

**IN THE COMMISSION OF INQUIRY INTO ALLEGATIONS REGARDING EFFORTS
OR ATTEMPTS TO STOP THE INVESTIGATION OR PROSECUTION OF TRUTH
AND RECONCILIATION COMMISSION CASES: 2026**

BEFORE JUSTICES KHAMPEPE, JUSTICE KGOMO AND GABRIEL SC

**SUPPLEMENTARY APPLICATION TO CROSS EXAMINE ACKERMANN SC AND
MACADAM**

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I, the undersigned

MOLWANTWA MORENA

do hereby state under oath as follows,

1. I am an adult male attorney of record for Advocate Menzi Simelane in this Commission of Inquiry and employed in the Office of the State Attorney in Pretoria.
2. The contents of this affidavit are within my personal knowledge unless the context indicates otherwise and are to the best of my knowledge both true and correct. Where I make legal submissions, I do so on the advice of my legal representatives, whose advice I believe is true and correct.
3. This amended application became necessary because of a directive of the Commission that the application to cross examine Ackermann SC be separated from the objection to the application by the Calata group to cross-examine Adv Simelane. This affidavit is therefore amended to only deal with the application to cross-examine Ackermann SC. A separate application with supporting affidavit will be filed setting out the objection to the application to cross-examine Adv Simelane on specific matters
4. Advocate Simelane does not object to being cross-examined on any relevant areas falling within the Commission's terms of reference and which have been covered in his statement or any supplementary statement that he may file or any



viva voce evidence given during his testimony. As previously conveyed to the Commission, he has offered to be of assistance to it to the extent relevant.

5. In this application we seek the Commission's leave to cross examine Ackermann SC on the areas that are identified further below arising directly from his statements and documents before the Commission and the oral evidence he tendered between 4 to 5 March 2026.
6. Adv Simelane has instructed us to prepare an application to cross-examine Ackermann SC which cross-examination is now scheduled to take place on 19 and 20 March 2026 and prior to him giving his oral testimony or filing his supplementary statement which is scheduled on 31 March 2026.
7. We set out the areas on which we seek leave to cross-examine Ackermann SC.

ADV SIMELANE'S APPLICATION TO CROSS-EXAMINATION OF ACKERMANN SC

8. Ackermann SC made serious allegations of Adv Simelane during his oral testimony implicating him in dishonest conduct. On that he correctly expressed the view that he expects that Adv Simelane would apply to have him cross-examined on those allegations. Indeed, Adv Simelane denies that he engaged in dishonest conduct as alleged by Adv Ackermann SC and is unable to discern from the oral evidence or documents presented the factual basis for those unfortunate remarks about him.
9. Adv Simelane has advised us that he has no objection to Ackermann SC being afforded the opportunity to cross-examine him on any relevant matters. In light of the fact that at the Commission hearing on Friday, 6 March 2026, it was agreed

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that Ackermann SC will be available to be cross-examined on 19 and 20 March 2026, it would be fair and in the interest of the truth-finding mandate of this Commission that Adv Simelane is granted leave to cross-examine Ackermann SC on the scheduled dates. Without limiting the scope of the issues that the Commission may permit the cross-examination of Ackermann SC, we have identified the areas set out below as those on which Adv Simelane wishes leave to cross-examine Ackermann SC on.

AREAS TO CROSS EXAMINE ACKERMANN SC

10. His denial that he is a former apartheid prosecutor.
11. Whether he had any professional, moral, ideological or ethical objection to working as a prosecutor on behalf of the apartheid state or government.
12. The denial that there was a view held by some DGs of the Cluster on behalf of their member in the SAPS, and security services that the lack of cooperation in relation to the investigation of TRC cases was in part because of the distrust of Ackermann SC on account of his background as an apartheid prosecutor.
13. The implication of his decision to instruct the removal from his affidavit of allegations that he had made regarding Adv Simelane and Adv Mpshe which he reintroduced in his oral testimony after reading Adv Simelane's statement.
14. The basis of the allegation that Adv Simelane gave a political instruction to have him removed from dealing with TRC cases.
15. The basis of the allegation that Adv Simelane would deny his allegation that he instructed Adv Mpshe to remove him in the TRC cases. His view that Adv

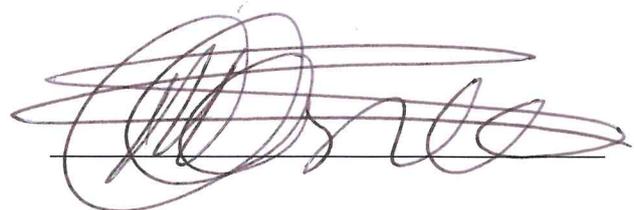
Adv M.T.

Simelane would “be untruthful” about having allegedly given a political instruction to Adv Mpshe for his removal from TRC cases.

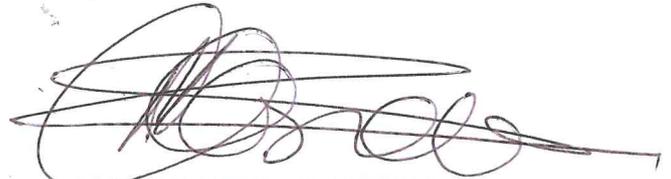
16. The basis of his belief that there was a meeting between Adv Simelane and Adv Mpshe at the airport to give the removal instruction. His experience and knowledge of the methods, tactic and tricks, “underhand handovers and meetings taking place at petrol depot on the highway and petrol stations or airports.”
17. His denial of the West Wing informal meeting convened at the request of the DGs of the JPCS Cluster to discuss the reasons for the lack of cooperation between the SAPS and the NPA relating to the provision of investigative services to prepare the prosecution of the TRC cases.
18. His denial that he produced at meeting a list of ANC leaders of the Military Council in Lusaka whom the PCLU intended to prosecute. Does he deny that the PCLU had a list of ANC leaders whom it was alleged were listed for investigation and prosecution.
19. Ackermann SC’s view on the relevance of the National Intelligence in the investigation and prosecution of TRC cases

CONCLUSION

20. Based on the above, I believe that it would be fair and importantly, advance the mandate of the Commission if the cross-examination of Ackermann SC is permitted.

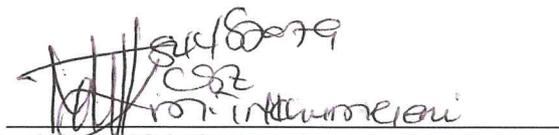


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MOLWANTWA MORENA

I hereby certify that on the day of **MARCH 2026** in my presence the Deponent signed this affidavit, swore and acknowledged that he knew and understood the contents thereof, had no objection to taking the prescribed oath, considered the oath to be binding on his conscience and thereafter took the prescribed oath before me.

SUID-AFRIKAANSE POLISIEDIENS
CLIENT SERVICE CENTRE RELIEF (D)
2026 -03- 13
NORKEM PARK
SOUTH AFRICAN POLICE SERVICE


COMMISSIONER OF OATHS

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Capacity: *constable*