

**IN THE COMMISSION OF INQUIRY INTO ALLEGATIONS REGARDING EFFORTS
OR ATTEMPTS TO STOP THE INVESTIGATION OR PROSECUTION OF TRUTH
AND RECONCILIATION COMMISSION CASES: 2026**

BEFORE JUSTICES KHAMPEPE, JUSTICE KGOMO AND GABRIEL SC

APPLICATION TO CROSS EXAMINE ADV MPSHE

W.T

I, the undersigned

MOLWANTWA MORENA

do hereby state under oath as follows,

1. I am an adult male attorney of record for Advocate Menzi Simelane in this Commission of Inquiry and employed in the Office of the State Attorney in Pretoria.
2. The contents of this affidavit are within my personal knowledge unless the context indicates otherwise and are to the best of my knowledge both true and correct. Where I make legal submissions, I do so on the advice of my legal representatives, whose advice I believe is true and correct.
3. I depose to this statement on behalf of my client, and I am duly authorized to do so. This application is made in terms of **regulation 8(3)** of the commissions regulations read with rule 3.3.6.3 and rule 3.4 of the commission's rules.
4. Advocate Simelane has instructed us to prepare an application seeking leave to cross examine Advocate Mpshe on areas that are identified below, arising from the witnesses statement and oral evidence before the commission.

ADV SIMELANE'S APPLICATION TO CROSS EXAMINE ADV MPSHE

5. Adv Mpshe made serious allegations during his oral testimony before the commission on the 7 April 2026 in which he stated that adv Simelane had requested him to remove Adv Ackerman from the TRC matters.

 W-T

6. Adv Simelane has no recollection of such a conversation. I submit that it would be in the interests of the commission to allow adv Simelane an opportunity to cross examine the witness on this issue.
7. The commission is tasked with finding facts as to whether there was any efforts or attempts made to stop investigation or prosecution of the TRC cases. At the time this alleged request or statement was made, adv Mpshe was the acting NDPP, and has stated that he was the one who took a decision to remove Adv Ackermann SC from the TRC matters.
8. An allegation such this is potentially damning if left unchallenged, or context put to it. Adv Simelane should therefore be granted leave to cross examine Adv Mpshe on this aspect.

AREAS ON WHICH TO CROSS EXAMINE ADV MPSHE

9. The observations that he had regarding the challenge's he faced with the TRC investigations.
10. The nature of relationship between Ackermann and the investigative bodies of the SAPS and NIA.
11. Whether he engaged with the DG Justice to seek his intervention in order to get the SAPS cooperation.
12. Whether he engaged the JCPS cluster or the forum of DG's to seek understanding on the difficulties previously raised and how to resolve them.

 W.T

13. Whether his decision to remove Ackermann was coerced or strategic.
14. What his reasons were for removing Ackermann SC from the TRC cases.
15. Whether there was any efforts from the director generals to stop investigations and prosecution of the TRC matters.
16. Whether there was an active desire on the part of the DG's to have progress on the prosecution of TRC matters.
17. The circumstances under which Simelane would have asked him why he was keeping Ackermann.
18. Whether he was briefed by the NPA or Ackerman of Pikoli's decision to remove Ackerman from the TRC cases.
19. Whether he view the police commissioners concern over lack of consultation and insistence that recommendations be given before a decision is made as interference with prosecutorial independence?
20. Whether he was ever presented with a docket that was ready to prosecuted.
21. Whether he tried to enrol a matter and the enrolment be stopped.
22. Whether Ackerman or Macadam ever reported to him interference in their prosecutorial independence. Based on the above, I believe that it would be fair



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and importantly, advance the mandate of the Commission if the cross-examination of Adv Macadam is permitted.

23. Whether the removal of Ackerman caused a stop in investigation of the TRC matters.

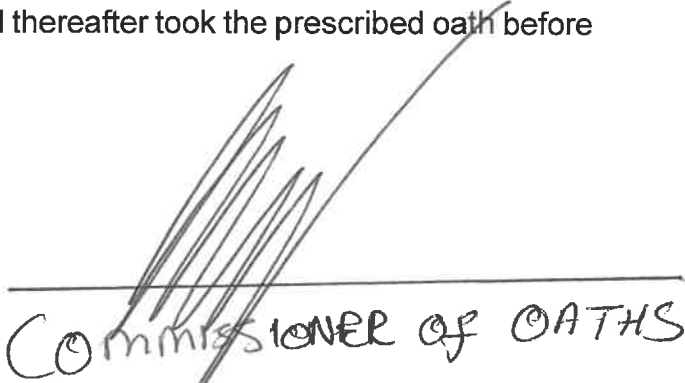
CONCLUSION

24. Based on the above, I believe that it would be fair and importantly, advance the mandate of the Commission if the cross-examination of Adv Macadam is permitted.



MOLWANTWA MORENA

I hereby certify that on the ¹⁰ day of **APRIL 2026** in my presence the Deponent signed this affidavit, swore and acknowledged that he knew and understood the contents thereof, had no objection to taking the prescribed oath, considered the oath to be binding on his conscience and thereafter took the prescribed oath before me.



Commissioner of OATHS
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