

**THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS
REGARDING EFFORTS OR ATTEMPTS TO STOP THE INVESTIGATION OR
PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES
(TRC CASES INQUIRY)**

HELD AT:

Sci-Bono Discovery Centre, Corner of Miriam Makeba & Helen Joseph Street
Newtown, Johannesburg

BEFORE:

COMMISSIONERS:

The Honourable Ms Justice Sisi Khampepe (Judge Ret.) – Chairperson
The Honourable Mr Justice Frans Diale Kgomo (Judge President Ret.)
Adv Andrea Gabriel (SC)

EVIDENCE LEADERS:

Adv Ishmael Semanya (SC)
Adv Vas Soni (SC)
Adv Fana Nalane (SC)
Adv Nompumelelo Seme
Ms Baitseng Rangata

REPRESENTATIVES

Mr Felix Quibe (for Mr Shadrack Ganda)
Ms Mazi Choshane (for Mr Shadrack Ganda)
Ms Obakeng Ramare (for Mr Shadrack Ganda)
Adv D Pillay – The Calata Group
Ms A Thakor – The Calata Group
Adv Tlotlego Tsagae (for Department of Justice)

3 MARCH 2026

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PROCEEDINGS ON 3 MARCH 2026

CHAIRPERSON: Mr Semenya?

ADV SEMENYA: Good morning, Chair. Good morning, Commissioners. I am advised that the technology is ready for us to hear the evidence of the next witness. I have had conversation with Mr Varney regarding the ruling of yesterday. From the communication I understand that the Chair's ruling was understood to mean that the cross-examination permissible by Mr Varney would only be limited to a statement that Mr Ngcuka had made. I had
10 understood it differently and so did my team; that the very basis why the cross-examination application was made was because clarificatory questions were insufficient to cover their purpose. It is for that reason that cross-examination was made. I do not know, Chair whether there would be a need for a clarificatory ruling.

CHAIRPERSON: Yes. Mr Semenya, I understood quite differently. Mr Ngcuka came with an affidavit yesterday, not a statement. And when Mr Bhana wanted to know if the cross-examination will be limited to the statement, he meant the statement that has been filed accompanied by the application for condonation. And it is on that
20 basis that a list was requested from Mr Varney, so as to ensure that they prepare for cross-examination in accordance with the list that is provided by Mr Varney.

ADV SEMENYA: That clarifies the matter, Chair.

CHAIRPERSON: Yes, thank you.

ADV SEMENYA: And absent any comment by others, we beg leave

to call Mr Ganda.

CHAIRPERSON: And who is representing Mr Ganda?

ADV SEMENYA: CALS, Chair.

CHAIRPERSON: Yes, Mr? Is it Mr or Ms? There are three.

MR QUIBE: Mr Quibe, Chair.

CHAIRPERSON: Mr Quibe; yes, Mr Quibe?

MR QUIBE: Morning, Chair and morning, Commissioners. Mr Ganda is here and ready to proceed. We did file his statement for the commission and we also have copies as well. There should be two.

10 CHAIRPERSON: Yes. Thank you.

MR QUIBE: Mr Ganda, can you hear us?

CHAIRPERSON: Just speak a little bit louder, Mr Quibe.

MR QUIBE: Oh yes. Yes, he can hear us, Chair.

CHAIRPERSON: Yes. Mr Ganda, can you hear me?

MR GANDA: Commissioner, I can hear you very well, Chair. Thank you.

CHAIRPERSON: Thank you. Please state your full names for the record.

MR GANDA: My name is Shadrack Ganda [spelt].

20 CHAIRPERSON: Thank you. Are you going to take an oath or an affirmation?

MR GANDA: Commissioner, I will take an oath, Chairperson.

CHAIRPERSON: An oath. Do you swear that the evidence you will give will be the truth, the whole truth and nothing but the truth? If so, raise your right hand and say 'so help me God'.

SHADRACK GANDA: duly sworn states

CHAIRPERSON: Thank you, Mr Ganda. Mr Quibe?

EXAMINATION BY MR QUIBE: Thank you, Chair. Mr Ganda, can you please introduce yourself and give us a brief personal background and how you got to meet Comrade Joe Gqabi.

MR GANDA: Thank you. As I have stated, my name is Shadrack Ganda. I was born in a town called Vryburg before coming to Johannesburg. I went; that is where I did my primary school and went to Thembalabantu High School which was a boarding school in
10 the Eastern Cape. I did school in East London and in Thembalabantu which is in Zwelitsha. Zwelitsha is just outside of King William's Town.

My crossing with the politics, especially in South Africa, which was a very dangerous thing to do, started before I went to Thembalabantu High School. I was a member of South African Students' Movement, SASM, which was the high school chapter of the Black Consciousness Movement, BCM. At that school we had a good exposure to luminaries, like Steve Biko and others. I will not dwell much about that. I will try carry on very swiftly to get to the Joe
20 Gqabi connection.

In that period I personally had been several times on different occasions been arrested, detained by the South African Special Branch Police for my political activities. How that came by was that there was generally a view that people come from the northern part of the country. It did not matter who is part of South Africa. You came

from the north, were troublemakers in Ciskei and in the Eastern Cape and we were more scrutinised more than other general people. My activities then were activities of a lawful organisation, not a banned organisation as in the ANC and the PAC at that time.

In the period I was initially arrested and I was kept on continuous interrogation of the aggressed for about a period of about 48 hours continuously. I did collapse. I did bleed through my nose without them touching. That was the initial time that they [indistinct] me. At the time I was around 16 years old. They had sought to find
10 out something about or that linked a cousin of mine who was arrested unknown to me for PAC activities. They were trying to lead the country to go into exile, into police exile. May I just preface on my statement by saying all the arrests and detentions are of political nature, not of criminal nature.

Now, in that period SASM was very strong in certain institutions in the Eastern Cape and there was a very strong linkage with Johannesburg, in particular, in a very short space of time we were linked with the underground of the ANC. We were like encouraged to remain within the legal organisation, lest we get
20 banned or we get arrested ourselves, but there was no glory in being arrested, but carrying on, continuing with the work of [indistinct] was important.

In that period I came across Joe Gqabi's network, which we basically serve as an underground network of students largely, SASM students. We will talk about people like Zweli Sizani; other people,

including [indistinct] and, for example, a colleague of mine. By saying colleague of mine, I am talking a comrade that we were in the same cell for an extended period. That work occupied quite a great part of my life and that work linked me directly with Comrade Joe Gqabi up to the time that he was killed in Harare in 30 July 1981.

Now that linkage was not of a friendship. I know my affidavit talks about a comrade and a friend, but that is an expression of the nature of the man, the comrade that he was. He was very popular amongst young people and hence he was able to talk our language and we even called him 'Bra Joe', although he was of our fathers' 10 ages generally. Commissioner, I will pause there, unless there is further information that you need me to talk about. I will talk about my activities post that period, my activities in the country before being going to exile; my activities in the abroad in exile and until coming home at relevant times. Thank you.

