

**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**

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**APPLICATION TO CROSS EXAMINE ADV PIKOLI**

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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 Pikoli on areas that are identified below, arising from the witnesses statement and oral evidence before the commission.
5. Adv Simelane has further instructed us to seek condonation for non-compliance with the timeline in terms of rule 11.2 of the commission's rules.
6. The date on which adv Pikoli is scheduled to be cross examined is still to be determined or communicated



W.T

## **APPLICATION FOR CONDONATION.**

7. Adv Pikoli testified on the 12 and 13 March 2026.
8. In terms of the rules, are meant to apply within 14 days of having received the notice in terms of rule 3.3 to cross examine a witness.
9. Prior to adv Pikoli having given his oral evidence, there was no statement filed by him in terms of rule 3.3, only the statement he deposed to in May of 2015, in terms of which Adv Simelane was not implicated, there was thus no reason to seek to cross examine him then.
10. Once Adv Pikoli had testified, it has become apparent that he does implicate Adv Simelane, in that he alleges that the conduct of the DG's forum during his tenure as NDPP was such that it sought to interfere with his prosecutorial independence.
11. Adv Simelane was the co-chair of the forum, and by implication then means he is accused of having interfered with the prosecutorial independence of the sitting NDPP.
12. It would be in the interests of this commission as well as the interests of justice to allow Adv Simelane an opportunity to cross examine Adv Pikoli on his evidence. The commission would gain further insight into the allegations and be able to have the facts distilled.
13. We respectfully request condonation from the chair, as the allegations impact the commission's report and could seriously affect Adv Simelane if unaddressed.

 W.T

**ADVOCATE SIMELANE'S APPLICATION TO CROSS EXAMINE ADVOCATE PIKOLI.**

14. Adv Pikoli made allegations in his oral testimony in which he intimated that the Directors General were fettering with his prosecutorial independence when they raised concerns of not having been consulted before the decision to institute prosecution on the Chikane matter was made.
15. Adv Simelane disputes interference with the prosecutorial independence of the NPA, and applies to have Adv Pikoli cross examined on this and a few other areas of his oral testimony.
16. Adv Pikoli made damning allegations during his oral testimony, implicating Adv Simelane, in that he alleged that Simelane came to his office to have Anton Ackermann removed.
17. It would be in the interests of justice and the interests of the fact finding mission the commission is on that adv Simelane be granted leave to cross examine Adv Pikoli.
18. I do not wish to put a limit on the issues to be addressed in cross examination of Adv Pikoli, the following areas have been identified.

**AREAS ON WHICH ADVOCATE PIKOLI SHALL BE CROSS EXAMINED**

19. Adv Pikoli disputed that adv Simelane could have any personal knowledge of a memorandum allegedly written by him supporting the dissolution of the DSO.
20. Adv Pikoli disputed that some of the Directors General, knew him on a personal level and would call him Njiva.

 W.T

21. Adv Pikoli denied having attended a JCPS cluster meeting with Ackermann.
22. The reasons why the SAPS and NIA were not cooperative in relation to the investigation of the TRC matters.
23. Whether the problems posed by the DSO in relation to its work, including dealing with its intelligence gathering and its disputes with the SAPS on investigations and territory were discussed at the DG's forum.
24. Whether the issue of the dissolution of the DSO was discussed at the DG's forum.
25. Whether he wrote a memo to the DG's forum regarding the possible disbandment of the DSO.
26. What was the reason for his agreeing to remove what he termed as the "obstacle" being Ackermann SC from TRC matters.
27. The interministerial principles upon which he formed the DG's forum.
28. His understanding on the consultation requirement relating to TRC matters with the DG's forum
29. The manner in which he as co-chair of the JCPS cluster was of assistance to the then NDPP.
30. His denial of attending meetings with certain DG's of the JCPS cluster in the West Wing to discuss lack of cooperation the SAPS and NIA
31. The grounds upon which he opined that the JPCS cluster was interfering with his prosecutorial independence.

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**CONCLUSION**

32. Based on the above, i submit that it would be fair and in the interests of justice, as well as to the benefit of the commissions mandate if cross examination of Adv Pikoli by Adv Simelane is permitted.



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**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.



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**COMMISSIONER OF OATHS**

Full names: **WILSON TSHIVASE RAMBAU**

Address: **The White House, 40 Kerk Street  
Kempton Park**

Capacity: **Practising Attorney**