

**IN 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**

SUPPLEMENTARY AFFIDAVIT: PHILIPPUS CHRISTOFFEL JACOBS

I, the undersigned

PHILIPPUS CHRISTOFFEL JACOBS

do hereby declare under oath as follows:

1. I am an adult male and a retired member of the South African Police Service ("SAPS"), residing at 308 Bronberg Retirement Estate, 47 Midas Avenue, Olympus, Pretoria.
2. I am the deponent to the affidavit filed with the Commission on 26 February 2026.
3. The facts herein contained are, unless specifically stated or the contrary appears from the context, within my personal knowledge and to the best of my belief, both true and correct.

PURPOSE OF THIS AFFIDAVIT

4. This supplementary affidavit is filed pursuant to the Commission's correspondence dated 24 February 2026, wherein the SAPS was requested to provide the Evidence Leaders with documents related to the work of the Commission. Among the documents requested were my official diaries for the period 2002 to 2010.
5. Upon receipt of the Commission's correspondence being referred to above, I conducted a further search among the documents I relied on during the preparation of my affidavit filed with the Commission on 26 February 2026. I then



found a copy of what is referred to as the “early 2009 letter from the SAPS to NDPP”. This is a letter signed on 7 March 2008 by the then Acting National Commissioner Williams (“Commissioner Williams”), which was addressed to the Acting National Director of Public Prosecutions (“NDPP”) at the time, Advocate Mpshe. I wish to state I drafted the letter after being requested to do so by Commissioner Williams. A copy of the letter to that effect is annexed hereto and marked “SA1”.

6. Perusal of the letter being referred to above reveals that such was drafted consequent to an invitation received by the SAPS from the National Prosecuting Authority (“NPA”), for a meeting of the Interdepartmental Task Team (“ITT”) dealing with the post TRC matters. Pursuant to the prevailing difference of opinions between National Commissioner Selebi and the erstwhile NDPP, Advocate Pikoli, about the interpretation of the role and function of the ITT, the latter undertook to take the matter up with the Minister of Justice and Constitutional Development as per letter dated 6 February 2007. The issue of the difference of opinions that existed between the National Commissioner and the NDPP on the role of the ITT was also addressed in paragraphs 55 to 58 of my affidavit filed with the Commission on 26 February 2026.
7. It is further apparent from the contents of the letter that Commissioner Williams intended to inform Advocate Mpshe of the fact until such time that the matter had been clarified, the representatives of the SAPS were instructed not to attend meetings of the ITT.
8. Of importance to mention is the fact that Commissioner William’s letter addressed to Advocate Mpshe on 7 March 2008 was accompanied by a copy of Advocate Pikoli’s letter dated 6 February 2007, a copy of which is annexed to my affidavit dated 26 February 2026 as “PCJ16”.
9. I further need to make mention of the fact that, following the letter I prepared for the National Commissioner’s office on the TRC matters during March 2008, I was not aware of any feedback having been received from Advocate Mpshe in that regard. To my knowledge, the matter remained unresolved since it became



apparent that the ITT could no longer function meaningfully as clarity was not attained. As a result, I was never instructed to attend any meeting of the ITT again.

10. During the process of searching for the documents requested by the Evidence Leaders as stated above, I also came across a copy of an unsigned information note I prepared during February 2009 under file number 25/6/2(3788). The purpose of the draft information note was to inform the Divisional Commissioner: Detective Service, Commissioner Raymond Lalla, Acting National Commissioner Williams and the Minister of Safety and Security, Mr Charles Nqakula, of the developments regarding the investigation and prosecution of TRC matters. A copy of the unsigned information note that I drafted is annexed hereto and marked "SA2".
11. Perusal of the information note reveals that it was prepared after the Acting NDPP at the time, Advocate Mpshe, had informed the SAPS of the pending appeal lodged by the NPA in the case of *Nkadimeng and Others vs National Director of Public Prosecutions and Others*¹ ("Nkadimeng I"). The appeal emanated from the decision by then Transvaal Provincial Division ("TPD") declaring the amendments to the NPA's Prosecution Policy dated 01 December 2005 invalid, unlawful and unconstitutional. The NPA consequently expressed the view that the pending appeal should not prevent the investigations in the TRC cases from continuing in the interim. This was informed by the fact that the appeal had the effect of suspending the order issued by the court pending finalisation of the matter.
12. Dr Ramaite and Advocate C Macadam of the NPA had earlier indicated to the SAPS that the cases listed in the documents that accompanied the information note submitted to the Minister's office were being studied by the NPA with a view of establishing if there was a need for further investigation(s) by the SAPS. These matters would then be referred to the respective departments, including the National Intelligence Agency (NIA), to advise the NPA on issues such as security concerns related to the said matters. If the NPA, after consideration of the

¹ (32709/07) [2008] ZAGPHC 422 (12 December 2008)



concerns raised, deemed it necessary to proceed with such matters, it would then seek investigative assistance from the SAPS

13. During the Ginwala Inquiry established in October 2007, the ITT established in terms of the Policy had practically reached a stalemate based on the issue of the difference of opinions regarding the role of the Directors-Generals in relation to the ITT *vis a vis* the NDPP.
14. I wish to state that my role in relation to the draft information note was limited to the compilation of the said note. I am therefore not in a position to confirm as to whether Commissioners Lalla and Williams subsequently signed and forwarded the information note to the Minister.
15. Regarding the request for my official diaries from 2002 to 2010, I am currently not in possession of any of the said diaries. Due to the time lapse since my retirement from the SAPS in 2017, I have no recollection if my diaries for the said period were ever preserved and the possibility exists that they may have been misplaced. Since my retirement the personnel in my previous office have been relocated twice. Save for the documents attached to my affidavit filed with the Commission on 26 February 2026 as well as those annexed to this supplementary affidavit, I do not have further documents set out in the list of required documents sent by the Evidence Leaders.



DEPONENT

THUS SIGNED AND SWORN TO before me at Pretoria on this 25th day of **MARCH 2026** the deponent having acknowledged that he knows and understands the contents of this affidavit, he has no objection to take the prescribed oath and considers it to be binding on his conscience.



COMMISSIONER OF OATHS

Name: Daniel Jacobus Retief.

Address: 222 Kivonia Road, Morningside, Sandton

Designation: Attorney

25 March 2026

A handwritten signature in black ink, appearing to be 'Keteje'.Two handwritten signatures in black ink, one on the left and one on the right.

South African Police Service  *Suid-Afrikaanse Polisie*

Private Bag
Privaatsak

X94

Fax No:

Faks No:

Your reference/U verwysing:

My reference/My verwysing: **3/5/2(308)**

Enquiries/Navrae:

Acting National Comm. T Williams

Tel:

(012) 393-1536

THE NATIONAL COMMISSIONER
DIE NASIONALE KOMMISSARIS
PRETORIA
0001

Advocate Mpshe
Acting Director of Public Prosecutions
Private Bag X752
Silverton
PRETORIA
0001

Dear Advocate Mpshe

INTERDEPARTMENTAL TASK TEAM DEALING WITH POST – TRC MATTERS

The representative of the South African Police Service received an invitation for a meeting of the above-mentioned Task Team scheduled for 13 March 2008.

As you know, there had been correspondence between the National Commissioner and the National Director of Public Prosecutions about the interpretation of the role and functions of the Task Team *vis-a-vis* the Director – General, of the Departments represented in its, Advocate Pikoli agreed that there is a difference of opinion on the matter, and undertook to take the matter up with the Minister of Justice, and Constitutional Development (a copy of the letter is attached for your convenience). To date no feedback has been received and the matter remains unresolved.

Until such time that the matter has been cleared up, I am of the view that the Committee cannot function meaningfully.




Please inform me as soon as possible of how you see the role of the Directors-General of the Departments involved in the Task Team.

Until such time that the matter is resolved, I have instructed the representatives of the South African Police Service not to attend meetings of the Task Team.

Your urgent response will be appreciated.

With kind regards.



