3

Tydens die ondersoeke wat ek en Brigadier Nel onder leiding van Adv Ackerman gedoen het, was Adv Ackerman se opdrag dat ons die betrokke dossiere moes deurwerk en dan vir hom 'n memorandum moes voorberei waarin die volledige feite van die dossiere kortliks weergegee word, met 'n konsep beslissing vir hom om te oorweeg.

Dossiere met gepaardgaande memorandums is dan aan Adv Ackerman oorhandig wat dit dan deurgewerk het. Adv Ackerman het dan wysigings aan die memorandums met konsep beslissings aangebring. Memorandums is daarna deur Adv Ackerman laat tik en is die oorspronklike opgestelde memorandum met die dossier aan ons terug besorg.

4

By terugontvangs van die memorandums en die dossiere is 'n afskrif van die memorandum in die dossier geliasseer en het die oorspronklikes in 'n aparte leer geliasseer en geindekseer in hulle oorspronklike vorm. Die skrywes wat terug ontvang was het hulle eie unieke nommers gehad wat deur Adv Ackerman se kantoor toegeken was. Adv Ackerman het ook afskrifte van die memorandums by hom gehou en het sy eie numeriese verwysingsnommer daaraan toegeken. Die datum waarop ek die getekende memorandums met dossiere terug ontvang het is onder andere ook in my register aangeteken.

Ek sertifiseer dat die verklaarder erken dat hy vertrouwd is met die inhoud van die verklaring en dit begryp.

Ek het geen beswaar teen die aflegging van die voorgeskrewe eed nie.

Ek beskou die voorgeskrewe eed as bindend vir my gewete.

PRETORIA

Datum: 2007/08/22.


H J Brittz

Ek sertifiseer dat die verklaarder erken dat hy vertrouwd is met die inhoud vandie verklaring en dit begryp

Bostaande verklaring is in my teenwoordigheid beedig en die verklaarder se handtekening daarop aangebring op 22 Augustus 2007 om 15:10 te Pretoria.

PRETORIA

Datum: 2007-08-22


Kommissaris van Ede
Louis Johannes Bester
Visagie straat 218
Pretoria
Senior Superintendent
Republiek van Suid Afrika



CATS 16/8/07

SUID-AFRIKAANSE POLISIEDIENS  SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag x302 PRETORIA 0001

Verwysing Reference	CATS 16/08/2007
Navrae Enquiries Telefoon Telephone	Snr Supt LJ Bester (012) 4013276 082 778 5628
Faksnommer Fax number	(012) 320-4293

CRIMES AGAINST THE STATE
VIOLENT ORGANISED CRIME
DETECTIVE SERVICE
HEAD OFFICE
PRETORIA
0001

2007-08-30

Forensic Document Consultants
757 Braam Pretorius Road
PRETORIA
0001

**INVESTIGATION AND ANALYSIS OF DOCUMENTATION:
CATS 16/08/2007: SOUTH AFRICAN POLICE SERVICE**

1. You are hereby requested to investigate the following documentation attached.
 - 1.1 Find in forensic bag number FSC 65797/00 a three (3) page document with reference A15 and numbered 4 signed by Advocate AR Ackermann dated 26 June 2006.
 - 1.2 Find in forensic bag number FSE-155751 a file consisting of seventy two (72) documents signed by Advocate AR Ackermann over a period of time.
 - 1.3 Find in forensic bag number FSC 65703/00 a one (1) page document with reference arackerman dated 20 August 2007.
2. You are requested to do the following investigation and analysis. A comparison is needed as a matter of urgency.
 - 2.1 Whether the signatures of Advocate Ackermann are authentic on the documentation as mentioned in paragraph 1.1 and 1.2 *supra*. The signatures on the documentation mentioned in paragraph 1.2 *supra* is to assist you in your comparisons in order to make a decision on the authenticity of the signature on the document mentioned in paragraph 1.1 *supra*.
 - 2.2 Whether the paper used on the respective pages of the questioned document mentioned in paragraph 1.1 *supra* is the same.
 - 2.3 Whether there is any indication of amendments or tampering on the questioned document or indications of different pens used on the questioned document in paragraph 1.1 *supra*.



