

**NOTICE IN TERMS OF RULE 3.3 OF THE RULES OF 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**

TO: Anwa Dramat

EMAIL: [Anwadramat@gmail.com](mailto:Anwadramat@gmail.com)

**INTRODUCTION AND ESTABLISHMENT OF THE COMMISSION**

1. On 29 May 2025, the President of the Republic of South Africa issued Proclamation Notice No. 264 of 2025, establishing 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 (“the Commission”).
2. The Commission was appointed in terms of section 84(2)(f) of the Constitution, 1996. The Honourable Madam Justice S. Khampepe serves as Chairperson, with the Honourable Mr Justice F. D. Kgomo and Adv A. Gabriel SC as members.
3. In terms of its mandate, the Commission is required to inquire into, make findings, report on, and make recommendations concerning allegations that, since 2003, efforts or attempts were made to influence, pressure, or otherwise improperly prevent the South African Police Service and/or the National Prosecuting Authority from investigating or prosecuting TRC cases. The Terms of Reference further require the Commission to determine whether officials within these institutions colluded in such efforts, and whether

further action—including investigations, prosecutions, or the payment of constitutional damages—is warranted.

4. Among the parties identified as having a substantial interest in these proceedings are:
  - a. The applicants in the matter of L.B.M. Calata and 22 Others v Government of the Republic of South Africa and Others (Case No. 2025-005245, North Gauteng High Court, Pretoria); and
  - b. The families of victims in TRC cases who have a substantial interest in the matters under inquiry.

**NOTICE IN TERMS OF RULE 3.3**

5. This notice is issued in terms of Rule 3.3 of the Rules of the Commission, read with the Regulations made under Government Notice R.278 of 2025.
6. The Commission's Evidence Leaders intend to present the evidence of one or more applicants in the Calata case, and any person who in the opinion of the Evidence Leaders possesses information that relates to the paragraph 9 allegations against you and is relevant to the Commission's work.
7. The specific date and venue for the hearing at which such evidence will be presented will be communicated to you in due course.
8. The paragraph 9 evidence, being the extract of the Calata matter's founding affidavit, with corresponding paragraph numbering, implicates, or may implicate, you in allegations regarding efforts or attempts to halt or suppress the investigation or prosecution of TRC matters. Further details of the Calata

proceedings, including the said affidavit, are available on the Commission's website at [www.trc-inquiry.org.za](http://www.trc-inquiry.org.za).

## **PARTICULARS OF IMPLICATION**

9. It is alleged as follows:

**311.** *Macadam was told to meet with Commissioner Anwar Dramat, the newly appointed Head of the DPCL He then made a number of unsuccessful attempts to secure a meeting with Dramat During this period, the unidentified case that was due to prescribe on 12 September 2009, prescribed without being taken further. It can be safely assumed that a large number of other crimes associated with the TRC cases prescribed during this period. Par 311, page 124*

313. *Ultimately Macadam met with Assistant Commissioner Godfrey Lebeya on 26 November 2009 where the issue of conducting investigations was discussed resulting in Macadam addressing a letter to Lebeya on 18 January 2010, which is attached to Macadam's affidavit (FA5) as annex RCM7 (at p826). The letter is reproduced below:*

*“My letter dated 13 July 2009, addressed to Deputy National Commissioner Dramat and Divisional Commissioner Lalla, and our meeting of 26 November 2009 have reference. The issue related to the appointment of investigators to investigate the 11 matters identified by the NPA, which were itemised in my letter of 13 July 2009. Subsequently, the Acting National Director of Public Prosecutions declined to prosecute*

*in the Lubowski matter and consequently, only the remaining 10 cases on the list required attention.*

***Senior Superintendent Bester of your office attended our meeting and informed you that he was in possession of a number of further dockets which he felt also required investigation. On 6 December 2009,1 had a meeting with Senior Superintendent Bester and established that these dockets related to cases against the Liberation Movements in respect of which a decision was taken in 2004 by the then National Director not to prosecute. It should be noted that in the main, all the suspects implicated in the dockets had applied for and received amnesty. I therefore informed Senior Superintendent Bester that there was no basis upon which these cases could be reopened.***

*Consequently, only the remaining 10 cases on the list require attention. Since you raised the sensitivity of the matters with me, the National Director of Public Prosecutions was given a full written briefing on the matters. I had a meeting with him today and he indicated that SAPS should in fact investigate all the matters which required investigation. The matters should be referred to my office once the investigations have been concluded. Should you require any guidance as to how the matters should be investigated, you are at liberty to approach me for any such*

*assistance which you might require. Given the nature of the cases, it may be desirable that we meet to discuss the issues in person and in this regard, I would be grateful if you could indicate when you would be available to meet with me.” (Bold added) Par 313, page 125.*