**ACTING NATIONAL COMMISSIONER
TC WILLIAMS**

Date: 2008/03/07

PCJ 3497



Office of the National Director of Public Prosecutions



The National Prosecuting Authority of South Africa
Igumyama Jikelele Labatshutshisi boKwazi
Die Nasionale Vervolgingsgesag van Suid

Ref: NDPP / KP

Mr J.S. Selebi
National Commissioner
South African Police Service

Fax no.: (012) 393 - 1530

6 February 2007

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton

P/Bag X752
Pretoria
0001

Tel: (012) 845-6000
Fax: (012) 845-7291
www.npa.gov.za

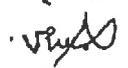
Dear Commissioner Selebi

Re: OUTSTANDING TRC CASES

Your letter of 6 February 2007 refers.

I advise that it is clear that our understanding of the mandate of the task team, as well as the guidelines that Cabinet approved, are not the same. In the circumstances, this matter, as well as other issues that have emerged in the course of the NPA dealing with the TRC cases, are currently being taken up with the Minister of Justice and Constitutional Development.

Kind regards


ADV. V.P. PIKOLI
NATIONAL DIRECTOR OF PUBLIC PROSECUTION
DATE: 06.02.2007





FILE NO: 25/6/2(3788)

INFORMATION NOTE

To: The Minister for Safety and Security

INVESTIGATION OF MATTERS EMANATING FROM THE TRUTH AND RECONCILIATION COMMISSION (TRC)

1. Cabinet approved guidelines to deal with matters which are still unresolved following the conclusion of the work of the TRC. These matters remain open as a result of either a refusal of the TRC to grant amnesty in respect of particular events/persons; or that the alleged perpetrators have not applied for amnesty in respect thereof.
2. The Cabinet guidelines were captured in the prosecution policy of the National Director of Public Prosecutions. In a judgement of the High court (TPD), brought in respect of amongst others, the murder of the Cradock four in which Security Branch officers were implicated, the Court held that the policy amendments to the National Prosecuting Authority Policy dated 1 December 2005, are unconstitutional and unlawful and invalid.

The Court amongst others observed that: **"Crimes are not investigated by victims. It is the responsibility of the police and Prosecution Authority to ensure that cases are properly investigated and prosecuted. Victims of crimes rely on these institutions for investigation and prosecution. The essence of the complaints is that the policy amendments allow the first respondent not to prosecute, even in circumstances where there is a prima facie case...."** (par 16.2.3.3).



The court also observed that **"The whole procedure as envisaged in part B1, is a recipe for conflict and absurdity"**. (par. 15.5.4).

The office of the Acting National Director has now indicated that an appeal has been noted and that the effect of the noting suspends the Court's ruling. The NPA consequently expressed the view that the appeal should not prevent investigations being conducted in connection with TRC cases in the interim.

3. During the Ginwala Inquiry, the Interdepartmental Task Team established in terms of the Policy, practically reached a stalemate, as a result of differences of opinion on the role of the Directors-General of the Departments constituting the Task Team, *vis-à-vis* the National Director of Public Prosecutions.
4. Dr. Ramaite and Advocate C McAdam of the NPA has indicated that the cases listed in the attached list are being studied by the NPA at the moment with a view to indicate what further police investigations are required. The matters will then be referred to the respective departments, including the National Intelligence Agency (NIA), in order to advise the NPA on issues, such as security concerns. Should the NPA, after consideration of the concerns deems it necessary to proceed with the matters, investigative assistance will be requested from the SAPS.
6. NIA (Mr. Pete Richer) has also indicated that NIA is willing to proceed with cooperation in the Task Team.



7. Submitted for the Minister's information. The Minister will be appraised of further developments.

Asst. Commissioner

**HEAD: LEGAL SUPPORT: CRIME OPERATIONS
PC JACOBS**

Date:

Noted:

DIVISIONAL COMMISSIONER: DETECTIVE SERVICE

R LALLA

Date:

Noted:

**Acting/NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
TC WILLIAMS**

Date:

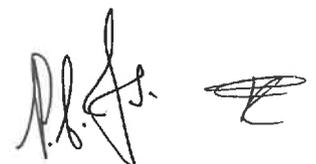
Noted:

MINISTER

Date:

cc/ Director Martin Naude

PCJ 3703

Handwritten signatures in black ink, including a large signature and a smaller one to the right.