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A4

-2-

- 3. The investigating officer is available and if possible will be present when you conduct your investigation and comparisons.
- 4. Your cooperation and assistance is highly appreciated.

Kind regards

LJ Bester
SNR SUPT
COMMANDER: CRIMES AGAINST THE STATE
ORGANISED CRIME
DETECTIVE SERVICE: HEAD OFFICE
LJ BESTER

Snr Supt Bester/brief22(s)

Anthony 2007-08-30
 10:55.




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**AFFIDAVIT IN TERMS OF SECTION 213 OF THE CRIMINAL
PROCEDURE ACT, 1977 (ACT 51 OF 1977)**

REF : FDC 0095/2007

CATS 16/08/2007

JOHANNES FREDERICK HATTINGH declares in terms of Section 213 of the Criminal Procedure Act, Act 51/77, as follow :-

1.

I am an expert examiner of questioned documents with the following qualifications and experience:

- ▶ I was attached to the Questioned Document Unit of the Forensic Science Laboratory of the South African Police Service from 1981 to 2006 where I was permanently employed as an expert examiner of questioned documents, which includes the individualization of handwriting, signatures, typescript, printed matter and stamped impressions; the identification of forgeries, erasures and alterations; the deciphering of obscured writing and indentations as well as any other examination concerning questioned documents. In the abovementioned examinations, methods of examination are utilized which requires proficiency in the examination of questioned documents.
- ▶ Since 1991 I was the Section Head of the Questioned Document Unit and I left the South African Police Service on 2006-08-31 with the rank of Director.
- ▶ I have undergone the following specialized training in the field of questioned documents:
 - 1981 - 1983 : South African Police : Theoretical and practical training in the examination of questioned documents at the Questioned Document Unit, S A Police Service.
 - 1985 : South African Banknote Company : Identification of printing processes and the identification of genuine and counterfeit currency.
 - 1994 : United States Secret Service, Washington DC : Identification of printing processes and the identification of genuine and counterfeit United States currency.
 - 1995 : Forensic Science Society : Great Britain : Diploma in Document Examination.
 - 1997 : University of South Africa : Advanced Program in Forensic Criminology which is specifically directed at the examination of questioned documents.
 - 1998 : Taiwan Forensic Services : Mandarin writing examination.
 - 1999 : South African Printing College : Advanced printing course.
- ▶ Conferences attended:
 - 1993 : International Association of Forensic Sciences Congress : Germany.
 - 1997 : Ninth INTERPOL Annual Congress in Currency Counterfeiting : Finland.
 - 1997 : Third INTERPOL Annual Congress on Fraudulent Travel Documents : Finland.
 - 1999 : United States Secret Service International Fraud Conference.
 - 1999 : South African Reserve Bank Counterfeit Currency Conference.
 - 2002 : Integrated approach in dealing with Counterfeit Currency : S A Reserve Bank.
 - 2003 : First African Forensic Congress.
 - 2003 : SADC Counterfeit Currency Seminar.
- ▶ Scientific subject-related publications:
 - Textbook : Questioned Documents : University of South Africa.
 - Examination of Counterfeit Currency : SAPS Commercial Crime.
 - Commercial Crime Investigation : SAPS Commercial Crime.
- ▶ I examine ±20 cases per month in which questioned documents are involved and give evidence on a regular basis concerning my conclusions in High and Lower Courts throughout the Republic and adjacent states.



CATS 16/8/07

REF : FDC 0095/2007
CATS 16/08/2007

2.

On 2007-08-30 I received the following exhibits from S/Supt Bester:

- 2.1 A disputed document consisting of three pages with reference A15 in a tamper evident bag with number FSC 65797/00 marked "CATS 16/08/07, SNR SUPT L J BESTER".
- 2.2 A file consisting of documents containing 72 specimen signatures in a tamper evident bag with number FSE-155751 marked "CATS 16/08/07, SNR SUPT L J BESTER".
- 2.3 A facsimile with reference "arackermann" consisting of one page in a tamper evident bag with number FSC 65703/00 marked "CATS 16/08/07, SNR SUPT L J BESTER".

3.

I was requested to:

- 3.1 Compare the signature on page 3 of the disputed document with the specimen signatures as mentioned in Par. 2.2 and 2.3.
- 3.2 To determine if the paper used on the three pages of the disputed document are the same and if the three pages formed one document as a whole.
- 3.3 To determine whether any amendments or tampering exists on the disputed document.
- 3.4 To compare the inks used on the disputed document regarding the signature, the date and the correction in Par. 4 on page 3.

