

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

HELD AT:

Sci-Bono Discovery Centre, corner Mirriam Makeba & Helen Joseph Street,
Newtown, Johannesburg

**SOUTH AFRICAN POLICE SERVICE INDEX RELATING TO THE CROSS
EXAMINATION OF ADV ACKERMANN SC SETDOWN FOR 19 AND 20 MARCH
2026**

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Office of the National Director of Public Prosecutions



Victoria & Griffiths
Mxenge Building,
123 Westlake Avenue,
Weavind Park, Silverton

Commissioner J. Selebi
National Commissioner of Police
SA Police Service Head Quarters
PRETORIA
0001

Fax: (012) 393 1530

P/Bag X752
Pretoria
0001
Tel: (012) 845-6000
www.npa.gov.za

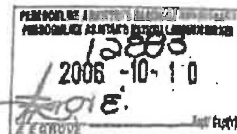
Dear Commissioner Selebi

PROSECUTIONS OF CRIMES EMANATING FROM CONFLICTS OF THE PAST

1. As you are aware, the Prosecuting Policy with regard to criminal matters arising from conflicts of the past came into effect on 1 December 2005.
2. In terms of the said guidelines, all such prosecutions will be conducted by the Priority Crimes Litigation Unit (PCLU), which is located in my office.
3. I have appointed Dr Siles Ramalhe to head and supervise the prosecution process of all TRC-related matters.
4. In terms of par B6 of the guidelines, the PCLU shall be assisted in the execution of its duties by a senior designated official of your department.
5. You are therefore kindly requested to nominate a senior official(s) to perform the above function.
6. You are further requested to make such official available to attend a meeting to be held in the Boardroom of the National Director of Public Prosecutions, VGM Building, 123 Westlake Avenue, Weavind Park on Thursday, 12 October 2006 at 14h00. You are also kindly requested to attend this first meeting.
7. Your assistance and cooperation in this regard will be highly appreciated.

Yours sincerely

ADV V.P. PIKOLI
ADV V.P. PIKOLI
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS



*Meeting moved to
2006/10/10.*

P. E. 3/11



7256 forms

Office of the Head
Priority Crimes Litigation Unit
VGM Building
PRETORIA

P. O. Box 752,
PRETORIA
0001

VGM Building
Hartley St.
Weavind Park
0001
Pretoria
South Africa

Tel: (012) 845 6474



TO: DR MS RAMAITE
FROM: ADV AR ACKERMANN SC
SUBJECT: AUDIT OF CASES EMANATING FROM TRC PROCESS
DATE: 24 OCTOBER 2006

1. HISTORICAL BACKGROUND

- 1.1 After the closure of the Goldstone Commission in 1993/94 the government of the day decided that its work in investigating human rights abuses relating to conflicts of the past should continue under the supervision of the then Attorney General of Pretoria, Dr J D'Oliveira. A team of the South African Police Service was seconded to his office to conduct the necessary investigations.
- 1.2 The team was divided into two groups. One focusing on offences committed by security force members and the other group on offences committed by Liberation Movements and the Right Wing.
- 1.3 This latter team comprised of Director Nel and Senior Superintendent Britz.
- 1.4 The Attorney General decided that Deputy Attorney General Fick would supervise all the investigations conducted by the two police officers while he would deal with cases involving security force members.
- 1.5 On 7 November 1996 the National Commissioner at the request

of Dr D'Oliveira instructed all his Provincial Commissioners to submit all outstanding and unsolved cases pertaining to the entire political spectrum of the conflicts of the past to Dr J D'Oliveira's office. Such instruction also related to cases where not all the accused had been prosecuted.

- 1.6 With the appointment of the NDPP the cases dealt with by D'Oliveira were transferred to his office while Fick continued to deal with the cases originally allocated to him i.e. the Liberation Movement cases. He continued to be assisted by the SAPS members, Nel and Britz. Their contracts were routinely extended by SAPS.
- 1.7 The NDPP however instructed Fick not to institute any prosecutions without his authorisation and no prosecutions were therefore instituted.
- 1.8 With the creation of the DSO in 2001 the cases with the NDPP were transferred to the DSO Head Quarters. Fick however continued with his cases assisted by the two police officers.
- 1.9 No prosecutions were instituted because the TRC's final report and the President's response thereto were outstanding.
- 1.10 With the creation of the PCLU in March 2003, the NDPP assigned all TRC matters to it after the TRC had tabled its final report and the President had mandated the NDPP to institute prosecutions where appropriate, arising from the TRC process.
- 1.11 The PCLU was not an investigative agency and was therefore dependant on SAPS and the DSO for investigations. The PCLU reports monthly to a Deputy National Director and the NDPP approved all its decisions to institute TRC prosecutions and, in certain high profile cases, certain decisions not to prosecute.
- 1.12 The DSO policy guidelines for prosecutions in these matters were accepted by the PCLU. In essence, these were to the effect that prosecutions should only be instituted for serious human rights abuses, based on reliable evidence while accepting that humanitarian factors and the interests of reconciliation could also be taken into consideration.
- 1.13 It was decided that Ackermann would take over Fick's cases and Macadam would take over the DSO cases.
- 1.14 The PCLU conducted an audit of all the cases in both offices.
- 1.15 In this auditing process it was established that the police officers at Fick's office at the DPP Pretoria had registered 395 police dockets.
- 1.16 During 2003/2004, Ackermann declined to prosecute in +- 80 of the abovementioned cases.
- 1.17 Similarly +- 50 cases from the DSO were finalised by Macadam and Ackermann.

1.18 The audit process further identified a small number of cases warranting prosecution which are dealt with hereunder.

1.19 The 395 police dockets which were in the possession of Nel and Britz were returned to SAPS and the NDPP informed Commissioner Tim Williams that these dockets were police property and that the NPA had no interest in them except if SAPS desired prosecutions in which case they could be re-submitted for these purposes. The then Director General of Justice, Mr V Pikoll and other high ranking officials were present when this discussion between the NDPP and Williams took place. As of the date of this memo, no such dockets have been submitted to the NPA for decision.

2. CASES FINALISED IN COURT

2.1 S v Khwezi Ngoma and Others (Mhaga)

This matter involved four APLA cadres who attacked Willowvale police station in 1994 resulting in the death of a policeman and another injured. They didn't apply for amnesty. They made representation through their attorneys requesting a withdrawal of the charges but it was rejected and entered into plea bargain and received suspended sentences.

2.2 S v Aron Tyanf & Another (Mhaga)

The matter relates to the attempted murder and murder of Stembele Zokwe an MK cadre during 1987 and 1988 by the Transkei security police. They were convicted and sentenced to direct terms of imprisonment in 2005.

2.3 S v Eugène Terre'blanche (Ackermann)

In November 2003 the accused pleaded guilty to several charges of terrorism, linked to 1994 pre-election bombings. He was sentenced to 6 years wholly suspended.

2.4 S v Bani (Macadam and Ackermann)

The accused was convicted on two counts of murder in Grahamstown High Court and sentenced to a partially suspended sentence.

3. MATTERS CLOSED BY PCLU

3.1 Death in detention Ahmed Timol

3.1.1 This matter relates to the death of Ahmed Timol who died in police detention on 27 October 1971 during interrogation by the Apartheid Security Police.

3.1.2 There was an allegation that one of the interrogators had confessed to a journalist that Timol had been murdered and that was followed up but was later denied by the said journalist.

3.1.3 The matter was therefore closed.

3.2 Death in detention of Steve Biko

The matter prescribed in 1997 as evidence only proves culpable homicide which according to our criminal law prescribes after 20 years.

3.3 Carl Niehaus (Macadam)

3.3.1 Victim tortured during detention.

3.3.2 Victim does not desire prosecution.

3.3.3 File closed.

3.4 Skouliedes (Macadam)

3.4.1 Victim's sister alleged that her brother had been framed for a murder committed by the Security Forces.

3.4.2 No evidence to substantiate this claim.

3.4.3 File closed.

3.5 Nelson Sithole (Macadam)

Closed – no evidence as to perpetrators.

3.6 Pro Jack (Macadam)

Closed – no reliable evidence as to perpetrators.

3.7 AM Zulu (Macadam)

No admissible evidence arising from TRC.

3.8 Buli (Macadam)

Offence not serious – assault common.

3.9 Castro Khumalo (Macadam)

Matter was referred to Missing Persons' Task Team.

3.10 Winnie Mandela (Macadam)

No reliable evidence.

3.11 Ermelo Black Cats (Macadam)

No reliable evidence to prosecute IFP members in Mpumalanga linked to this incident.

3.12 Chadwick (Macadam)

Extradition request withdrawn because of a lack of evidence.

3.13 Anton Lubowski (Macadam)

No evidence.

3.14 Ciskei coup d'état (Macadam)

No evidence.

3.15 General Basie Smif (Macadam)

No evidence.

3.16 S v Bongani Wana (Mhaga)

3.16.1 This matter relates to the murder of Zolile Sangoni, Zonwabele Mayapi and an MK cadre Gift Mglbe who were killed by Vlakplaas operatives in 1988 in Umtata.

3.16.2 Mr Wana had applied for amnesty but later withdrew his application.

3.16.3 After a careful perusal of the TRC transcript and consulting with all relevant potential witnesses it became clear that there was no sufficient evidence upon which prosecution of Mr Wana can be instituted.

3.16.4 The matter was then closed.

3.17 Representation by Mr SM Mavuya (Mhaga)

3.17.1 Mr Mavuya claimed to have been an informer during 1984 and was applying for amnesty and requested protection from members of his community.

3.17.2 We however informed him that we have no such authority and that TRC committee has disbanded. His activity did not amount to any criminal offence thus we could not even consider it in terms of prosecution guidelines.

3.18 Representation by Mpho Masemola (Mhaga)

3.18.1 This matter arose from a representation by Mr Masemola, a former ANC who claimed to have been arrested and subsequently tortured in 1985.

3.18.2 He also claimed that in 1991 members of the Counter Insurgency Unit shot at him

during a march he had organised. We however informed him that in as far as the torture in 1985 the matter has since prescribed and in respect of 1991 shooting there was no evidence to support his allegations as he bases his accusations on assumptions.

