

WEBBER WENTZEL

in alliance with > **Linklaters**

The Chairperson: Justice Khampepe
Commission of Inquiry into Stopped TRC
Investigations and/or Prosecutions

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Your reference

Our reference

Date

A Thakor / J Venter / LM Doubell
/ S Tlhaole
4017862

27 February 2026

Dear Justice Khampepe

CONDONATION APPLICATION: RE APPLICATION TO CROSS-EXAMINE ADV BULELANI NGCUKA

1. We act on behalf of Calata and 24 other families.
2. We refer to our application to cross-examine Adv Bulelani Ngcuka, filed with the Commission on 26 February 2026.
3. We hereby attach an application for condonation in which we seek the Commission's indulgence to condone our non-compliance with Rule 3.4, to be read with the application filed yesterday.

Yours faithfully



WEBBER WENTZEL

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Partner

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**IN THE COMMISSION OF INQUIRY INTO STOPPED TRC INVESTIGATIONS
AND/ OR PROSECUTIONS**

STATEMENT: CONDONATION

I, the undersigned.

ASMITA THAKOR

do hereby make oath and state that:

1. I am an adult female attorney practising as a Partner at Webber Wentzel at 90 Rivonia Road, Sandton. I am the attorney of record for the families and survivors of apartheid-era crimes (known as the "**Calata Group**").
2. The facts contained in this statement are within my own personal knowledge unless the context indicates otherwise and are to the best of my knowledge true and correct. I depose to this statement on behalf of my clients and am duly authorised to do so.
3. On 26 February 2026, I made a statement in support of the Calata Group's application to cross examine Adv Bulelani Ngcuka ("**Ngcuka**") when he testifies before the Commission on 2 March 2026. This application was made in terms of regulation 8(3) of the Commission's Regulations, read to the extent necessary, with rule 3.4 of the Commission's Rules.
4. Reg 8(3) of the Commission's Regulations reads as follows: "*Any witness appearing before the Commission may be cross- examined by a person only if the Chairperson permits such cross-examination should he or she deem it necessary and in the best interest of the functions of the Commission.*"
5. No stipulation is made in relation to time frames in relation to applications for cross examination, which we submit is within the discretion of the Commission.

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6. The purpose of this statement is to seek condonation for non-compliance with the Commission's Rules for applications to cross examine a witness, to the extent that rule 3.4 applies to this request.
7. In terms of rule 3.4, an application by an implicated person to cross examine a witness in terms of rule 3.3.6.3 must be brought within fourteen calendar days from the date of the rule 3.3 notice being issued. A rule 3.3 notice informs the person of implicating evidence which may be led before the Commission. Such notice was served on Ngcuka on 11 October 2025.
8. Ngcuka's statement responding to the allegations made against him in the Rule 3.3 notice was only delivered to the Commission on 24 February 2026. The Commission finally announced on 26 February 2026 that Ngcuka will testify on 2 March 2026.
9. It was impossible to file an application to cross examine Ngcuka without reading his response to the allegations contained in the Rule 3.3. notice. We accordingly applied to cross examine Ngcuka on 26 February 2026, only two days after his statement was filed.
10. If granted, we intend to cross examine Ngcuka immediately after his evidence in chief thereby saving the Commission time and costs.
11. No prejudice will be caused to any party by the late filing of the application to cross examine Ngcuka, which realistically could not have been filed any earlier.
12. Accordingly, and to the extent necessary, we respectfully request the Commission to condone the late filing of the Calata Group's application to cross examine Adv Ngcuka.



ASMITA THAKOR

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The Deponent has acknowledged that the Deponent knows and understands the contents of this affidavit, which was signed and sworn to or solemnly affirmed before me at Sandton on 27/02 2026, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS

Thulisile Mokoena
Commissioner of Oaths in terms of Section 5(1),
Justice of Peace and Commissioner of Oaths Act, 1963
(Act 16 of 1963) RO-39/03/2021 Randburg 14/4/2021
Receptionist, Rivonia Group of Advocates,
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Full Names:

Business Address:

Designation: