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**Principal Office**
2nd Floor,
The Reserve
54 Melville Road, Illovo
Jhb, 2196
Docex 123, Jhb

**Cape Town Branch**
3rd Floor,
The Chambers
50 Keerom Street
Cape Town, 8001

(T) (011) 778 0600 (JHB)
(T) (021) 770 0076 (CPT)
(F) (011) 778 0677

www.ramweb.co.za

**ADVOCATE MPHOTHU THOKOA**
The Secretary
TRC – CASES INQUIRY
Sci – Bono Discovery Centre
Email: secretary@trc-inquiry.org.za
seme@vmmxenge.co.za

28 February 2026

**Our reference**: DT/GH/MAT24960

Dear Commission Secretary

**RE: Application to Cross Examine Mr Bulelani Thandabantu Ngcuka ("Mr Ngcuka/ Our Client)**

1. We refer to the application submitted by Webber Wentzel Inc. on behalf of the Calata family and 24 other families ("the Calata Group ") to cross examine Mr Bulelani Ngcuka ("our client"/ "Mr Ngcuka"). We confirm our instructions to object to the application and to oppose it. As the Chairperson has already granted the application our instructions are to apply for the Chairperson to reconsider that directive for the following reasons:

2. In terms of Rule 3.4 on which the applicants place reliance, an application in terms of Rule 3.3.6 must be submitted in writing to the Secretary of the Commission within 14 calendar days from the date of the notice referred to in Rule 3.3. The application must be accompanied by a statement from the implicated party responding to the witness' statement insofar as it implicates him or her. The statement must make it clear what

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parts of the witness's statement are disputed or denied and the grounds upon which those parts are disputed or denied. However, only persons who are implicated have a right to cross examine a witness in terms of Rule 3.3. To the best of my knowledge the Calata Group are not implicated in any manner in the statement of Mr Ngcuka.

3. It is also notable that Webber Wentzel had in it's letter addressed to the Commission on 29 September 2025, applied to cross examine Mr Ngcuka. Webber Wentzel and the Calata Group have, therefore, known since 29 September 2025 what they wanted to cross examine Mr Ngcuka about but elected not to notify the Commission or Mr Ngcuka about what they wanted to cross examine him about until the last moment before Mr Ngcuka's attendance at the Commission to give his evidence. This is highly prejudicial to Mr Ngcuka's rights and interests.It places both Mr Ngcuka and his legal representatives under unreasonable pressure.A copy of the letter from Webber Wentzel Inc. dated 29 September 2025 is attached.

4. It is also noted that Mr Ngcuka is not a recipient of a Rule 3.3 Notice.

5. The reliance by the applicants on Rule 3.4 for their application to cross examine Mr Ngcuka is accordingly misplaced,and must be denied by Chairperson as it does not satisfy the jurisdictional facts necessary for the application of Rule 3.4.

6. It is further noted that Mr Ngcuka was invited by the Commission to assist it with information relating to matters relating to his term of office as set out in the letter of invitation in response to which his statement is submitted. Upon inquiry as to whether Mr Ngcuka is implying under the terms of reference, Mr Ngcuka was advised on behalf of the Commission that he was not.

7. It is accordingly unclear on what the Calata Group wishes to achieve by cross examining Mr Ngcuka in the circumstances. Also,the Priority Crimes Litigation Unit which was responsible for the management of investigations and prosecutions of TRC cases was at all material times under the management and overall supervision of a Deputy National Director of Public Prosecutions. The same applies to the Directorate of Special Operations ("the DSO"). The incumbents of these offices are therefore best placed to answer the questions that the applicants want to cross examine Mr Ngcuka about.

8. In all the circumstances,it will be submitted that the application to cross examine Mr Ngcuka must be dismissed.

Yours faithfully,

*[Served electronically therefore unsigned]*

**Ramsay Webber Incorporated**

Per: Dumisani Tabata | Director | E: dt@ramweb.co.za

T + 27 11 778 0600 | F + 27 11 778 0600

WEBBER WENTZEL
in alliance with > Linklaters

**Adv M Thokoa**
Secretary: Commission of Inquiry, Stopped TRC Investigations and/or Prosecutions
**By email:** secretary@trc-inquiry.org.za

90 Rivonia Road, Sandton
Johannesburg, 2196

PO Box 61771, Marshalltown
Johannesburg, 2107, South Africa

Docex 26 Johannesburg

**T** +27 (0) 11 530 5000
**F** +27 (0) 11 530 5111

**www.webberwentzel.com**

| Your reference | Our reference | Date |
|---|---|---|
| TRC Cases Inquiry | A Thakor / N Thema / J Venter / LM Doubell / 4017862 | 29 September 2025 |

Dear Adv Thokoa,

**COMMISSION OF INQUIRY: HEARING SCHEDULE AND WITNESSES**

1. We act on behalf Lukhanyo Calata, twenty-five other survivors and families of victims of apartheid era gross human rights violations and the Foundation for Human Rights.

Hearing schedule

2. On 24 September 2025, we provided you with a proposed draft hearing schedule for the Commission's review.

3. We understand that the Commission has provisionally approved this hearing schedule. We suggest that it be circulated to the parties as soon as possible.