3.19 Representation by Mr N Dlamini (Mhaga)

- 3.19.1 Mr Dlamini had made allegations against Swaziland police whom he claimed to have sold out some MK cadres during 1985 to 1986. Unfortunately he could not supply us with any proof apart from a newspaper article from Times of Swaziland which we did not receive.
- 3.19.2 Apart from lack of substance in his allegations the NPA does not have jurisdiction in crime committed in Swaziland. He could not indicate to us his interest in the matter when requested to do so.

3.20 Thabo Armando Sithola (Ackermann)

- 3.20.1 The mother of Thabo requested the NPA to investigate death of his son who died in police custody after being arrested for robbery in 1976.
- 3.20.2 They received a report from Greytown police that he committed suicide by hanging himself.
- 3.20.3 The PCLU could not find any records of the inquest and the police in Greytown police station could not assist us as they could not find any records of Thabo though they remember that he was indeed detained there. The PCLU therefore decided to close the file as there was no further action contemplated

3.21 Murder of Michael Mcetywa (Mhaga)

- 3.21.1 The matter arises from a representation by Zolile Mcetywa who is the son of the deceased who was an ANC chairperson in Pongola and murdered in 1993.
- 3.21.2 A man called Mavuso is currently serving 25 years for the murder.
- 3.21.3 During his amnesty application which was refused, he implicated a number of IFP leaders.
- 3.21.4 The family of the deceased requested the PCLU to consider prosecution of the implicated IFP leaders.
- 3.21.5 After reading various documents and consulting with Mavuso it transpired that he is the only witness who can be used but he demanded that the NPA secures his release before he can testify against the IFP leaders.
- 3.21.6 Apart from his evidence there was nothing to corroborate him. We therefore closed the file as there was no further action contemplated.

3.22 Smit murders (Dr Pretorius)

- 3.22.1 Perpetrators all deceased except one suspect who apparently lives in Australia.
- 3.22.2 Insufficient evidence to apply for extradition.
- 3.22.3 Matter closed.

3.23 Refusal of amnesty to the President and other high-ranking ANC officials

No evidence that specific crimes had been committed, which attracted personal criminal liability could be found. Consequently, the case was closed.

3.24 IFP Hit Squads (allegations of Luthuli Mbambo and Mkhize)

No reliable evidence upon which to overturn the decision of the DPP: KZN not to prosecute.

3.25 Bombing of Early Learning Centre and other Western Cape CCB activities (Macadam)

The perpetrators were all granted indemnity in terms of the Indemnity Act or in terms of section 204 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

3.26 Plus-minus 60 cases against members of the Liberation Movement (Ackermann)

All these cases were investigated by SAPS and were all closed.

4. POTENTIAL PROSECUTIONS IDENTIFIED BY PCLU

4.1 S y Otto & 2 Others (poisoning of Rev. Chikane) (Ackermann)

- 4.1.1 Indictment already drafted in 2004 -- prosecution was put on hold pending approval of guidelines.
- 4.1.2 In February 2006, NDPP authorized prosecution.
- 4.1.3 In terms of the guidelines, representations were received from the accused which were considered by the NDPP.
- 4.1.4 On 19 September 2006, Ackermann was directed to proceed with the prosecution against the accused.
- 4.1.5 Beginning of October 2006, it was decided to put prosecution on hold, pending the obtaining of a legal opinion on whether the accused have received indemnity or not in terms of the Indemnity Act, 1990.

3 accused have not applied for amnesty

4.2 Pebco 3 (Ackermann)

4.2.1 In February 2004, the three accused were charged in the High Court on three counts of kidnapping and murder.

4.2.2 The matter is currently on review.

4.2.3 Next court appearance of accused is August 2007 (wid. than be withdrawn).

4.3 Craddock 4 (Ackermann)

4.3.1 Potential prosecution.

4.3.2 Legal obstacles.

4.3.3 Extensive investigations required.

*Need from SAPS →
Jani Ebo PE. knows case.
meeting between one of the
perpetrators and family of deceased.
Set up by TRC - not privileged. Taylor.
priest - possibly inadmissible.*

4.4 *Hentzi.*
S v Botha and Others (kidnapping of Ntombi Kubheka) (Ackermann)

4.4.1 Priscilla Ntombi Kubheka was an MK operative who lived in KwaMashu township in Durban.

4.4.2 She was kidnapped by Askaris, interrogated, tortured and subsequently killed by members of the Security Branch C1 Unit in 1987.

4.4.3 Seven members applied for amnesty for kidnapping, killing and disposing of the body of Kubheka. Only Baker and Radebe received amnesty while Botha, Du Preez, Van der Merwe and Visagie were refused. Docket in possession of PCLU.

4.5 S v Coetzee and Others (Nokuthula Simelane Kidnapping) (Ackermann) *LRC.*

4.5.1 Nokuthula Simelane was an underground MK operative acting as a courier and had been a major communication link between an MK base in Swaziland and SA.

4.5.2 She disappeared in 1983 after being sent on a mission in SA.

4.5.3 Docket in possession of PCLU.

4.6 Cosas Four (Ackermann)

4.6.1 The matter relates to the killing of Eustice Bimbo Madikela, Ntshingo Mataboge, Fanyana Nhlapo and attempted killing of Zandsile Musi (collectively referred to as the Cosas Four) in an explosion at Krugersdorp on or about 15 February 1982.

4.6.2 The four officers and an Askari who were involved in the incident applied for amnesty and were refused.

4.6.3 The PCLU is not in possession of the docket.

4.7 Murder of Askari Strongman Sambo *(De Kock's allegations)*

The matter had been identified as a potential prosecution case but a decision has already been made by the DPP in Pretoria not to prosecute.

4.8 Matter of SAP General Engelbrecht

The matter had also been identified for prosecution but a decision was made by the DPP in Pretoria not to prosecute General Engelbrecht.

4.9 Death of George Mashela and Lillian Magosha (Mhaga)

4.9.1 This office received representation from Joseph Yende who claims to be the son of Lillian and brother of George.

4.9.2 George and his mother died during a raid by the SAP at his home in July 1992.

4.9.3 According to the police statements and post-mortem reports, the two died as a result of hand grenade explosion.

4.9.4 There is no evidence to rebut that version but Yende claims that there are witnesses who claim to have seen otherwise.

4.9.5 The PCLU is currently arranging consultations with them to verify these allegations. The family was compensated by the TRC for the incident.

4.10 Nicolas Boykie Thiapi (Disappearance in police custody) (Mhaga)

4.10.1 ANC branch in Klerksdorp submitted a memorandum demanding investigation into the disappearance of Boykie in March 1986 after being arrested by police with other members of Ikakgeng Youth Congress.

4.10.2 The matter is currently investigated by Capt Mathi of Klerksdorp serious and Violent Crimes Unit. *ANC Branch Klerksdorp: petition.*

4.11 Lethiana Mphahlele (Heidelberg Tavern and St James Massacre)

Mhaga (Mhaga + Abrahams).
4.11.1 A representation was received by PCLU from Democratic Alliance and the father of Lynn Fourie who was killed during the attack.

4.11.2 A number of APLA cadres involved in the attack applied for and received amnesty after serving sentences. Mr Mphahlele applied for amnesty but later failed to appear before the commission resulting in his application refused in his absence.

4.11.3 As soon as an investigator is appointed for the case a decision will be made on whether *Reconciliation with mother of victim; not father.*

to prosecute or not. — Radio Cape Talk.

4.12 Bathandwa Ndondo (Murder by Viakplaas operatives in 1985) (Aekemman) ^{Mhogan}

4.12.1 Bathandwa Ndondo was an MK underground cadre operating in Transkei after his expulsion from the University of Transkei for his political involvement.

4.12.2 He was wanted by the Security police in Transkei and the Viakplaas operatives and subsequently murdered in 1985. We received a representation from Adv Dumisa Ntsebeza requesting prosecution of the police officer who did not receive amnesty.

4.12.3 A decision had been made by the former NDPP not to prosecute him, we are therefore still considering the request as this will require overturning the previous decision if we decide to prosecute. *

4.13 Moss Morudu (kidnapping and murder) 1987

4.13.1 Moss Morudu was a Cosas member in Mamelodi and had been politically active during 1986.

4.13.2 He was alleged to be a member of the underground unit of Umkhonto Wesizwe under the command of Obet Masango.

4.13.3 He disappeared from his home during October 1986 after the Security police had been looking for him in connection with a landmine explosion.

4.13.4 He was kidnapped by three security operatives under the pretence that they were MK cadres taking him to exile for military training. He was never seen again by his family.

4.13.5 The three officers who kidnapped Moss received amnesty for kidnapping and others did not apply for amnesty. As soon as an investigator is appointed a decision will be made on whether to prosecute or not.

4.14 Kidnapping and murder of Betty Boom, Mashiya and Selamane

The perpetrators were refused amnesty by the TRC.

4.15 Kidnapping and murder of Mbulelo Ngono

The perpetrators were refused amnesty by the TRC

4.16 Gaborone raid

The perpetrators were refused amnesty by the TRC

4.17 Maseru raid (General Johan van der Merwe implicated)

The perpetrators were refused amnesty by the TRC

4.18 Samora Machel (Dr Pretorius)

This matter was reopened in 2005.

4.19 Philip Powell (Macadam/Ackermann)

4.19.1 NDPP directed that the PCLU apply for the extradition of Powell.

4.19.2 However, accused indicated that he wished to make representations.

4.19.3 Representations are awaited.

Hand grenades - had key at camp.

4.20 Victoria Mxenge (Macadam)

Allegations of an amnesty applicant must be investigated.

4.21 George Wautchope (Macadam)

Matter with DPP Jhb.

4.21.1 The accused is a former leader of AZAPO. He was indicted to stand trial in the Johannesburg High Court in 1989 on charges of murder and attempted murder.

4.21.2 He absconded and took up exile in Zimbabwe.

4.21.3 The TRC rejected his application for amnesty, because he denied that he had admitted any crime.

4.21.4 In 2003, representations were made on his behalf to Minister Maduna to withdraw the charges.

4.21.5 The DSO evaluated the case in order to enable the Minister to respond.

4.21.6 The victims, who were also the eyewitnesses, were traced and they confirmed their allegations against the accused and also requested that he be prosecuted.

4.21.7 On their version, it would appear that the accused shot the deceased in the mistaken belief that he was a member of COSAS and in the process wounded an innocent bystander.

4.21.8 The former NDPP and the Minister decided that the prosecution should proceed.

4.21.9 The case was referred to the DPP: Johannesburg, who has in turn requested SAPS to conduct investigations.

4.21.10 These investigations are in progress.

4.22 Eugène de Kock

4.22.1 De Kock's legal representative has indicated that he has laid a wide ranging number of charges with SAPS relating to matters which were not put before the TRC or in respect of which false testimony was presented to the TRC.

4.22.2 These allegations must be considered insofar as they are relevant to the TRC processes.



ADV AR ACHERMANN SC

for 12/10/06

MINUTES OF TRC COMMITTEE MEETING 12 October 2006

Members Present:

- 1. Adv Vusi Pikoli (NPA)
- 2. Adv Kalyani Pillay (NPA)
- 3. Mr ME Manzini (NIA)
- 4. Mr Loyiso Jafa (PRESIDENCY)
- 5. Mr Simelane (DG JUSTICE)
- 6. Dr Ramaite (NPA & Convenor)
- 7. Adv Anton Ackermann (NPA)
- 8. Comm. Philip Jacobs (SAPS)
- 9. Mr Brian Koopedi (NIA)
- 10. Mr NVE Ngidi (DSO)
- 11. Mr AT Ngwengwe (DSO)
- 12. Ms Yvonne Mabule (NIA)
- 13. Ms Marilyn Raswiswi (JUSTICE)
- 14. Mr Josias Lekalakala (SAPS)
- 15. Mthunzi Mhaga (NPA)

Apologies: none — National Commissioner.

- 1. Opening Remarks by the NDPP who gave a detailed background of the cases emanating from the conflict of the past with particular reference to TRC matters. He indicated that the establishment of the committee is derived from the policy guidelines which were approved by parliament in December 2005 on prosecution of all TRC matters. The NDPP had attended a meeting with DGs from SAPS, NIA, justice and a representative from the office of the Presidency where it was decided that a committee should be established. Cases in possession of PCLU and SAPS have to be identified and an update on their status is also required. SAPS has to provide investigating officers for all cases identified for prosecution. The NDPP emphasised the fact that he will decide on each prosecution and not the committee. The role of the committee will be to make recommendations to the NDPP on each case.
- 2. Mr Manzini indicated that these cases need to be prioritised and the process needs to be fast tracked.
- 3. Dr Ramaite indicated that there is a need for a task team of investigators to work on these cases.
- 4. The NDPP further indicated that Dr Ramaite is the convenor for the committee and the PCLU will report to Dr Ramaite directly.

MSF 3M

The meeting was then closed after the NDPP asked the committee to meet after the meeting with the Principals.

Committee Meeting

Dr Ramaite requested PCLU and SAPS to compile an audit report of all cases in their possession and that the PCLU will take charge of investigations being assisted by SAPS. The committee will then deal with all cases including matters that have been closed by the PCLU. Mr Ngidi indicated that committee members will not be rubber stamper to decisions already made by the PCLU and he was supported by Mr Koopedi who said they are prepared to go through volumes of records in all cases.

Mthunzi was then mandated to arrange a suitable date for the next meeting. Indeed a date was arranged for the 25/10/2006 at the DSO boardroom.



MINUTES OF TRC COMMITTEE MEETING 25/10/2006Members present:

Dr Ramaite
 Adv Anton Ackermann
 Comm. Jacobs
 Brian Koopedi
 Yvonne Mabule
 Marlyn Raswiswi
 Ntlanla Ngidi
 Josias Lekalakala
 Mthunzi Mhaga

Nhlanhla

Apologies: Mr Mngwegwe (Out of the country)

Adv Ackermann presented an audit report of all cases in possession of PCLU. There were three categories of cases dealt with by PCLU, cases that were finalised in court, matters closed by PCLU in the form of representations from relatives of victims and victims themselves as well as matters pending which have been identified by PCLU for prosecution. In some cases members requested full report on how the matters was disposed of, for Ms Mabule requested that PCLU must show consistency in their report by giving a detailed report on all cases. It was agreed that matters that have been finalised in court cannot be entertained by the committee.

Comm. Jacobs presented an audit report on all cases in possession of SAPS, however his report was not detailed as a result he was requested to compile a more detailed report which is reconciled with the report from PCLU. He indicated that he was not hands on in these TRC cases and that one Hennie Brits who has since retired from the police has better knowledge as he dealt with all these cases. He further indicated that he will seek the services of the said Mr Brits to compile a detailed report. He was therefore given until 6/11/2006 to provide the committee with the said report.

Dr Ramaite remarked that the prosecutorial decision on all these matters rests with the NDPP assisted by other agencies and that the PCLU has to guide the committee on all these cases. It was then agreed that the committee will meet on 06/11/2006 at 09H00 and venue will be announced later. It was further agreed that in our next meeting the

Adv. Jacobs *3/11*

committee will be briefed on the revised SAPS audit report and will consider potential prosecution matters.

The meeting was then closed.

NB Please do not hesitate to correct any errors noted.

A handwritten signature in black ink, appearing to be 'R. L. F.', located in the bottom right corner of the page.

MINUTES OF "TASK TEAM ON TRC CASES" MEETING 6/11/06

Members present:

Adv Ackermann SC
Comm Jacobs
Brian Koopedi
Yvonne Mabule
Marlyn Raswiswi
Nhlanhla Ngidi
Josias Lekalakala
Mthunzi Mhaga

*2 weeks
Draft
meet on 10
1st week Dec
Re consultation*

Apologies:

Meeting started at 09H15 and Dr Ramaite requested Mr Ngidi to chair the meeting because he was attending a meeting with the NDPP.
Minutes of the last meetings were adopted with a few amendments.

Adv Ackermann dealt with the revised audit report which incorporated an objection of the proposed reappointment of Mr Britz to assist SAPS in compiling their report. However Comm Jacobs maintained that he had been misunderstood as he never said he will seek the services of the said Mr Britz. The matter was therefore closed as no further action was contemplated.

A revised audit report from SAPS was circulated to all members but it was felt that it would be fair for members to study the report and reserve their deliberations for our next meeting.

Brian suggested that Adv Ackermann should proceed with the ^{in identified} prosecutable matters reflected in PCLU's first report. The suggestion was supported and he proceeded as such.

During his presentation several recommendations were made except for a few matters which were held in abeyance pending further information. *I must mention however that for the purposes of these minutes I deem it fit not to give such detailed recommendations as a full progress report is still to be compiled on all these matters.*

It is however worth mentioning that When Adv Ackermann informed the meeting that a decision to prosecute has already been made by the NDPP on the Reverend Chikane case, Josias indicated that recommendations of

A.B.S. 3/11

the "task team" are necessary because the National Commissioner is of the view that Rev Chikane is not interested in prosecution of the matter. He suggested that contact has to be made with Rev Chikane to ascertain his attitude. *Ackermann also informed that NPA discussed the matter with Rev. Chikane.*

According to Adv Ackermann the complainant (Rev) indicated that he leaves the matter in the hands of the NPA. It was then decided that the latter's attitude be ascertained and the matter was therefore closed pending a feedback on his attitude.

Brian and Adv Ackermann asked to be excused and they left the meeting but shortly thereafter it was closed and Mthunzi was tasked with arranging the date and venue for the next meeting.

Prepared by Mthunzi Mhaga

MA. 31

Legal Support: Crime Operations
Private Bag X302
PRETORIA
0001

Tel: (012) 395 0063
Fax: (012) 395 0064
Cell: 082 778 9215
E-Mail: jacobspc@scps.gov.za



FAX

TO: S/Supt. Josh Lekalakala

FROM: ASST. COMM. PC JACOBS
LEGAL SUPPORT: CRIME OPERATIONS
PRETORIA

YOUR FAX NO.: (012) 361 6752

PAGES: 3 (INCL. COVERING SHEET)

DATE: 2006-11-16 REF. NO.

<input checked="" type="checkbox"/>	URGENT	<input type="checkbox"/>	FOR REVIEW	<input type="checkbox"/>	PLSE COMMENT	<input type="checkbox"/>	PLSE REPLY	<input type="checkbox"/>	PLSE RECYCLE
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SUBJECT: MINUTES OF "TASK TEAM ON TRC CASES"

Josh

Attached the minutes of the previous meeting handed out today. I confirm that Mthunzi is coming to my office on 22 November 2006, to discuss the issue of investigation for the outstanding matter 09:00.

The next meeting will be arranged for early December 2006, to discuss an intern report.

Regards.

[Signature]
Asst. Commissioner
HEAD, LEGAL SUPPORT: CRIME OPERATIONS
PC JACOBS

Date: 2006/11/16

PCJ3104

[Handwritten initials]

MINUTES OF THE MEETING OF TASK TEAM ON TRC CASES 16/11/2006Members present:

Dr Ramaite
 Adv Ackermann SC
 Adv Chris Macadam
 Comm Jacobs
 Yvonne Mabule
 Marilyn Raswiswi
 Nhlanhla Ngidi
 Mthunzi Mhaga

Apologies: Josias Lekalakala
 Brian Koopedi

Minutes of the last meeting read and adopted as true reflection of the meeting.

Matters arising from the minutes of the last meeting discussed.

Adv Macadam informed the meeting of a representation from the family of Claire Steward who requested investigations of the matter.

Adv Ackermann raised a concern over the impression created by the revised audit report from SAPS that he had indicated his intentions of exploring the possibility of prosecuting the President and 37 ANC leaders. He contended that it was SAPS through Supt Brits who had persuaded in vain the PCLU to prosecute the President as there was enough evidence on the case. He said that SAPS was the driving force behind such prosecution and Adv Macadam produced a letter he wrote to Supt Brits in which he indicated that no sufficient evidence exists to institute such prosecution. He asked Comm Jacobs if he agrees with that contention.

Dr Ramaite enquired from Adv Ackermann on the relevance of the complaint but also said he understood his frustration. He however called upon any agency intending to have an input on the matter to come forward with such.

Adv Ackermann wanted to know from Comm Jacobs who compiled the report and why was it necessary to include cases that had been finalised and request inquests on such matters.

Comm Jacobs indicated that he compiled the report and requested guidance from the meeting on how to deal with outstanding inquests. He said they had six inquests, some had been finalised and others not done at all and that all were TRC matters.

Adv Macadam clarified the position relating to the case against the President and the 37 ANC leaders.

Adv Ackermann indicated that he was really not happy with the report ~~on the~~ ^{SAPS} ~~cases~~ ^{CA} ~~of the~~ ^{ANC} ~~President~~

~~cases~~

Mh *39*

Dr Ramaite asked if a reconciled report with SAPS and PCLU had been compiled to consolidate all TRC cases for investigations. In so far as the President maintained that as long the status quo remains the same the matter will be considered closed.

Mthunzi and Comm Jacobs undertook to compile such a report with a view of identifying cases for appointment of investigating officers by SAPS as Comm Jacobs indicated that he Comm de Beer has undertaken to appoint a investigators for all cases.

Dr Ramaite asked the task team to agree on the time frame for final recommendations as we only had interim recommendations pertaining to some cases.

Yvonne raised a concern on identifying matters to utilise NIA on security aspects but agreed that on completion of investigations and receipt of representations from perpetrators such could be dealt with depending on the circumstances of the cases.

Anton suggested NIA provides the PCLU with any information they might have on these cases from a security point of view.

Mthunzi was requested to compile a draft progress report on the task team to be submitted to the NDPP and other principals. The

Adv Macadam asked to be excused from the meeting.

It was agreed that the task team has indeed made progress as there were already cases identified from investigations and interim recommendations made on some cases.

The meeting was then closed and Mthunzi was asked to arrange a suitable date for the next meeting and that PCLU and SAPS must place before the task team a reconciled list of cases for appointment of investigators within two weeks

Handwritten initials/signature

67

MINUTES OF A TRC MEETING HELD ON 4 DECEMBER 2007

1. **PRESENT:** Dr Ramaite
Adv Ackermann SC
Comm Jacobs
Josias Lekalakala
Irene Freeman (standing in for Mr Ngidi)
Maryln Raswiswi
Mthunzi Mhaga
2. **APOLOGIES:** Brian Koopedi (overseas)
Yvonne Mabule (sick leave)
Mhlauhla Ngidi (meeting)

3. **MINUTES OF PREVIOUS MEETING**

The minutes of the last meeting were read and adopted with amendments.

4. **MATTERS ARISING**

4.1 Matters that arose from the minutes were the following:

- 4.1 Draft report on the progress of the task team; and
- 4.2 The Highgate Hotel case.

4.2 Josias suggested that members need to consult with their principals before the trial report is submitted to the National Director. Members were requested to mail their inputs after consulting their principals before 7 December 2006.

4.3 Josias also asked if NIA had submitted any opinion relating to security aspects of cases identified for prosecution.

4.4 Dr Ramaite drew attention to page 2 of the minutes on Yvonne's concern.

4.5 Commissioner Jacobs informed members that he has sent a letter to Commissioner de Beer and the list of all investigators will be ready soon.

4.6 Adv Chris Macadam indicated that we need to adopt a wait and see approach as all perpetrators will probably make representations in anticipation of prosecution upon completion of investigations.

4.7 He also briefed the meeting on the Claire Stewart case.

R.R. *3/12*

MINUTES OF TASK TEAM MEETING 29/01/2007Members Present:

Adv Ackermann SC
Mthunzi Mhaga
Nhlanhla Ngidi
Comm Jacobs
Brian Koopedi
Yvonne Mabule
Marilyn Raswiswi
Josias Lekalakaia

Apologies: Dr Ramaite

The meeting was chaired by Mr Ngidi due to unavailability of our Convenor Dr Ramaite.

The minutes of the last meeting were read and adopted with some amendments and Yvonne requested for elaborations on minutes in future.

Adv Ackermann SC requested members for their inputs with a view to finalise the draft report to be submitted to the National Director. Commissioner Jacobs indicated that he was made to understand that Rev Chikane was not interested in the prosecution of the accused in his case, therefore he needs to be consulted and the matter needs to be discussed with their principals before making recommendations.


Adv Ackermann SC reminded the meeting that the National director has made his decision on the matter. Yvonne concurred with Comm. Jacobs on Rev Chikane matter. Mr Ngidi however had no objection to the National director's decision on the Rev Chikane matter.

Comm Jacobs informed the meeting that he has gone through the docket on the Highgate Hotel attack and is of the view that no further investigations is necessary. It was agreed that PCLU would have to look at the docket.

It was then agreed that Mthunzi will be provided with all the views of the agencies after meeting with their principals before 7/2/7 and finalise the report.

Comm Jacobs informed the meeting that he is waiting for a feed back from Provincial Commissioners on the appointment of investigators. Some had responded and provided him with a list of the investigators. He also requested a list of SAPS dockets in possession of the PCLU.

The meeting was then closed.



Verw : A15
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ramaite S C
VAN : A R Ackermann S C
ONDERWERP : **DIE STAAT teen**

- (1) MTHETHELEDI ZEPHANIA MNCUBE
- (2) MZONDELELI EUELID NONDULA
- (3) JABULANI SYDNEY MBULI

Saakdossiere :

- (1) Messina MR 67/12/85 : Moord van 2 SAP lede
 - (2) Messina MR 57/11/85 : Landmynontploffing
 - (3) Messina MR 58/11/85 : Landmynontploffing
 - (4) Messina MR 67/11/85 : Landmynontploffing
 - (5) Messina MR 65/11/85 : Landmynontploffing
 - (6) Messina MR 66/11/85 : Landmynontploffing
 - (7) Messina MR 34/12/85 : Landmynontploffing
 - (8) Messina MR 41/12/85 : Landmynontploffing
 - (9) Messina MR 21/02/86 : Landmynontploffing
 - (10) Alldays MR 10/10/86 : Landmyn onskadelik gestel
 - (11) Alldays MR 11/10/86 : Landmyn onskadelike gestel
-

1. KORT BESKRYWING VAN MISDAAD

Die ondersoek het betrekking op 8 landmyn ontploffings wat in die Messina omgewing plaasgevind het, 2 landmyne wat in die Alldays omgewing onskadelik gestel is asook die ontsnapping van 'n verdagte waartydens twee polisiebeamptes doodgeskiet is.