MR QUIBE: Thanks for that; if you could please expand briefly on Joe Gqabi's life and political involvement and how you got to move to Zimbabwe.

MR GANDA: Thank you, Commissioners. I think that the time that I 20 have or the time that the commissioner would have would allow, would not that be sufficient to go through Joe Gqabi's [indistinct]. However, I will cover areas that I think are relevant to our purpose today and areas that I think were areas that necessarily led to him being viewed as a person that the state can carry out extrajudicial murder on him without them failed to break him with incarceration and

detentions and other things.

Comrade Joe Gqabi, to start with, was amongst the first uMkhonto we Sizwe, the military of the ANC to be sent abroad for military training. They went to China. I think there were three of them. Amongst them there was one woman called Ruth Mompati, one [indistinct] of the ANC who is also late. When they came back, it would have been around 1962. He was arrested and convicted to, given a sentence of two years for leading the country illegally. When that two years was completed, further charges were added. He was
10 charged, convicted and sent to Robben Island for 10 years.

Now, this is going to be relevant with I talk about Ms Gqabi later. I think we will deal with that when we get there. Comrade Joe Gqabi, when he was released, I think it was 1975 or late 1975, thereabout. The date can be corrected or checked somewhere. He came out and he was not a broken man, despite the fact that he was a banned person. Under South African apartheid laws, when you are a banished person, you are not allowed to meet with more than two people. I will say three was maximum; and you had [indistinct].

That made it very difficult to have a meeting or to go to rallies
20 or to address more than two people. However, in the struggle and the people who are in the struggle had ways and means of overcoming that. Therefore, some of the meetings that he is known to have carried – and I think that they could not pick, the state could not pick up on and arrest him for, would be to meet with different contacts in the area of Mofolo Park. I think that many people know

what Mofolo Park in Soweto is. And then would have find a spot, moving all the time, find a spot where there was means of communication with the person who would be geographically at a distance that could not be defined as being in the same meeting or being a group of that meeting.

The meetings were very focused, strategic and very short. Other things that needed to be learnt by us or by students at that time; this is the period leading to the Soweto Uprising six months later or so; would come through the different cells or different people that had different responsibilities in the underground generally.

And there was a lot of information exchanged [indistinct] and verbal meetings that we held, because hard copy material was problematic because you get raided and people get stopped in the [indistinct] and they find material and then they are then implicated in things that they could possibly have escaped.

Then in the period leading to the Soweto Uprising; yes, he played a role in giving guidance, counsel and answers to challenging views about what is to be done about the struggle in general and he was open to discuss with people in non-partisan basis. In other words, he spoke to the PAC people. He spoke to the ANC people. I am talking about underground here. And he also spoke with lot of students that were Black Consciousness students at that time or students would be like me, would have been viewed as being in the Black Consciousness Movement, but already we were ANC underground operators.

16 June comes and a lot of things happened and there were a lot of killings, arrests. He was not spared. He was also arrested and subsequently charged and put on trial and what became known as the Pretoria 12 Trial. That trial was one of the big trials, if not the biggest trial since the Rivonia trial. It had a lot of ANC and leaders themselves and other leaders from Limpopo and generally across the country. Without mentioning all of them, there were also the trial that also sent [indistinct] to Robben Island.

There was also; I think I have mentioned this. One woman, a
10 single woman in that trial called Pauline Mogale; these people at the end of a lot of torturing and interrogation and all sort of things that you can imagine, six of them were acquitted. Comrade Joe was one of them. He was accused 6; and six of them were convicted. They served varying sentences for, I think for about [indistinct] to about 20.

Upon his acquittal, he went back home to his house. They did not stop harassing him then after that. Of course he was banned and he could not do much harm to anything. He could not address values and all that, but he continued with underground work. He was a
20 master in the clandestine work of all kind that you can imagine – from communication written and any other activities of the struggle.

There had been several attempts to either rope him in or link him, so that he can be found to have done something politically wrong that the Special Branch could arrest him, but he was too smart for them. I think the 12 years he spent in Robben Island was a good lesson. You will remember that this is a person of the scholars of

Nelson Mandela and Sisulu and other leaders of the ANC who they spent lot of time at Robben Island with.

At about end of 1976, 1977, in that period he, after acquittal, the work became more difficult, because there was more focus on him, number one. Number two, the Special Branch had found a foot into the township. There were informers and other people [indistinct] was violent and a place that could not be stopped by intimidation or TFS shooting.

In that period the part that I said, when I talk about myself and
10 I pause, would lead to what I want to talk about now; that because I could not write my Grade 12, because I had been detained several times. I served two section 6, what was called section 6 of terrorism detention, which we were held in [indistinct] for a period of minimum six months, which could be extended and I had been put on trial. I was a [indistinct] 11 trial. And the schools that I tried to go to in the Eastern Cape, I became a banned person. I would try and go to a school. It is either a school would clean or plain out say that: 'no, we cannot take you. We have got problems. We do not want to have servants in our school from time to time.'

20 [Indistinct] some school, the school that took me, they were visited by the Special Branch and they were asked to actually spy on me, a principal being asked to spy on its pupils and then the principal would then the next day call me and ask me to leave, because he cannot [indistinct]. That left me with no other choice.

I would like to point that some of my decisions to join the ANC

and to join uMkhonto we Sizwe at that time was that in my last detention we made a covenant with my last interrogator who said to me he is forced to release me, otherwise he was going to see that I am sent to Robben Island and this is the man, a very huge person of the size of, what in rugby is known as a home squad. That man beat me even with his body and he said that: 'listen, you go out there and do your nonsense. When you come back, if you come back here, one of us will be dead and that will not be me; that will be you.' To which I quietly said that: well, if I come back, I will be carrying an AK-
10 47 [indistinct]. I did not verbalise that.

So, I left the Eastern Cape and joined the movement and joined the underground work. The movement advised me to work within the structures of, continuing with the instructions of legal organisation, but not take a leadership position; continued, because I had extensive contacts in the Eastern Cape, - East London, PE, Cradock and other places in that part of the world. It was possible therefore to create further contacts there or further cells in that place.

Now, I was not at liberty to meet Comrade Joe physically all the time. I was; we were getting our communication in the agreed
20 means of communicating and that culminated in specialised work that I was doing in the country of taking people that were marked, people that were looked, the Special Branch who was after people that were fearing their lives, wanting to [indistinct], angry youth that wanted to go and join uMkhonto we Sizwe, youth that had lots of hope and wanted to go to school abroad, because not only people who skipped

the country, not all of them went to uMkhonto we Sizwe or to APLA and the PAC case or [indistinct].

I worked between South Africa and Swaziland where I became a courier between the leadership there and the leadership which was based in Maputo. We would come to Swaziland or I would go to Maputo from time to time, but not often. I was discouraged from going to Maputo for organisational, fearing that it does not want me to be exposed. I am talking about leaders, like the late Stanley Mabizela, John Nkadimeng, Comrade Mncwa and others who were
10 based in Mozambique.