*34. I attach as Annexure RCM6 a trail of emails between myself and various role-players showing my efforts to try and have these matters investigated. I initially had a series of meetings with Rayman Laila, the then Divisional Head of the Detective Service of SAPS. He however informed me that the National Commissioner had decided that the cases had to be investigated by the Directorate Priority Crimes Investigation (DPCI). I therefore made a number of unsuccessful attempts to secure a meeting with Commissioner Dramat, Head: DPCI. **Para 34, page 282***

*Hallo Helena, Comm Laila agreed to the meeting but requested that we involved Deputy National Commissioner Dramat. Welma will speak to Iris office and let you know. We are currently looking at the week of the 20<sup>th</sup> July, Regards, Colla. **Page 302, email from Bezuidenhout Colla to Helena Zwart.***

*Helena Laila Rayman - Divisional Commissioner [LallaR@saps.org.za] 14 July 2009 08:32 AM Helena Zwart (H) RE: TRC cases requiring investigation*

*Dagse Helena, Kommissaris Dramat se kantoor het nou net geskakel hy wil die vergadering uitstel na Augustus. Hy is nie beskikbaar volgende week nie. Ek sal die nuwe datum met jou kommunikeer. Groete Welma. Page 303, email from Lalla Rayman to Helena Zwart.*

*Beste Welma Aangeheg wind asb. 'n lys van die TRC-sake wat by die vergadering bespreek gaan word. Sal jy asb. so vriendelik wees om dit aan te stuur na die twee Kommissarisse, aangesien ons nog nie Kommissaris Dramat se kontakbesonderhede het nie? Het Colla die dringendheid van die Lubowski-saak met jou bespreek? Baie dankie en groete! Helena Zwart*  
**NPA. Page 303, email from Helena Zwart to Lalla Rayman**

*Good day Mr Macadam, We wish to acknowledge receipt of your e-mail. DNC Dramat is unable to meet with you presently but will revert back to you in due course. Thank you.*  
**Page 304, email from Pumla Mphothulo to Helena Zwart**

*Good morning, Commissioner Dramat's office is at room 627, 6th floor, Koedoe building (opposite Police Head office in Pretorius str). His office number is 012 393 5463 and email [dpci.head@saps.org.za](mailto:dpci.head@saps.org.za) His secretary is Pumla. I will ask Comm Laila about joining the meeting and will inform Helena. Regards, Colla.*  
**Page 304, email from Colla Bezuidenhout to Helena Zwart**

*Dear Colla, I recently had a telcom with your Commissioner in which he advised that the TRC and the nuclear matters which we have previously discussed would now have to be attended to by Commissioner Dramat. Is it possible to provide me with Commissioner Dramat's address and fax number so that I can set up a meeting with him? Would your Commissioner be amenable to facilitate the meeting, as it might help if the two of us can inform Commissioner Dramat of the history of these matters. Kind regards Chirs Macadam.*  
**Page 305, email from Helena Zwart to Bezuidenhout Colla**

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*be referred to my office once the investigations have been concluded. Should you require any guidance as to how the matters should be investigated, you are at liberty to approach me for any such assistance which you might require.*

*Given the nature of the cases, it may be desirable that we meet to discuss the issues in person and in this regard, I would be grateful if you could indicate when you would be available to meet with me. Yours sincerely Adv RC Macadam. **Page 306 to 307***

10. In early 2010, Adv Macadam was appointed by the Acting National Director to take overall the matters and to liaise directly with the DPCI, following an agreement reached between the NPA and General Dramat. **Par 10, page 533**

## **YOUR RIGHTS AND OBLIGATIONS**

313. You are entitled to attend the hearing at which the evidence relating to the above allegations, and any other that may be led against you, is presented. You may be represented by a legal practitioner of your choice.

314. Rule 3.4 requires that, within fourteen (14) calendar days of this notice, you submit a statement in the form of an affidavit responding to the allegations. Your affidavit must specify which parts of the evidence are disputed or denied, and set out the grounds for such dispute or denial.

315. If you wish to—

- a. give evidence yourself;

b. call any witness in your defence; or

c. cross-examine the witness whose evidence implicates you,

you must apply in writing to the Commission for leave to do so within fourteen (14) calendar days of this notice, accompanied by your affidavit.

316. You may also apply for leave to make written and/or oral submissions regarding the findings or conclusions that the Chairperson should draw from the evidence relating to you.

### **COMMUNICATION WITH THE COMMISSION**

317. All correspondence, applications, and affidavits must be directed to: The Secretary of the Commission email: [secretary@trc-inquiry.org.za](mailto:secretary@trc-inquiry.org.za)

**DATED at Sci Bono Johannesburg on 25 February 2026.**

For and on behalf of the Evidence Leaders to the Judicial Commission of Inquiry into Allegations Regarding Efforts or Attempts Having Been Made to Stop the Investigation or Prosecution of TRC Cases.