

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

STATEMENT: APPLICATION TO CROSS-EXAMINE

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.
3. I depose to this statement on behalf of my clients, including Adv Anton Rossouw Ackermann ("**Adv Ackermann**"), who we represent in these proceedings. I am duly authorised to do so.
4. This statement is made in support of an application in terms of Regulation 8(3) of the Commission's Regulations, read with Rule 3.7 of the Commission's Rules to cross examine General Rayman Lalla ("**Gen Lalla**").

THE APPLICATION

5. Gen Lalla has filed two statements with the Commission:
 - 5.1 The statement dated 4 November 2025 ("**November 2025 Statement**" or "**first statement**" or "**statement 1**"), and
 - 5.2 The statement dated 8 April 2026 ("**April 2026 Statement**" or "**second statement**" or "**statement 2**").

6. Our clients wish to put questions to Gen Lalla in relation to the following aspects arising from his statements and his testimony before the Commission on 10 April 2026:

The Amnesty Task Team (ATT)

7. Gen Lalla was appointed to the ATT as the SAPS representative.
8. In relation to the ATT meeting Gen Lalla attended, we would like him to answer questions in respect of the following references in his first statement:
 - 8.1 “given the nature of the matters presented as they were about the legal approach to the rules and procedures envisaged.”
 - 8.2 The statement by Dr Jacobs “that SAPS did not have a single docket or Inquiry of TRC related cases. These were all In the hands of the NDPP. Further, if the mandate was to be changed it would require steps to be taken by Parliament, the Executive and the DoJ.”
9. We seek his views, as a former national head of Crime Intelligence and national head of Detective Services, on the:
 - 9.1 Creation by the executive of the ATT, (comprising members of the ATT, NIA, DOJ, NPA, SAPS and DOD) to *inter alia* propose new criteria for prosecution decisions in respect only of the TRC cases, which were mostly murders and kidnappings.
 - 9.2 The creation by the ATT of a Departmental Task Team (including a member of the President’s Office) to advise it on a process to decide on the advisability of a prosecution in each TRC case; and a possible further amnesty.
 - 9.3 The directive by the Directors General Forum to the ATT to advise it on whether there is a way in which private prosecution and civil litigation can be eliminated if the NDPP decides not to prosecute any TRC case.

The approach by Adv Macadam in 2009 for investigators for the TRC cases

10. We would like Gen Lalla to respond to questions arising from paras 306 to 314 of the Calata Affidavit (also reproduced in the Rule 3.3 Notice) dealing with the plea by the NPA to SAPS for investigators to handle the TRC cases. Questions include:
 - 10.1 Gen Lalla's response to the fact that by 2009 the NPA was still struggling to secure investigation officers for the TRC cases.
 - 10.2 His response to Adv Macadam's statement at para 309: "We have been taking quite a beating due to the fact that nothing has been done on these matters for a number of years and in fact, in certain cases the victims are threatening us with *mandamus* applications."
 - 10.3 Whether he has any knowledge how the investigator, Senior Superintendent Bester, appointed in late 2009 to investigate TRC cases was selected.

Denial that the NPA brought any TRC docket or inquiry to him

11. In his November 2025 statement Gen Lalla states that:

*"At no stage during the whole of my SAPS career, spanning the period 1995 to 2011, did either the DoJ or NDPP bring any TRC docket or specific Inquiry to my personal attention."*¹

12. Gen Lalla is requested to respond to Adv Macadam's statement before the Commission that on 4 June 2003 he wrote to Gen Lalla requesting assistance with TRC-related matters. This letter is attached as "AD9" to Adv Macadam's statement.²
 - 12.1 The first matter raised with Gen Lalla was the allegation that Ms Mandela took part in the killing of Chris Hani and assistance was sought in identifying an informant.

¹ Statement of R, Lalla, November 2025, para 6

² Statement of R.C Macadam, p 9 at para 31.5; Statement of R.C Macadam, Annexure "AD9", p 45 of Annexures Bundle.

- 12.2 Requests to Gen Lalla for Security Branch records in relation to the Motherwell Bombing / Brian Ngqulunga / De Kock / General Nick van Rensburg investigations.

The meeting between Gen Lalla, Adv Ackermann, Adv Macadam and Adv Pretorius on 25 August 2003.

The details of the meeting

13. Gen Lalla confirms in his April 2026 statement and his evidence before this Commission that the meeting took place. However, he did not elaborate on the reason for the meeting and the details of what was discussed.
14. Adv Ackermann confirms that the purpose of the meeting was to advise Gen Lalla that the Priority Crimes Litigation Unit ("**PCLU**") was struggling to get investigators for the TRC cases and to try and resolve the impasse.³
15. In particular Adv Ackermann expressed his dissatisfaction with the DSO and informed Gen Lalla of the allegations being made against the President.⁴ Ackermann voiced his "*frustration and disgust with the refusal of the DSO to take on the TRC cases*".⁵
16. Adv Ackermann's version of the meeting was not put to Gen Lalla. We wish to do so.