4.

After an examination and comparison I found the following:

- 4.1 The signature on the disputed document was signed by the person who signed the specimen signatures. (See Annexure "A" and "A1").

The disputed- and specimen signatures corresponds regarding the following:

- ▶ Similarities in construction:
 - Pronounced backward slant;
 - Size and relation of sizes in different parts of letters;
 - Speed of writing, fluency and line quality;
 - Placing and spacing above typed name;
 - Penlifts at normal places occurring constantly in both the disputed and specimens.
- ▶ Individual characteristics:
 - The letter "A" is formed with the stem to the right of the upwards movement which is formed higher than the stem. The rounded part of the body is formed in most cases with a sharp hooked movement at the right and the final stroke is formed long and ends lower down than the first movement;
 - The stem of the "R" is formed shorter than the body, the body is formed flat and the final stroke is formed horizontal;
 - The movement in the form of an "e" after the second "A" is formed with a very long commencing stroke after which a series of vertical movements followed by long, almost horizontal movements are formed. These movements is-formed smaller to the end of the signature.
- ▶ The line quality of the disputed signature is very good and consistent with the line quality of the specimen signatures and characteristics of forgery such as poor line quality due to a slow, drawing process, tremor of forgery, penlifts at unnatural positions and retouchings are not present.

CATS 16/8/07REF : FDC 0095/2007
CATS 16/08/2007

- 4.2 Paper : No difference could be detected in the three sheets of paper by non-destructive examination methods used (microscopy, ultra-violet and infrared).
- 4.3 The three pages was stapled a total of 6 times and the staple holes correspond on all three pages with no additional or missing holes which indicates that no pages were substituted or inserted. The note stapled to page 3 was stapled two times and the staple holes correspond. (See Annexures "B" and "C").
- 4.4 Two punch holes occurs on each page which corresponds on the three pages (See Annexure "D").
- 4.5 In Par. 4 on page 3 a correction was made where the letter "r" was added in pen. No other amendments, additions, erasures or other form of tampering exists on the document. The date reads 26/6/2006 with no alteration to the last figure "6" (See Annexure "E").
- 4.6 No differences could be found between the inks of the signature, the date and the correction in Par. 4 on page 3 by means of infrared and ultra-violet examination.
- 4.7 The note attached to page three did not form part of the original document as the note is printed by means of an ink-jet printer while the document was printed on a laser printer.

5.

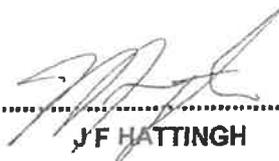
The exhibits were under my exclusive control for the duration of the examination and was stored in a safe to which only I have access during periods it was not physically examined.

6.

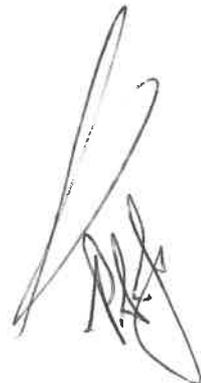
I declare that the contents of this statement is to the best of my knowledge and belief true and the statement was made with the knowledge that, if used as evidence, I could be prosecuted if I deliberately made a statement knowing it to be false or which I believe not to be true.

7.

Signed at PRETORIA on 2007-08-31



.....
J.F. HATTINGH



DISPUTED



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

26/11/2007

SPECIMEN

5



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

6



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

7



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

8



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

9



Adv A R Ackermann S C



SPECIMEN

50

Adv A R Ackermann S C

11

Adv A R Ackermann S C
SPECIALER DIREKTOR

14

Adv A R Ackermann S C

16

Adv A R Ackermann S C
SPECIALER DIREKTOR

13

Adv A R Ackermann S C

73

Adv A R Ackermann S C
SPECIALER DIREKTOR

60

Adv A R Ackermann S C

CATS 16/8/07

Annexure "B"

FDC0095/07

Page 1

Page 2

Page 3

A handwritten signature in black ink, consisting of a long, sweeping vertical stroke on the left and a more complex, cursive-like scribble on the right.

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Annexure "C"

FDC0095/07



Staple Holes – Note on page 3

Staple Holes – Page 3

CATS 16/2/07

Annexure "D"

FDC0095/07

Page 1

Page 2

Page 3

Handwritten signatures in black ink, appearing to be initials or names, located below the 'Page 3' label.

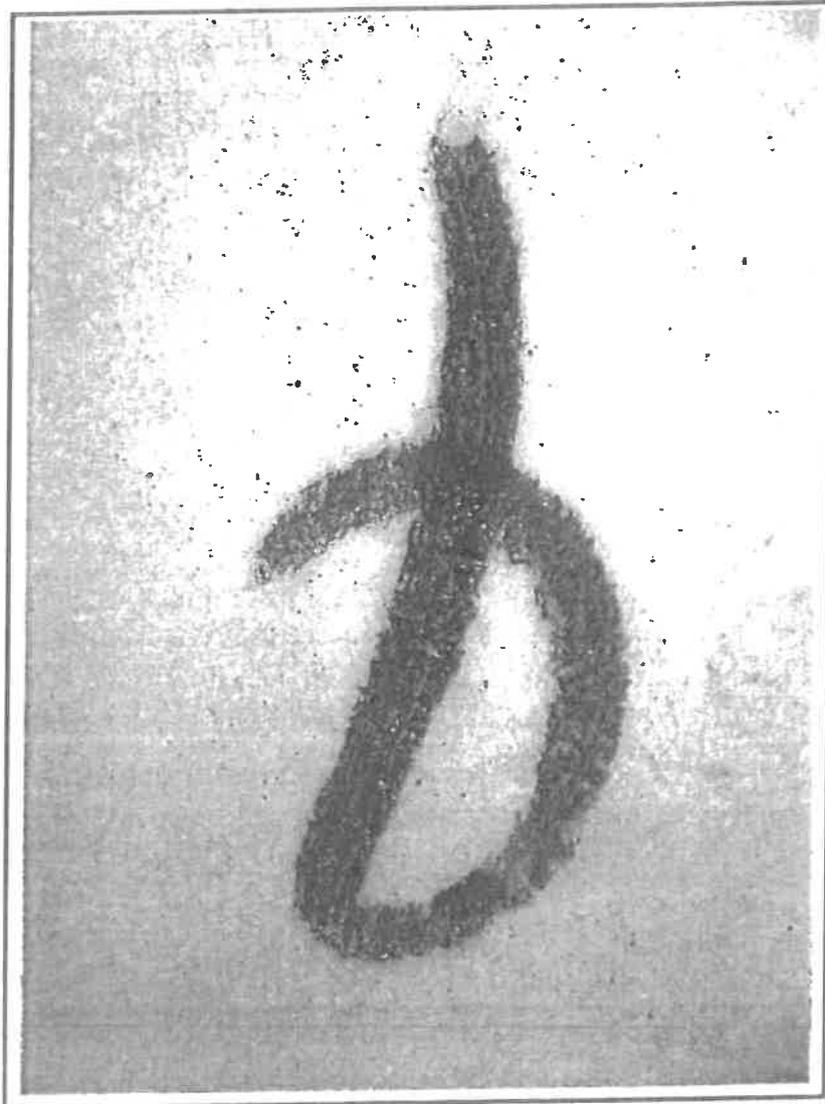
CATS 16/8/07

Annexure "E"

FDC0095/07

26/11/2000

b

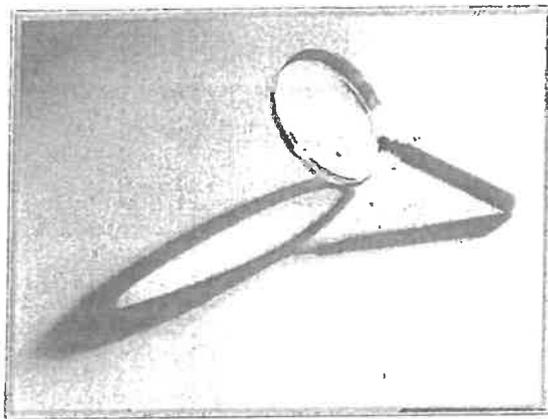


Date Page 3

Handwritten signatures or initials.

FORENSIC DOCUMENT CONSULTANTS

CC. 2007/078327/23



COMPANY PROFILE

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to consist of several overlapping loops and lines, possibly representing the initials 'PKP'.

Forensic Document Consultants

A WORLD CLASS SERVICE RENDERED BY WORLD CLASS EXPERTS

MISSION STATEMENT

"To provide a forensic document examination service of the utmost excellence and integrity."

Forensic Document Consultants was formed in September 2006 with the aim of providing a professional document examination service to individuals, companies and industries that have been or is at risk of being the victims of fraud or any other crime or action in which documents are involved. The strong basis and extensive knowledge and experience the company is based on ensures complete and accurate examination of all document-related problems to all client's satisfaction.

YOU ARE AT RISK

IMPACT OF FRAUD AND COUNTERFEITING

Although less frequently reported than the other major crimes committed, the losses due to fraud and corruption amounts to billions of Rand annually, which undermines the economy of the country as a whole.

- ▶ Cheque fraud reported by the major banking groups amounts to close to R2,5 Billion Rand annually. The fraudulent presentation of cheques accounts for 93,8% of losses while altered or amended cheques and fabricated cheques accounts for 6,2%.
- ▶ The losses by retail business accounts for 55,68% which amount to millions of rands per year. Credit Card Fraud and forged credit cards amounts to R170 Million per annum and is steeply on the rise.
- ▶ Identity theft goes hand in hand with fraudulent cheques and thousands of forged Identity Documents, Drivers Licenses and Passports are in circulation.
- ▶ Counterfeit currency are an ever-increasing problem with counterfeits of better quality being produced constantly. Counterfeit currency amounts to R25 Million per annum.
- ▶ Internal theft and fraud by personnel employed by companies are also steeply on the rise and accounts for billions of Rand lost due to the rising sophistication of methods employed by perpetrators.

CAN YOU AFFORD IT?

THE SOLUTION : FORENSIC DOCUMENT CONSULTANTS

Forensic Document Consultants specializes in the expert examination of documents (handwriting, signatures, forgeries, forged cheques and Identity Documents/Passports, counterfeit currency, travel cheques, etc.)

The early identification of fraudsters, external and internal to the company, can effect enormous savings while the offenders are quickly apprehended before further damage can be done.

Risk assessment can be done which can identify problem areas which can be rectified before losses occur.

TRAINING : The thorough, professional training of staff in the early identification of possible fraudulent and forged documents is the greatest safeguard against being the victim of fraud. All personnel involved in the handling of cash, cheques, credit cards and interaction with customers should be knowledgeable and confident in the early identification and handling of potential problem cases.



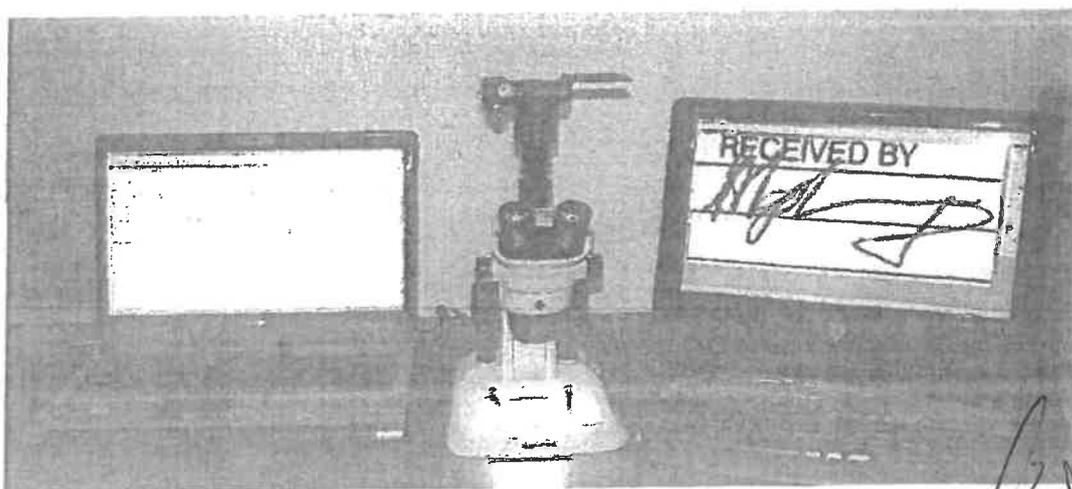
SERVICES AND EXAMINATIONS RENDERED:

Forensic Document Consultants specializes in the forensic examination of documents which includes laboratory examinations, interpretation of findings and presentation of conclusions reached for intelligence purposes or for use in court.

Services and examinations provided :

- ▶ Handwriting comparison and individualization;
- ▶ Signature comparison and individualization;
- ▶ Identification of forged signatures (wills, litigation, Closed Corporations, etc.);
- ▶ The examination and individualization of typewriting, photocopies, laser printers, etc.
- ▶ The examination of erasures, additions, obliterations or alterations on documents;
- ▶ The individualizing of apparatus that produced documents e.g. rubber stamps, printing presses, copy- and facsimile apparatus;
- ▶ Restoration of obscured writing and indentations on documents;
- ▶ The examination of cheques, credit cards and banknotes (RSA and foreign);
- ▶ The examination and restoration of torn, soiled, charred or burnt documents;
- ▶ The examination of Identity Documents, Passports, Visa's, etc. to determine authenticity and identify alterations, substitutions, etc.;
- ▶ The examination and comparison of writing instruments, inks, paper and other media;
- ▶ The rendering of expert evidence in court;
- ▶ The evaluation of expert testimony and conclusions by other experts;
- ▶ The examination of fingerprints;
- ▶ Polygraph examination and services;
- ▶ Research and development regarding security paper, security features in paper, etc.;
- ▶ Method development and validation;
- ▶ Training in all aspects of document examination;
- ▶ Fire and arson investigation;
- ▶ Risk analysis and solutions regarding documentation.

The company is in possession of all necessary forensic equipment and appropriate reference materials and undergoes international proficiency testing through Collaborative Testing Services, an international organization, approved by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB). The company complies fully with SANAS Criteria for Forensic Laboratories R08-01 (2001) and the ASCLD Laboratory Complete Accreditation Board Manual (2004) regarding Policies, Procedures and all necessary Forms set up to ensure evidence integrity (all evidence are handled in such a way that loss, cross transfer, contamination and deleterious change is prevented), case records, receipt, safekeeping and dispatch complies with prescriptions. Cases are technically evaluated and administratively verified.



THE TEAM

STATEMENT OF EXPERTISE - DIRECTOR J F HATTINGH**Professional History**

From February 1971 to December 1980 he was employed by the South African Police Service as a Fingerprint Expert, completing training in the classification and identification of fingerprints, forensic photography and the investigation and preparation of crime scene plans. He reached the position of supervisor of a group of fingerprint experts and in 1980 was serving as a Quality Manager for the South African Criminal Record Centre. His principal duties included the classification, searching and identifying of fingerprints, forensic photography, scene of crime investigation and drawing plans of scenes of crimes and supervisor and Quality Manager evaluating the standard of work of the Criminal Bureau.

From January 1981 to August 2006 he was employed by the South African Police Service as an expert examiner of questioned documents. In his career he examined more than 21000 cases involving questioned documents and rendered expert testimony in 1295 cases in High and Lower Courts in the Republic of South Africa, Swaziland, Botswana, Zimbabwe, Lesotho and Namibia.



*To Johannes Hattingh
Best Wishes,*

Bill Clinton

Hannes Hattingh being thanked by the President of the United States for services rendered to the Secret Service.

[Handwritten signature]

Since April 2001 he was the Section Commander of the Questioned Document Unit of the S A Police Service. On 1994-12-01 he attained the rank of Director and was part of the Senior Management of the Forensic Science Laboratory until he left the service in September 2006.