Witnesses

4. We confirm the arrangement reached between the Commission's evidence leader, Adv Semenya SC and our lead counsel, Adv Varney, that Adv Varney will lead the evidence of our clients' witnesses during the public hearings.

5. Our clients' witnesses are:

5.1 Lukhanyo Calata

5.2 Thembisile Simelane

5.3 Yasmin Sooka

5.4 Adv Dumisa Ntsebeza SC

5.5 Ole Bubenzer

5.6 Michael Schmidt

5.7 Adv Anton Ackermann SC

**Senior Partner:** G Driver **Managing Partner:** S Patel **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp TB Ball DC Bayman AP Blair K Blom N Blom AJR Booysen AR Bowley M Bux V Campos RI Carrim T Cassim SJ Chong ME Claassens KL Collier KM Colman KE Coster K Couzyn DB Cron PA Crosland R Cruywagen JH Davies KM Davis PM Daya L de Bruyn PU Dela M Denenga C Dennehy DW de Villiers HM de Villiers ST Dias BEC Dickinson DA Dingley W Drue E Durman GP Duncan CP du Toit TC Dye L Dyer SK Edmundson LF Egypt KH Eiser JC Els S Farren K Fazel G Fitzmaurice JB Forman L França M Garden MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green O Gusha JM Harvey JS Henning KR Hillis CM Holfeld PM Holloway SJ Hutton KT Inglis ME Jarvis JC Jones CM Jonker S Jooste LA Kahn L Kamukwamba M Kennedy A Keyser GR Kgaile MT Kgoadi A Khumalo KE Kilner MD Kota JC Kraamwinkel AC Kruger S Kruger J Lamb LC Lambrechts LM Lamola B Lötter E Louw CF Mackenzie M Mahlangu V Mannar CCT Marupen-Shkaidy G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer A Mhlongo AJ Mills D Milo M Mkhabela DR Mogapi P Mohanlall L Moolman LE Mostert VM Movshovich M Mpungose A Muir C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndiweni ST Ngcamu LM Nkanza C Nöthling PD Novotny M Nxumalo AN Nyatsumba MB Nzimande A October L Odendaal N Paige AS Parry GR Penfold SE Phajane M Philippides BA Phillips MA Phillips CH Pienaar MP Pool DJ Rafferty D Ramjettan GI Rapson K Rew G Richards-Smith SA Ritchie J Roberts BJ Rule S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira CF Sieberhagen P Singh S Sithole J Smit C Smith P Soni MP Spalding MW Straeuli LJ Swaine Z Swanepoel WV Tembedza A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tlhavani G Truter PZ Vanda SE van der Meulen JP van der Poel MS van der Walt CS Vanmali N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warmington J Watson M Wessels AWR Westwood RH Wilson JS Whitehead KD Wolmarans

5.8 Adv Vusi Pikoli.

6. To the extent necessary we may seek the opportunity to re-examine the abovenamed should anything material arise in cross-examination by other parties.

7. We confirm that our clients are available on the allotted dates. We confirm that Ole Bubenzer (who is based in Germany) will testify via video link; and that the Commission will assist with logistical arrangements for Ackermann SC (who is based in Hermanus).

8. We confirm that we have provided the Commission with digital links to the statements of the above-mentioned witnesses. Certified hard copies will be provided in the near future. These witnesses will confirm their statements when under oath on the stand.

9. In respect of the witnesses listed below, we confirm that the Commission's evidence leaders will consult with them, ensure their presence at the hearing and lead them:

9.1 Adv Chris Macadam - 082 498 6033

9.2 Imtiaz Cajee - 082 445 2086

9.3 Adv Torie Pretorius - 084 821 1378

9.4 Adv Paddy Prior - paddyprior@law.co.za

9.5 Judge Vincent Saldanha - Western Cape Division of the High Court, Cape Town

9.6 Adv Bulelani Ngcuka - https://www.linkedin.com/in/bulelani-ngcuka-b29170125/

9.7 Andrew Leask - https://www.linkedin.com/in/andrew-leask-58a6a941/ (AfriForum Private Prosecutions Unit)

10. We advise that we have provided digital links to the affidavits of Mr Cajee, Adv Pretorius and Adv Macadam (filed in the Rodrigues matter). These witnesses can also be asked to confirm their statements when under oath on the stand.

11. To the extent necessary, the evidence leaders will have to secure statements from Adv Prior, Judge Saldanha, Adv Ngcuka and Mr Leask.

12. We are advised that Adv CB Ferreira is deceased. He can be removed from the schedule.

Cross-examination

13. We hereby apply to cross-examine Adv Ngcuka, Adv Macadam and Adv Pretorius. We may have follow up questions for Adv Prior, Judge Saldanha, Mr Leask and Mr Cajee, which, if necessary, can be put to them by way of cross-examination.

Yours faithfully

**WEBBER WENTZEL**
Asmita Thakor
Partner
Direct tel: +27 11 530 5875
Email: asmita.thakor@webberwentzel.com