That work continued. We did not only courier human beings across the border. We also brought messages and directives that were given to different organisations or to different operatives that were inside the country and to some of the members of the leadership that were in the country. For example, amongst other things that we did; perhaps I can say I agreed, but I had a cell that I was operating with.

When it came to the period where Comrade Joe Gqabi's children, Nkululeko and Jomo had to leave the country. When they
20 were given orders to leave the country as the situation was untenable that time, I was asked to take them out of the country. Other children, children of the family of Comrade Nkadimeng, John Nkadimeng, late also; not all of their children, I think three or four of them, because the eldest one was already in exile then. There were units that were inside the country and there were funds that needed to be couriered

back into the country. There was no internet banking, which is now dangerous nowadays or ATMs where people could go and collect money from a bank and there were ...[intervenes]

CHAIRPERSON: Mr Quibe... sorry, Mr Ganda. I am sorry to interpose, but where is this biography leading us in relation to the application which is before us?

MR QUIBE: So what we are trying to establish, Chair is to actually lead us to where Joe Gqabi was assassinated ...[intervenes]

CHAIRPERSON: Yes, but let us get to the point.

10 MR QUIBE: Okay, thanks, Chair.

MR GANDA: Yes, Chairperson. I will do so. I will move on. These were works that we were doing with comrades in the country, but I will wait to be led by the evidence leader.

CHAIRPERSON: Yes, Mr Quibe, just take control of this evidence, please.

MR QUIBE: Okay, Mr Ganda. Now take us through the climate in Zimbabwe in paragraph, page 3 and 4 of the statement. You mentioned that there had been attempt at Mr Joe Gqabi's life. Can you please take us through the climate and the events leading to his
20 assassination?

MR GANDA: Okay. If I am allowed to, I would show, I will talk to the previous attempts before Haron, because the Haron one was the terminal one. There was attempt for him to be killed in the country. He was advised to leave the country. He was in Botswana and Botswana said that they could not provide him with sufficient security,

because they had intelligence [indistinct] that he was going to be killed. He was deported to Lusaka. He went to Lusaka. At the time of being in Lusaka, it was the time that coincided with the independence of Zimbabwe.

He was then sent to Zimbabwe to become the ANC's first chief representative at the office of the ANC then. This is where the military interface or intervention happened to him. Zimbabwe was quite a hostile place in many ways. In Zimbabwe there were [indistinct] that were difficult there in the sense that, apart from the
10 ANC being one of the liberation movements that fought side to side with ZIPRA, there were issues between the different liberation movements. There were issues with the government. There were issues with the Rhodesian ex-regime officials who were working with the South African Intelligence.

When I joined him in Harare, which was in the beginning of 1981; it would have been January or beginning of February. On one of the weekends he had to go to [indistinct]. I drove him to [indistinct] to the airport and drove back in his car. I hope that if I am summarising too much, evidence leader, you would ask me further
20 questions. I came back, parked the car; and in the morning when I had to use the car... I am summarising. I discovered the bomb under his car. It was concealed under the car. It had its own power source and all that. It was set to explode when the car moves.

[Indistinct] return the following from Lusaka, we continued working there at that time. I was an aid and working in the office of

the ANC representatives, chief representative. It was around middle of, between April, May that we saw heightened tailing or observation by people that were strange, the following of Comrade Joe and all that. We decided that Comrade Joe should not sleep at the house. We must have a curfew where he must leave before dusk. And what was also difficult was that the Zimbabwe Government had refused to give us, to arm us to protect ourselves.

At that time Zimbabwe had just come from a military struggle. Everybody had a firearm on the road. It was so difficult that even at
10 the time before Comrade Joe left the house to sleep where no one, none of us knew, we called for security reasons. We had no firearm. So we had to borrow a hatchet as part of security.

On the day that he was killed, what happened was; we had a meeting with people that came from South Africa, which always happened and from overseas. This day we could not find a venue that was neutral that we had not met at more than twice in order to protect the people that were going back to South Africa not to be seen with the ANC or with Joe Gqabi. And that Joe Gqabi said that I must find another vehicle that can ferry them all.

20 When we failed to use the places that we arranged, we decided to have a shorter, a rather shorter meeting at the house, at our residence at 19 Eves Crescent in Ashdown Park [indistinct]. We had a meeting. We had a short meal and after that meal, we left home. My vehicle was parked behind Mr Joe Gqabi's vehicle and I reversed out of the driveway. I reversed all the way to let him out. In

the process he walked to the lead and said: 'listen, go; leave with those people. They are exposed enough. Just leave.' I said: no, I will close the gate behind you. He said: 'no, I can close the gate myself. Thank you very much.'

I left. He went back into the car. What happened is extrapolation of the scene thereafter happens. In the process he would have went into the house, locked the door, went with his briefcase, got into the car that was parked way down in the driveway under the porch. Comrade Joe would have reversed up to the gate.
10 When he leave the gate, the attackers were there. There were more than six gunmen that were there with automatic weapons.

We can, it is easy to determine that by the number of firearms that were found on the scene and the later confessions that were made by the people that [indistinct] had arrested at one stage. In the process it was clear that they had intended to ensure that this time they do not miss him by bombs that get discovered; or if there were resistance by the people that were fighting back, they would have killed everybody. So they would have been outgunned; and I am talking about myself. Even if I had a firearm, then I would have been
20 outgunned. I would have been killed.

We went, dropped the people off. When we came back in the evening, which was just after midnight, we found the car was still in the driveway. The lights were still on, which was also a violation of the [indistinct] that we had put, entered the house, entered the premises, looked and I discovered that there were glasses in the

driveway and then I got worried. I went to look at the car and there he was sashed onto his left-hand side in the car. He had been shot through the window and both windows on the right-hand side and through the door. He died under [indistinct]. I think about more than 20 or 30 bullets that killed that were on his body.

I then left the place urgently, decided to go to the Minister of State Security at that time, Emmerson Mnangagwa, the current President of Zimbabwe who was a good friend and the opposite number to Comrade Joe Gqabi. Comrade Joe Gqabi was the Head
10 of Intelligence in the ANC. They had apparently struck a good relationship. Questions later were asked; that why do you go to the minister's house when you passed so many police stations? The problem was; the very police stations that I would report, I would stop at, maybe the very attackers came from there, because the Rhodesians were still very active in the police form in Zimbabwe in our forces of government, including intelligence.

Mr Mnangagwa came to the house and started then, what I would imagine is normal state activities – close the borders, raise alarm, send police, send bomb disposal squad and all other
20 investigators to the house. We were taken out to the house ...[intervenes]

MR QUIBE: Sorry, Mr Ganda. Just take us through the response from the Zimbabwean authorities; whether there were investigations after his assassination.