The following specialized training was undergone by him:

- 1971 - 1972 : Academic and practical in-service training in the examination of fingerprints, crime scene investigation and forensic photography.
- 1981 - 1983 : Academic and practical in-service training in the examination of questioned documents at the Questioned Document Unit : S A Police.
- 1984 : IBM : Instructional program on typewriters.
- 1985 : South African Banknote Company : Identification of printing processes and genuine and counterfeit currency. Also certified as a training officer in abovementioned subject.
- 1994 : Crane & Co. : Boston, USA : The manufacture of security banknote paper
- 1994 : United States Secret Service, Washington DC : Identification of printing processes and genuine and counterfeit United States currency.
- 1996 : WIRSAM : Light Microscopy and photomicrograph instructional program
- 1998 : Training in Mandarin writing - Taiwan Forensic Services
- 1999 : Advanced Printing Course (S A Printing College)
- 1999 : SAPPI : Paper manufacturing course
- 1999 : ISO9000 Internal Quality Auditing

His principal duties included :

- ▶ The examination of cases of the highest difficulty level in all aspects of questioned documents;
- ▶ Rendering of expert evidence in court;
- ▶ Scene of crime examinations;
- ▶ Management of all aspects of the Questioned Document Unit, including:
 - ▶ Human resources (Organization, supervision and control);
 - ▶ Casework;
 - ▶ Crime Scene Examination;
 - ▶ Coordinate and Develop Training Programs in accordance with SAQA/NQF;
 - ▶ Research & Development;
 - ▶ Finances, instrumentation and consumables;
 - ▶ Implementing new instrumentation and procedures in the examination of documents.
- ▶ Liaison with role-players in combating fraud such as the Organized Crime Unit, Commercial Crime Unit, SABRIC, US Secret Service, Departments Of Home Affairs and Foreign Affairs, S A Reserve Bank, INTERPOL, Department of Justice and SBV Services.
- ▶ Quality Manager setting up Policies and Standard Operating Procedures and evaluating the standard of work of the personnel of the Questioned Document Unit.

Training presented

- 1994 - 1996 : Part-time lecturer at Technicon SA in the subject "Investigation of Crime".
- 1997 - 1999 : Lecturer and Moderator at the University of South Africa "Advanced Certificate in Forensic Criminalistics".
- 1998 - 2005 : Developed training programs for Zimbabwean, Tanzanian, Kenyan, Botswana, Lesotho and Swaziland Questioned Document examiners.

Membership of Professional Bodies

- ▶ Forensic Science Society (Great Britain);
- ▶ International Police Association;
- ▶ Police Science Association of Southern Africa;
- ▶ South African national Accreditation System Specialised Technical Committee on Forensic Science;



Conferences attended

1993 : International Association of Forensic Sciences Congress - Germany
 1997 : Ninth INTERPOL Annual Congress in Currency Counterfeiting - Finland
 1997 : Third INTERPOL Annual Congress on Fraudulent Travel Documents - Finland
 1999 : United States Secret Service International Fraud Conference
 1999 : South African Reserve Bank Counterfeit Currency Conference
 2002 : Integrated approach for dealing with Counterfeit Currency : S A Reserve Bank
 2003 : First African Forensic Congress
 2003 : SADEK Counterfeit Currency Seminar

Scientific publications :

- ▶ Textbook : Questioned Documents : University of South Africa
- ▶ Examination of Counterfeit Currency : SAPS Commercial Crime
- ▶ Commercial Crime Investigation : SAPS Commercial Crime.

International forensic and policing facilities visited :

- ▶ Forensic Science Laboratory - Germany
- ▶ FBI Forensic Science Laboratory - Washington DC
- ▶ United States Secret Service Forensic Laboratory - Washington DC
- ▶ Forensic Science Laboratory - Helsinki
- ▶ Forensic Science Laboratory - Taipei

Qualifications:

1980 : National Diploma (Police Management and Administration).
 1985 to 1989 : Studied the degree B.luris for non-degree purposes. Subjects applicable to work passed were : Criminology I, Introduction to Law Principles, Private Law I, Criminal Law, Civil Procedural Law, Law of Evidence, Criminal Procedural Law, Private Law II, Constitutional Law and the Interpretation of Statutes.
 1995 : Attained a Diploma in Document Examination from the Forensic Science Society in the United Kingdom which gives him worldwide recognition as a qualified forensic examiner of questioned documents.
 1998 : Attained the Advanced Certificate in Forensic Criminalistics which is specifically directed towards the examination of questioned documents which carries a Degree status (RVQ13) from the University of South Africa.

CASEWORK EXPERIENCE

Fingerprint examinations	± 100,000
Questioned document examinations	21356
Expert evidence in court	1295 : In High and Lower courts throughout the Republic of South Africa and adjacent states.
International Questioned Document Proficiency Tests successfully completed (Collaborative Testing - USA)	17