The recording of the meeting

17. Gen Lalla also confirms that he recorded the meeting, without the knowledge or consent of Adv Ackermann, Adv Macadam and Adv Pretorius.
18. Gen Lalla stated that he recorded the meeting for the following reasons:

MR LALLA: Historically, when it came to investigation of cases, there was a lot of confusion about who is investigating what, who is investigating what. So, I am now the head of Crime Intelligence, and I questioned myself, that why am

³ Statements - NPA - PCLU - Ackermann - Documentary Evidence - Ackermann to Pikoli 16 May 2006 NIA incidents: <https://share.google/qdINleNdlmiANnLE>

⁴ Id at para 14. See also transcript DAY 17- 04-03-26 at pages 47 – 50. <https://www.trc-inquiry.org.za/wp-content/uploads/2026/03/Day-17-Adv.-Ackermann-04-03-26.pdf>

⁵ Calata Group Volume, Bundle 3, p 21, at para 9.

I being asked about this structure because, I understood it as the PCLU was going to look for investigative capacities within the NDPP, NPA and within SAPS.

And on the basis of that I recorded the meeting, because there was multiple misinformation, disinformation of how structures are working, or whether people can interfere in prosecutions or not interfere in prosecutions, and so there was a lot of confusion around that.

So, on the basis of that I thought it is best that record the meeting, so when I communicate to my subordinates, I am in a position to tell them categorically where to operate, what is the parameters of operation and where to back off.

Because very often people will leave our office and be able to communicate adverse things as if we agreed with them, and that was the sum total of my experience when we dealt with the violence in KwaZulu-Natal. One adversary or the other will come and want to represent the story as if the police agrees with them.⁶

19. In his evidence, Gen Lalla explained that he informed the then National Commissioner Jackie Selebi ("**Commissioner Selebi**") about the recording in a telephone conversation. He states that Commissioner Selebi telephoned him to discuss another matter (related to anthrax).

MR LALLA: Some months later, I do not know, a year or a month later, but I think it is some months later if I look at the date, I was called by the then National Commissioner, who spoke to me about another aspect I was dealing with the Foreign Law Enforcement Agency in regards to anthrax dispatch. And then he said, by the way ...

MR LALLA: ... Okay, the National Commissioner was Commissioner Selebi, so it was a telephonic conversation. I said to him, you know what, I do not want to go into details with who said what, but I said I did record the meeting, here is the recording. He is my accounting officer, and he should know the truth, and I gave him the recording, well, somebody in my staff gave him the recording.

20. The explanation offered by Gen Lalla is cryptic. Since the TRC cases had nothing to do with the anthrax matter, we wish to ask Gen Lalla to explain the connection or provide the missing information which prompted him to offer the recording to Commissioner Selebi.

21. We wish to put the following to Gen Lalla and get his responses:

⁶ Transcript DAY 30 -- 10-04-26 R LALLA

- 21.1 Commissioner Selebi must have raised the claim that the PCLU was investigating the ANC leadership.
- 21.2 Since Adv Ackermann had raised the “allegations against the President”⁷ this likely prompted Gen Lalla to mention the meeting and recording.
22. We wish to put it to Gen Lalla that his decision to hand over the recording to Commissioner Selebi:
- 22.1 had nothing to do with his reason for the recording, namely preventing misinformation or preventing confusion or disagreements arising from what was said at the meeting.
- 22.2 it was rather handed over to assist his superior officer, Commissioner Selebi, to pursue his agenda in relation to the handling of the TRC cases, and
- 22.3 that he likely knew that Commissioner Selebi would use the recording against Ackermann and the PCLU.
23. We wish to ask Gen Lalla whether he was aware that Commissioner Selebi was playing a central role in the efforts to close down the TRC cases – in particular the cases against the former apartheid regime, to prevent cases being pursued against the ANC leadership.

Gen Lalla’s characterisation of Adv Ackermann

24. In his evidence, Gen Lalla states that Adv Ackermann suffered a “breakdown” during the meeting of 25 August 2003. This was not mentioned in Gen Lalla’s two statements.
25. Gen Lalla’s characterisation is at odds with Adv Ackermann’s account of the meeting. Adv Macadam in his evidence also makes no mention of this.
26. We wish to put it to Gen Lalla that he is confusing Adv Ackermann’s robustness and frankness with a broken emotional state. To the extent that Gen Lalla persists with

⁷ Transcript DAY 17- 04-03-26 at pages 47 – 50. <https://www.trc-inquiry.org.za/wp-content/uploads/2026/03/Day-17-Adv.-Ackermann-04-03-26.pdf>

this claim, we will put it to him that it was made improperly to impugn Adv Ackermann's character and credibility.

CONCLUSION

- 27. The issues outlined above lie at the heart of the Commission's terms of reference and must be contested through cross-examination.
- 28. It is in the best interests of the work of the Commission that the Calata Group's Counsel be permitted to cross-examine Gen. Lalla.
- 29. In the light of the above, I humbly request the Chairperson to permit the Calata Group's counsel to cross-examine Gen. Lalla.

ASMITA THAKOR

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 _____ on _____ 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

Full Names:

Business Address:

Designation: