

**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 MACADAM

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 statement 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; rule 3.4 and rule 3.7 of the commission's rules.
4. Advocate Simelane has instructed us to prepare an application seeking leave to cross examine Advocate Macadam on areas that are identified below arising from the witnesses statements and oral evidence before the commission.
5. The date on which adv Macadam is scheduled to be cross examined is still to be determined or communicated.

 W.T

ADV SIMELANE'S APPLICATION TO CROSS EXAMIN ADV MACADAM.

6. Adv Macadam filed an affidavit dated 1 November 2018, which was filed in Joao Rodrigues application under case number 767551/18 in the High court, Pretoria division.
7. In this affidavit Adv Macadam alleged that work allocated to him by adv Simelane made it difficult for him to prosecute TRC matters.
8. Those same allegations were then used by Mr Lukhanyo Calata, in his 2025 application that lead this Commission being constituted to fortify his position that Adv Simelane had actively played a role in the stopping of investigations and prosecutions into TRC matters.

AREAS ON WHICH TO CROSS EXAMINE ADV MACADAM.

9. At paragraph 37 of his 2018 affidavit, he alleges that Adv Simelane assigned him to guide a series of serious corruption investigations in the Northern Cape and to represent the NPA in two civil matter.
10. In his statement written in response to the 3.3. notice of this commission, the witness at paragraph 66 again states that he was tasked by Adv Simelane to guide investigations into corruption cases in the Northern Cape.
11. Who was the person to whom the witness reported during the tenure of Adv Simelane?

 W.T

12. Does the witness alleged that his being assigned other work was with the intent to stop TRC prosecutions?
13. Whether the witness meant to draw the inference that by virtue of his other duties the TRC prosecutions were stopped?
14. The witness states at paragraph 67 that when Adv Simelane was placed on special leave he continued with guiding TRC investigations.
15. Does the witness mean to draw the inference that during the tenure of Simelane he did not or was precluded from guiding investigations by Adv Simelane?
16. Whether the witness ever discussed TRC cases with Adv Simelane, be it alone or in the presence of others.
17. Whether he met with Adv Simelane to discuss any case, including cases not related to the TRC.
18. His views on the whether commissioners complaint that the cluster ought to have been consulted before the Chikane matter was enrolled and recommendations be given.
19. Was the witness ever in possession of a docket that was ready to prosecute.

 W.T

20. Whether he ever tried to enroll a TRC matter, and such efforts be stopped by anyone including any DG.

21. Whether the witness or possibly Ackermann ever filed a complaint reporting that their work was being interfered with by any DG/

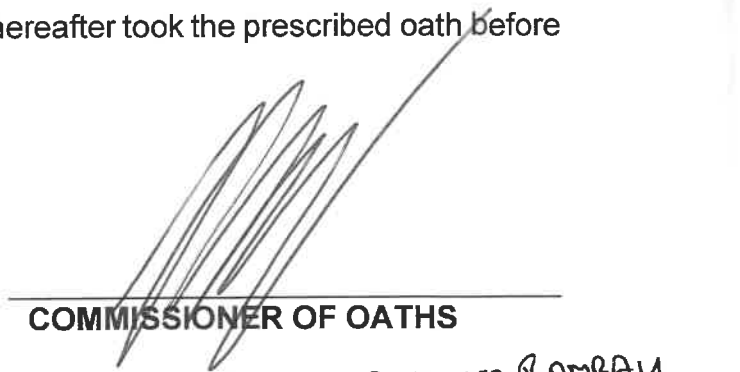
CONCLUSION

22. 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 10th 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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