MR GANDA: Okay, after his assassination ...[intervenes]

COMMISSIONER KGOMO: Sorry, Mr Ganda. You are allowed to refresh your mind from your statement, if you wish.

COMMISSIONER GABRIEL: Yes, perhaps you could start again at paragraph 13 of your statement.

MR GANDA: Okay, let me just have a sip of water.

COMMISSIONER GABRIEL: Dealing with the investigations and then the TRC hearings.

MR GANDA: I will get to it, Commissioner. Please bear with me. I had stuck them aside in a particular [indistinct]. I will get there.

10 CHAIRPERSON: Do you have a copy of your affidavit, Mr Ganda?

MR GANDA: I do, Chairperson. It is loose leafs, but I had interfaced it with my notes that I was going to read from. So I am just reaching out to that. Okay, page 13 start with the ...[intervenes]

CHAIRPERSON: Paragraph 13?

MR QUIBE: Paragraph 13.

MR GANDA: Sorry, paragraph 13. I beg your pardon; page 4.

MR QUIBE: Yes.

CHAIRPERSON: Yes.

20 MR GANDA: Some of the agents responsible were later arrested and confessed to the Zimbabwean police why others remained at large. The court in Zimbabwe freed the accused agent after they had claimed that their confessions were made under duress. This is after they had appealed and their sentences ranging from 10 to 50 years by the initial court. Despite these arrests and confessions, the investigations did not progress and were never concluded as post

release of these people. And apart from the arrest and the arrested agents, no further leads ever followed up upon. To date no one has been brought to justice.

If I may proceed to paragraph 14; on 25 July 1996, I together with Ms Gqabi, widow of Joe Gqabi testified at the TRC hearings in support of the statements we had submitted earlier that year. The purpose about testimonies was to request that the TRC investigate all circumstances and actions carried out by the apartheid government through its agents and in the assassination of Joe Gqabi

10 ...[intervenes]

MR QUIBE: Okay, thanks, Mr Ganda. Can you please expand with some of the evidence that you presented and what actually happened after presenting your evidence?

COMMISSIONER GABRIEL: Yes, more specifically; what happened with the investigations?

MR GANDA: The investigations in Zimbabwe ...[intervenes]

COMMISSIONER GABRIEL: No, no, no, I mean after the TRC.

MR QUIBE: No, I mean TRC.

20 MR GANDA: Oh, with the TRC. After testifying at the TRC and after giving oral evidence, we promised Ms Gqabi that there would be investigation. The TRC would recommend that the NPA investigate, as they acknowledged that there were violations of our human rights. The investigations never; they followed; never took place. This happened until 2019 or round about then when the family got together, Ms Gqabi's family and myself and we sought to progress

further with what we had started.

We then resolved to write a letter to the Head of the NPA, as it was the organisation that the TRC had said we should [indistinct] to institute the investigations. We did that. The letter is annexed with my statement. We wrote to Adv Batohi who, through the letter of Adv MacAdam responded and said that a team would be appointed to do the investigations and that there might be a need to go to Zimbabwe to start the investigations from there, because as it were, there were no other connection or never heard of any hearing or any form of contact post the acquittal of the people that were convicted.

I think I should mention here that the people that were convicted, they are not just ordinary citizens of Zimbabwe and it is stated in the annexures that I attached. A lot of them were South African agents and a British national, Colin Evans. One of them was an agent who had come from South Africa or was a South African who was born there by the name of Varkevisser.

They were deported to wherever by the Zimbabwean Government upon their appeal succeeding. Some of them died. Varkevisser died here in South Africa of natural causes. He was never asked to come up with the truth to explain what had happened. These are people that had interaction with me in Zimbabwe as the intelligence there and it is another story, but we will deviate from the question that the chairperson asked me to confine myself to.

Back in South Africa we were the first, conducted by certain colonel and we were given a Captain Mathipe who started the

investigation. He proceeded in a very professional and energy-full approach. He was then; one time when I tried to do a follow-up of what investigations were happening, I was told that no, he was removed from the case and that there was also a new colonel that would be handling this case. And the excuse that was given there was that there is lot of work and they decided that they should, this new colonel and who will appoint the investigating officer who will deal with it. And the colonel was Colonel Pitwane and the new investigating officer was Captain Siwane.

10 Chairperson, the activities from then on are lengthy and there is a lot of details to it. I will try and talk through them; and should you require me to read directly from my statement or what I have prepared. I prepared some writing, but maybe it might be long. I will pause there and get direction.

MR QUIBE: Okay, thank you, Mr Ganda. Let us go to paragraph 21.1 when you set up one of the follow-up engagements with the investigating officer and the reasons they set out for the frustrations they got with the State Security Agency with regard to the function they had requested.

20 MR GANDA: Thank you, Mr Quibe. I will commence on that. You said which paragraph 21?

MR QUIBE: 21.1, yes.

MR GANDA: Okay.

On 23 May 2023 during several follow-up engagements with the DPCI, the investigating

officer informed the family that the investigative air force were frustrated by the State Security Agency which denied them access to classified archives of the country's intelligence services, the multiple services. This issue persisted over an extended period on several occasions. We were told that a letter was sitting on a desk of an official awaiting their signature to allow the investigating officer access to resources in general, including the archives. That is

10 ...[intervenes]

MR QUIBE: Please expand on that. Please expand on that and then confirm whether that request was granted at some point and what was the last update on that specific part.

MR GANDA: We never had a response to that, either by advocate, ag, by Colonel Sewele. Sorry, I am promoting him; Captain Sewele, nor did we hear whatever happened. Several follow-ups I tried with him came to naught. However, I would like to point out that in the period and the process of chasing up on his activities, because we

20 were not getting any communication. It is a long time between 2020 when [indistinct] or the first investigating officer was appointed.

So 2023; we are talking around 2023. Colonel, sorry, Captain Sewele also said that well, he does not know what to do. Maybe he should go to Luthuli House and ask them to assist with access to certain things. That is annexed in my correspondence with him. I

then took initiative.

I am coming to SSA and what happened in that period. Through an ex-colleague of mine I got a certain Mr Ramokhele. I got to get a contact to try and get an appointment with the DG of Intelligence. We were assisted in that effort by another employee of SSA by the name of Sam who ultimately managed to organise an appointment with the DDG then. The name I just do not have it. I have written it in my notes, but it is the one DDG who was acting at that time that I met [indistinct]. I met him at the headquarters of SSA
10 at Musanda. I can supply you with dates and the names of the people that I met with. The DDG said that the investigating officer must contact him directly. He would have all what he wanted.

Later on, a few weeks later when we did a follow-up, the investigating officer says that well, you know, there is a protocol in the government system. 'You see, I am only captain and to contact a DDG, I cannot do that directly. I have to get my boss to get someone in that rank to ask us for that.' And also you must remember that the effort was to get permission at a higher level, which was the DG. The acting DDG at that time would possibly have the powers of acting, but
20 even that access was not possible by the words of Captain Sewele. That correspondence is annexed to my statement.

Further than that, we never heard from the SSA, never heard from Captain Sewele. The things actually became a bit more irritable or unprofessional with the interaction with the investigating officer to an extent that they sought to go and see Ms Gqabi and not me at Ms

Gqabi's house, which we went. We had that meeting and nothing came out of it. A huge ring binder with lots of papers and some cuttings and the reports from the internet were presented as proof that there is an investigation that is taking place. Nothing happened. The leads that we gave to the investigating officer, including people that publically they were writing about them in the South African media generally and certain journalists that had done work, investigative work, like Max du Preez, were given to them.

The advent of going to Harare was ruled out. I was told by
10 Captain Sewele and they said they must deal with the embassy and all that. The embassy sent him, according to him, forward and backward; and after supplying the papers that the embassy wanted, they then referred him to DIRCO. He never had any progress with DIRCO. That one was dead in the water.

The question of the follow-up thereon never got anywhere. There are other people that maybe were more, could maybe reasonably be said to be more difficult to access maybe for him, but there are protocols of access in some of these things. I would say that I did give a report or a narrative to him that how the then Minister
20 of State Security was closed and was at the hand of the ANC's presence there and activities of the intelligence there and they could or means could be made to find out where everything had stopped, given that certain people were acquitted in Zimbabwe. That has not happen. At least there I had no powers or connection to expedite that.

The other person who was there; Comrade Joe Gqabi was a very close friend of the former President of South Africa, Thabo Mbeki. They had never talked about approaching him or approaching his office or foundation with you to get him maybe in or inside information on what could have happened. In that period, in the period after the killing of Comrade Joe Gqabi, it should be known that Harare and Pretoria had a bilateral committee that existed of all intelligence where they exchanged intelligence, formal intelligence information on all of these things. Remember, intelligence that time
10 between Zimbabwe and South Africa was about silencing the ANC [indistinct] the ANC or uMkhonto we Sizwe out of [indistinct]. Those leads never came to anything.

There is a certain person by the name of Jeremy Brickhill who is a Zimbabwean national and may I also add that he is a white Zimbabwean. He was amongst a few white guerrillas in Zimbabwe who then... excuse me about that; who was, because of his activities and closeness to uMkhonto we Sizwe, the apartheid state attempted to kill him. They bombed him; placed a bomb in his car. They bombed him. He is still alive, but he is severely maimed. I think he is
20 a quadriplegic or [indistinct]. I spoke to him. He said that well, if he is approached, he can talk. He can share information that he has. The name, surname and the location I gave that to Captain Sewele – no follow-up, no nothing. Nothing happened or came out of that. I will pause there so that [indistinct].

MR QUIBE: Thanks, Mr Ganda. Can you please go to paragraph

28, page 8 of your statement where you talk about the passing of Mr Gqabi and the telephone conversation you had with Captain Sewele. Can you please expand on that and how and whether you received any further updates from the investigating team after that? Can you hear me, Mr Ganda?

COMMISSIONER GABRIEL: I think he is frozen.

MR QUIBE: He is frozen. Mr Ganda?

CHAIRPERSON: Do we have technicians around who can assist? I think this might be an appropriate time to take a tea adjournment
10 whilst this issue is being attended to. We will reconvene at quarter past 11.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SEMENYA: I am informed that the witness is using cell phone data.

CHAIRPERSON: Yes.

ADV SEMENYA: And for that reason there might be interruptions from time to time.

CHAIRPERSON: Yes.

20 MR QUIBE: Thank you, Chair.

CHAIRPERSON: Mr Quibe.

MR QUIBE: Thank you Chair, we are ready to proceed.

CHAIRPERSON: Yes, you may proceed.

MR QUIBE: Mr Ganda, just to take us back to paragraph 21.3 of your statement... [intervenes]

CHAIRPERSON: Are we not at paragraph 28, Mr Quibe?

MR GANDA: Yes, Chair, we had a brief checking with Mr Ganda and he would like to clarify a few points on those.

CHAIRPERSON: Yes.

MR QUIBE: Paragraphs, Chair.

CHAIRPERSON: Yes, you may proceed.

MR QUIBE: Thank you, Chair.

CHAIRPERSON: And take control, Mr Quibe.

MR QUIBE: Yes, Chair. I am just caught between trying to lead his
10 evidence... [intervenes]

MR GANDA: May I make a comment, please?

MR QUIBE: And him actually explaining his story.

CHAIRPERSON: Yes.

MR QUIBE: But thank you for that, Madam Chair.

CHAIRPERSON: But you are leading him and you must control his
evidence in chief.

MR QUIBE: Thank you, Chair.

COMMISSIONER KGOMO: 21.3, Mr Quibe.

MR QUIBE: Yes. Yes, Mr Ganda, you mentioned that the...
20 [intervenes]

MR GANDA: [Indistinct] I have got a request please, may I make a
request, a humble request, please.

MR QUIBE: Yes, please go ahead, Mr Ganda.

MR GANDA: I would like to, with respect, to request the commission
to kindly indulge some of the things that I want to talk about. May I

point out that I feel at the moment rattled. I will say why. I am trying to recount things that, or investigations that would have started 45 years back and I have been preparing for it.

With it there is a pain of recollecting things that had happened to myself, to Joe Gqabi and to Ms Gqabi. To that end the commission gave this family and maybe some in my family too or some in the country, a chance of hearing from people who are now dead, people who were silenced.

I feel very strong that given a chance to bring up this
10 ...[indistinct] not myself, there is no one, even Ms Gqabi had pointed out that, who is late now, that she is... you look at, you read her TRC submissions, no one is looking for fame, no one is looking for sensationalism or any resources in terms of reparations that have never come to place.

If I were to skimp around what Joe Gqabi is or why Joe Gqabi was killed, it will be really unfair. I would have told maybe a small part of that story. Some of the things that maybe I had ...[indistinct] to myself doing, ...[indistinct] that the very special bench was looking for us to testify, ...[indistinct] testify against him so that he can
20 ...[indistinct].

The very people that were killing, who killed him ultimately, they were going to kill me too. It is a pain that no one can actually contain in their mind and it has not been told. You drive around Johannesburg, you drive around Cape Town, you drive even Soweto, there are places called Joe Gqabi ...[indistinct] ask what, who is he,

this is 45 years after he had been... he died.

Nobody can say, knows how he died and the reason he died. Our generation worked with him, are dying off. I am 67 years of age now and many of our colleagues have died, except for those that died, apart from those who died in combat.

CHAIRPERSON: Yes.

MR GANDA: I am trying to talk to bring that and please, I am really humbly asking the commission to indulge myself, I feel really rattled because I have to rattle two things and respond to...

10 CHAIRPERSON: Yes.

MR GANDA: To the evidence leader as if I am responding to a prosecutor.

CHAIRPERSON: Yes. Mr Ganda, you are being represented by Mr Quibe who is an experienced lawyer. He must have informed you when he was preparing your affidavit, about the terms of reference of this commission. We are not here to listen to the life of Mr Gqabi, we are here to determine whether there was any interference in the investigation of his assassination. So we are confined by our terms of reference to allow you to give such evidence, as will assist this
20 commission to be able to make a recommendation in line with its terms of reference.

MR QUIBE: Thank you, Chair and thanks, Mr Ganda. Taking us back to paragraph 21.3, you talked about the refusal how DPCI refused the investigating officer request to travel to Zimbabwe. And how when the DPCI tried to reach out to the Zimbabwean authorities, they were

sent back to DIRCO. if you can please touch briefly whether were any reasons provided for such refusal and then what was the last update you received from the investigating officer on the feedback from DIRCO?

MR GANDA: Thank you, Commissioners. The simple answer is no, there was no feedback, no follow-up, have not heard anything. Indeed, in one of the interactions with Captain Sewele, if I may then give some details which may illustrate or indicate that the suspicion ...[indistinct] there is a blockage there somewhere.

10 When we went down and when I pointed out to him that it seems as if this was your mother who wanted to know about her husband, you would probably move with a high, better speed. And that may give it actually ...[indistinct] became personal and we had to escalate the matter to his boss, Colonel Pitsoane. Colonel Pitsoane never addressed that to the satisfaction of the family.

 That is the time that I am saying that what they did, they came with a ring binder of old cuttings and all historical things that some were coming from the internet. I will not, I do not want to believe a report. The SSA have said that, they have also said that they will
20 assist in whatever way we wish they could.

 And clearly I am not the investigating officer, I could not access those or request, start requesting and doing the parallel investigation. In that, to that point Captain Sewele said that on one occasion he was, he went on to Pretoria to archives in Pretoria where he was turned by a person at the gate or at the access.

The letter that was lying somewhere, that was waiting for a signature of an authority, whether it was ever signed, whether access was granted, the investigating officer never gave us an update to that. I am saying this because it had become that by the time we wrote to Adv Pikoli which was in 2020 and the time of the start of the investigation, anything that we could see, every time one had to phone SIU and ask for an update, what is happening, what has happened.

The response was more like an excuse after an excuse, it was
10 not, it really was not encouraging. The, if I may, the state I am in right now, if I may point that even at the time of the instance of the news of Ms Gqabi dying, I phoned the investigating officer and informed him that very afternoon and he just said 'oh' and that is it. The call ended.

I have not heard from him from before the period that, before Ms Gqabi's death up till today. I have not heard from SIU or for any statement operators or the police in whatever form they are, intelligence or any other form of ...[indistinct].

It is heartbreaking, at the time we pointed out, Ms Gqabi pointed out to those that this feels like you guys are dragging your
20 feet and hoping that I will die and this case will stop. She said at the time even if I were to die, she called me Kabelo, she said my son, he is going on to continue ...[indistinct].

That is the short answer to what, to your answer evidence leader and besides that, there is, I must say, a whole, the part of the voice of Ms Gqabi, the widow to Joe Gqabi who could be here today

and talk for herself, that has been rendered silenced by maybe our approach. I do respect the, with due respect of the commission, but everything has got time.

It has got the direction and the rules and regulations, but some of the things often get lost in the gaps, just as we had to wait for 45 years before any hearing of any kind, of the specifically about the death, the murder of a leader of our country in a foreign country. And the state and everything else did nothing and it is when we took initiative to go to the NPA and the people that were investigating has
10 provided us with nothing. That is harmful.

MR QUIBE: Mr Ganda, I am turning... [intervenes]

MR GANDA: I will pause there.

MR QUIBE: Can we just zoom in on 21.3, you are saying that the information that reached you is that the efforts of the investigating officer was frustrated by the DPCI. Now we know that the DPCI only became operational around October 2009 and if maybe you could say who in particular frustrated the investigation, it would help. I know that Lieutenant General Lebeya was the DPCI head from 1 June 2018. I am asking this so that if it is necessary, we could summon
20 this person to come and explain himself or herself. Can you help us?

MR GANDA: Thank you, Commissioner. I will not have the details of individuals that had blocked, otherwise I would have charged them directly. I would have gone to the police station. Commissioner, there are, on my, in my annexures there are reference to a direct communication, some of it.

It is cell phone communication and responses from Captain Sewele, where amongst people that he mentioned, I will just try to page through as I am talking to you. One of his WhatsApp response, this is SG4, I start, I am the one who is starting with the, on 5 October 2023. I said:

“Captain Sewele, I trust you are well. How did it fare last week?”

His response is:

10 “Mr Ganda, I had meeting with Jabulani Radebe SSA liaison officer. He requested me to engage with his manager and DG.”

Further on 7 January there is a lapse in that period, there are other communication that are not a hard copy like this. That is there, the response has been... I am trying to find the... oh, okay, on SG3, I do not think the actual annexure comes out very clear, I had to write it by hand, but the one that start with Captain Sewele and there is a number 54 on it, of 20 May 2023.

20 “Thanks for information, I really appreciate it. I have requested you to the house to push DG, state security agency to provide our office with the files. I am not happy the manner in which Adv Masiyela deals with this matter, because he is not even taking my calls. I will keep you informed.”

A number of messages were deleted there. Commissioner, just with

those two things, this is a communication between me and the investigating officer. Is the investigating officer after lengthy and several checking with him where the case is going to, he out of frustration named his colleagues and where the bottlenecks are.

Maybe Captain Sewele or his colleagues can be summoned, I am not sure how the commission treats with that or proceed with that. That is my short question to that, the other things I made... [intervenes]

COMMISSIONER KGOMO: Thank you.

10 CHAIRPERSON: Thank you, Mr Ganda, I think the question was confined to the DPCI.

MR GANDA: Okay, yes Chairperson, if I can be assisted with the acronym, I know that the... [intervenes]

COMMISSIONER KGOMO: The DPCI are the Hawks.

MR GANDA: Yes.

COMMISSIONER KGOMO: Popularly known as the Hawks.

MR GANDA: Yes.

COMMISSIONER KGOMO: Directorate for Priority Crime Investigations Unit.

20 MR GANDA: Yes.

COMMISSIONER KGOMO: Yes.

MR GANDA: Chair, Commissioner in this case I had dealt with the SIU, I do not know in terms of the structure where do they fit in with the DPCI. In some of the meetings that I had, I went to their offices in the, in Pretoria and I could see different labels on the doors. I have

not personally spoken to them and the Captain Sewele has not mentioned that this is DPCI and this is whoever. But in the annexures there is a mention in passing of that. I am not able to assist that far.

CHAIRPERSON: Thank you. Mr Quibe.

MR QUIBE: Thanks, Chair, Commissioners. Mr Ganda, let us go to paragraph 24. You see that some of the efforts the family took to try and assist the investigating officer, by providing him with information that you think would be helpful and was that information really followed up upon? Specifically in Annexure SG8 we have, which is a
10 communication between yourself and Captain Sewele and he confirms that he would reach out to one of the journalists of the link that you had sent them or the list that you sent them. Was that followed up upon, were these things provided or any of the other leads taken up on?

MR GANDA: Thank you, Commissioners. Yes, indeed the leads that we provided other than the high profile that I mentioned earlier on, we have received no response ...[indistinct]. The SG8 annexure, that initiate is amongst many initiatives that I tried out and Captain Sewele said that he would go to Cape Town, he will request a trip to Cape
20 Town and he will sit down with him, with Max du Preez and find out.

The reason for Max du Preez, Max du Preez had done an elaborate investigating work similar to, affecting similar issues to the ones that affect this case of the late Joe Gqabi. In the process he went there and he came back and he said no, I met with him, I think he said that nothing came out of it.

And he had, to me he had the whole day in Cape Town at our expenses. I am saying that with a little bit of, I am holding back, but that is what happened specifically with that. The other leads that were sent out there, are necessarily leads that, of people some of them were still alive. As I pointed, needless to repeat.

Jeremy Brickham, he is in a sensitive life ...[indistinct] and he has got wealth of knowledge, he is in Zimbabwe in Harare. He has got wealth of knowledge on these issues that I am talking about, in other words the issue about how comrade Joe got to be killed and the
10 conspiracies that were there at that time.

I am not saying that he was a witness or whatever, but let me point out that he was in the intelligence of that country as well. And now the question is, of the people that we gave, we put out there, we did not get any response. Some we do not even know if they were contacted, for all that I know they have never followed up.

This is a case, evidence leader, that I am not accusing Captain Sewele personally, but I am saying the system, if he was part of the system, the system had a way of blocking anything and everything that happened.

20 Even if you take it from beginning that Captain Mathipe was told that leave that case, get out of that case. I do not have the name to put to that, but I am pointing out that dealing with the system it is very difficult because you cannot, some people will not name who said what when.

COMMISSIONER KGOMO: Yes, but Mr Ganda, the officers that you

are mentioning are captains, they are very junior so they could not really have blocked the investigation by themselves. We understand that you are not blaming them.

MR GANDA: I appreciate that point and when I referred to the system, I was saying that there are ways of making things that exhausted or people abandoning them by either attaching responsibility to junior people, but he had a colonel as a direct report, a colonel that came to two of our meetings. Colonel is able to escalate things further, I have not seen that happening.

10 That is the central point about ...[indistinct] the system, the colonel may himself have been bit too small for some of the things. But I do not have ...[indistinct] when I could get to call the minister down and talk to him as an example, by, with due respect I am not showing the argument with him, but I am pointing out that it is a point I appreciated.

 But the blocking has, is happening somehow, one way or the other, otherwise if there was no blocking it is very difficult to understand why would a seemingly straightforward case have these difficulties of getting people, not stopping letters to be written.

20 DIRCO not coming back, people being sent to embassy in Zimbabwe and then people being, who had said that they will write a letter or do something and then later on there is no, go back to DIRCO. It is not, that is, those are things that created suspicion.

MR QUIBE: Thanks, Mr Ganda. As we draw closer to the end of your statement, can you please go to paragraph 29, page 9?

MR GANDA: Alright.

MR QUIBE: Yes... [intervenes]

MR GANDA: I would have to read it ...[indistinct]

MR QUIBE: Yes, if you can read it and then expand on it, this links to the point on how a simple straightforward case somehow is actually frustrated and there is not really any progress going on. And how the fact that Joe Gqabi was a high ranking ANC leader and his assassination could have come up from highest authorities.

CHAIRPERSON: Let him read paragraph 29, Mr Quibe.

10 MR QUIBE: Yes.

MR GANDA: Okay, paragraph 29:

“The suspicion that there could have been a deliberate and concerted attempts to obstruct and interfere with the investigation into Joe Gqabi’s assassination is reinforced by the fact that he was the highest ranking ANC executive ever assassinated in exile. The order to kill him would necessarily have originated from the highest authorities of the apartheid state. The disclosure of those responsible will deeply be embarrassing and politically sensitive.”

20

I want to say to that, in the issues of anybody or a state or a whatever body, contemplating or planning to go and commit a crime of murder in another country, there would need to be a compelling case to send the forces or the forces that are employed by the government that

receives pension, that gets salary from the government, to go there and risk neighbourly bilateral relations or break law by invading another country to commit crime.

Therefore, things like that, they are not decided on, on a captain, a colonel, or some rogue general alone, because that could cause problems of the international nation. So my saying that the decision would have been sanctioned at a highest level, is that it would have an implication on the relations between Zimbabwe and South Africa.

10 Now on the day, the morning of the news of Joe Gqabi being killed, the then foreign minister Piet Botha on radio he said, he was interviewed and I think the record will there at SABC. He said that well, we got nothing to do with that, we could never be involved, the nature, just look at the nature of his death. His killing was more like an execution. It is not us.

 He was, I would like to think that he was being ...[indistinct] that he could possibly have had a wind of it or wanted to distance the apartheid state at that time as far as possible. And my, the, my emphasis that the, it would have been a sanction at the high level, it
20 does not matter even at that time it was Piet Botha.

 We had, Commissioners, a dispensation that amongst other things some of the people who are appearing before this commission talk to some of them they say that there was an agreement between ...[indistinct] to allow for the dispensation to take, for the new election to take place. And assurances that the entities involved, I will call it

that way, because I do not have factual points to make, but they agreed to look the other way.

The question is, could this be one of the cases? Could it be then as the investigation go forward, each time a plug is pulled out of it. I do not have that investigation expertise and, but in absence of any action or any interest whatsoever, the unknown invisible hand behind is to be blamed or suspicion falls there.

MR QUIBE: Thank you, Mr Ganda. Now in closing, you can share your closing remarks and what you would like to see come out of this
10 Commission.

MR GANDA: Yes, the one point that I would like to make without apologising about it or without skirting around is that the two occasions that Joe Gqabi was attempt to kill him, he was with me, except for the fact that when the car, like I discovered ...[indistinct] that day to have travelled through ...[indistinct].

If we were all in the car, I would have been killed like that. The night that he got killed, he was with me. It is also my concern and interest to know who could have, my life was also on the line, who could have been the, have the interest of wiping out irrespective
20 the people that were there.

May I also point out, evidence leader, that at the time we were living in a house with a refugee family of Sello, his wife and three children. We were living with one other comrade that had just crossed the border to South Africa, to Zimbabwe, by the name of Geraldine Fraser, she would also have been killed there.

I am really concerned about why would it be so difficult for anybody to even, even if thinks to say that no, the case has gone cold, in which case we would be open to any other means of trying to pursue human rights violations as the TRC had pointed out.

Other than that, as stated by Ms Gqabi and as we have stated before, and myself, we are not looking for compensation or for money, not at all. We are not looking for fame. I am not saying these things because the sensationalism that I am after or fame. If there is anything, many people will be watching this or will attend this, they
10 would have never heard of Shadrack Ganda except those that I worked with in the underground with Joe Gqabi.

It is said, I would like to see this matter being investigated, the question of why the, why at each corner, at each turn the investigation do not go anywhere. Why did I have to be the one that is chasing the investigating officers to give a response of some kind of any way.

Why would, when TRC in the 1996 says that the NPA would investigate and instead I had to write to the head of NPA in 2020. By that time of course the TRC process had been finished and done with.

Just as a way of in passing, there is lot of misspelling in the
20 names of Ms Gqabi, she is not Nomasa ...[indistinct]. There is in my statement to the TRC and the transcript, I am Shadrack Ganda, I am not Shadrack Govender. I am referred to a Shadrack Govender and other things and they may also be some errors in my affidavit.

But that is, we are seeking just the truth and the exposing of those people that were involved from the highest level. As far as

Ms Gqabi has passed now, but she had said that she wanted closure so that she can move on with her life. Ms Gqabi still have, she might have been the last adult in there, she has got two grandchildren and a great-grandchild. Maybe if there is reparations, they possibly could be the beneficiary. Should we get to that portion, we have hearts as South Africa to do something to that end.

MR QUIBE: Thank you, Mr Ganda, thank you Chair, thank you Commissioners, that was the oral evidence of Mr Ganda.

CHAIRPERSON: Thank you, Mr Quibe. On behalf of the Calata
10 family, any clarificatory questions?

MS PILLAY: Thank you Chair, we have no questions for Mr Ganda.

CHAIRPERSON: Thank you. Ms Tsagae?

MS TSAGAE: Thank you, Chair, thank you witness, we do not have any questions.

CHAIRPERSON: Thank you. Mr Semenya?

ADV SEMENYA: Chair, we would ask Ms Seme to take over this witness.

CHAIRPERSON: Thank you. Ms Seme?

MS SEME: Thank you, Mr Quibe. Your story... [intervenues]

20 MR GANDA: Ganda.

MS SEME: Mr Ganda, sorry. Thank you, Mr Ganda, your story is a very important story. We would like to assure you that your story, like many other stories, we believe should be documented. We are obviously constrained by the terms of reference of this commission to listen to evidence that is talking to the terms of reference.

However, we appreciate that you have waited for 45 years to tell this story and that you have had this opportunity. We really feel your pain and we may not have been where you have been all these years, but we really want to extend our heartfelt and moving pain that we feel for you and wish that you may really release that pain one way or the other.

What I would like to ask you is, you mentioned the SIU in your testimony. I am not sure I understand what the connection is and who in the SIU was investigating this matter?

10 MR GANDA: I believe that... sorry, Commissioner.

CHAIRPERSON: Mr Ganda, ...[indistinct]

MR GANDA: I believe that Captain Sewele...

CHAIRPERSON: Yes.

MR GANDA: I am here. I am sorry, I am having a difficult... a really difficult time. But I believe in SIU Captain Sewele is employed by the SIU. That is what he says, or that is what the story that, that is what I know about him. So that is my reference to it, I am referring to the office that ...[indistinct] as I understand.

MS SEME: Okay.

20 MR GANDA: The other, ja, that is my answer.

MS SEME: We will follow up with the information you have given us in respect of the SSA and DPCI. We remind you that of course the names that you have mentioned, we have an obligation to reach out to those people and inform them that they are implicated and to that extent they may want to call you up for cross-examination later on.

Again, I wish to extend our deepest empathy and the pain that you have told of the history of this country is really well received and recorded. Thank you, Mr Ganda.

MR GANDA: Thank you so much, Commissioner.

ADV SEMENYA: Thank you Chair, thank you Commissioners, that was it from us.

CHAIRPERSON: Thank you.

COMMISSIONER KGOMO: Mr Ganda, I thought it would be perhaps more poignant, I thought you would conclude by reading paragraphs 10 31, 32 and 33, they are short, for the record. Do you mind doing that, please?

MR GANDA: Yes, Commissioner, I will do that.

20 “In conclusion I submit that my evidence on behalf of the Gqabi family will demonstrate that there were deliberate efforts to obstruct the investigations and prosecution of the TRC cases. Joe Gqabi’s being one. That is not in my affidavit. In particular, the assassination of Joe Gqabi and will assist the Commission in carrying out its mandate.

I respectfully submit that the commission recommend steps to be taken by the NPA or any other relevant organ of state to assist with the investigation into this assassination, including where necessary access to sealed or archival

material relevant in this case.

The murder of Joe Gqabi was not an isolated act, it formed part of widespread and systematic attack on that were carried out against opponents of apartheid, that was a crime against humanity. The relevant organs of state are obliged in terms of both the Constitution and international law to investigate his assassination insofar as possible and show accountability and regrets.

10 I further respectfully submit that the commission recommends that constitutional damages be provided to the families and victims of apartheid era ...[indistinct] and the gross human rights violation they suffered, including the ongoing violation of the right to humanity dignity caused by the interference with and failures by the NPA, the South African Police Service in investigating and prosecuting the TRC cases.”

COMMISSIONER KGOMO: Yes, thank you.

20 MR GANDA: Those are the paragraphs.

MR QUIBE: Thank you Chair, thank you Commissioners.

CHAIRPERSON: Thank you, Mr Quibe. Mr Ganda, we thank you for having availed yourself to... [intervenes]

ADV SEMENYA: Chair, sorry. Nothing for now, Chair.

CHAIRPERSON: Mr Ganda, we thank you for having availed yourself

to give evidence before this commission after such a long time of the occurrence of this incident. We appreciate your availability and the evidence that you have tendered before this commission, you are now for now excused as a witness. You may be recalled if need be, for cross-examination, but for now you are excused as a witness.

MR GANDA: Thank you, Chairperson, as the commission pleases.

ADV SEMENYA: Chair, that would be the business for the day, the hearings, the further conduct of the commission's work will be done in chambers.

10 CHAIRPERSON: Yes.

ADV SEMENYA: Might I also indicate that given the next witness, and his health problems, that we commence hearing tomorrow at 09:00 to go until 13:00?

CHAIRPERSON: Yes. These proceedings stand adjourned until tomorrow at 09:00. Mr Quibe, may we see you in chambers?

INQUIRY ADJOURNS UNTIL 4 MARCH 2026

CERTIFICATE OF VERACITY

We, the undersigned, hereby certify that **as far as it is audible**, the foregoing is a true and correct transcript of the digitally recorded proceedings in the matter of:

JUDICIAL COMMISSION OF INQUIRY INTO TRC

FORUM OF ORIGIN : Inquiry
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M Brits: Page 1-24
B du Plooy: Page 25-45

TRANSCRIBERS :



TRANSCRIBER'S NOTE:

- *Where no information provided, names transcribed phonetically.*
- *Grammar errors types verbatim.*
- *Mr Ganda's audio channel has echoing sound, resulting in indistinct words and phrases.*



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