Die volgende landmynvoorvalle het betrekking :

- (1) 'n Landmynontploffing op 26 November 1985 by Weipe, Messina distrik, onder 'n privaat voertuig wat die dood van **EDWARD MELUBA** en die besering van **ELIJA MAKGAMATA** tot gevolg gehad het. (Messina MR 57/11/85)
- (2) 'n Landmynontploffing op 26 November 1985 in Messina omgewing wat die privaat voertuig van **GERT DE VILLIERS** beskadig het. (Messina MR 58/11/85).
- (3) 'n Landmynontploffing op 27 November 1985 by Weipe, Messina distrik, waartydens 'n privaat trekker beskadig is en wat die dood van **GLABI PHILEMON NCUBE** gehad het. (Messina MR 67/11/85).
- (4) 'n Landmynontploffing op 27 November 1985 op die plaas Bergen-on-Zoom, naby Messina, onder 'n militêre (SAW) voertuig wat die besering van Lt **PRINSLOO** en 'n passasier veroorsaak het.
- (5) 'n Landmynontploffing onder 'n SAP Casspir op 27 November 1985 op die plaas Overvlakte in Messina distrik, waartydens Konst **P MOTAUNG** beseer is. (Messina MR 66/11/85).
- (6) 'n Landmynontploffing op 12 Desember 1985 onder 'n militêre (SAW) voertuig op die plaas Berg-on-Zoom waartydens twee persone, **FOURIE** en **P MAPOTELE** beseer is. (Messina MR 34/12/85).
- (7) 'n Landmynontploffing op 15 Desember 1985 te Soutpansberg, Messina wat die dood van 6 persone en die besering van 5 ander persone tot gevolg gehad het. Al die slagoffers was lede van die **DE NYSSCHEN** en **VAN ECK** gesinne wat met 'n privaat bakkie gereis het. (Messina MR 41/12/85).
- (8) 'n Landmynontploffing onder 'n privaat voertuig op 12 Februarie 1986 op die plaas Overvlakte, Messina waartydens **WILLEM DU PLESSIS JANSE VAN RENSBURG** beseer is. (Messina MR 21/2/86).
- (9) Op 8 Oktober 1986 is twee afsonderlik gestelde landmyn op die plaas Samaria, Ponderdrift, Alldays opgespoor en onskadelik gestel. (Alldays MR 10/10/86 en 11/10/86).

Die ondersoek het verder op 'n gewapende aanval op 26 Desember 1986 op 'n SAW patroolie betrekking waartydens 3 ANC-lede doodgeskiet en een (MNCUBE) gearresteer is. MNCUBE het later daarin geslaag om te ontsnap deur twee SAP-lede nl ALOFF GERBER en Sers NEL dood te skiet. (Messina MR 67/12/86).

Eersgenoemde twee persone hierbo (MNCUBE en NONDULA) is later gearresteer en is weens al die gemelde misdade vervolgt, skuldig bevind en gevonnisd, terwyl die derde persoon (MBULI) nooit gearresteer was nie.

2. **AMNESTIE**

Amnestie is op 16 Maart 2001 aan al die bogenoemde persone verleen vir alle misdade wat met gemelde ontploffings verband hou. Eersgenoemde (MNCUBE) het ook amnestie vir die moord van die twee SAP lede ontvang.

3. **OPMERKING**

Die ANC het die gebruik van landmyne in die Messina grensgebied goedgekeur en opdragte in die verband is deur die bevelstruktuur van Umkhonto we Sizwe (MK) aan lede gegee. (Amnestie uitspraak van vermeldes).


Volgens getuienis gelewer was die vermeldes onder bevel van ene MANCHECK wat opdragte gegee en aan MK gesagvoerders verslag moes doen. MANCHECK is oorlede en daar is geen getuienis oor sy skakeling met die MK oppergesag nie.

Al die ander ANC-lede (voetsoldate) wat by hierdie misdade betrokke was is oorlede.

4. **BESLISSING**

Ten opsigte van die sogenaamde voetsoldate is geen verdere ondersoek nodig nie. Ten aansien van die ANC leierskap wat die opdragte vir die landmynveldtog gegee het en nie amnestie ontvang het nie, moet 'n besluit tegeleener tyd nog geneem word nadat al die relevante partye gespreek is.

Bovermelde is 'n moeilike besluit.


Adv A R Ackermann SC
SPESIALE DIREKTEUR
/tp

26/4/2001

3 Observation

The ANC had approved the use of land mines, and orders in this regard were given by the command structure of Umkhonto we Sizwe (MK) to members (Amnesty judgement of those involved)

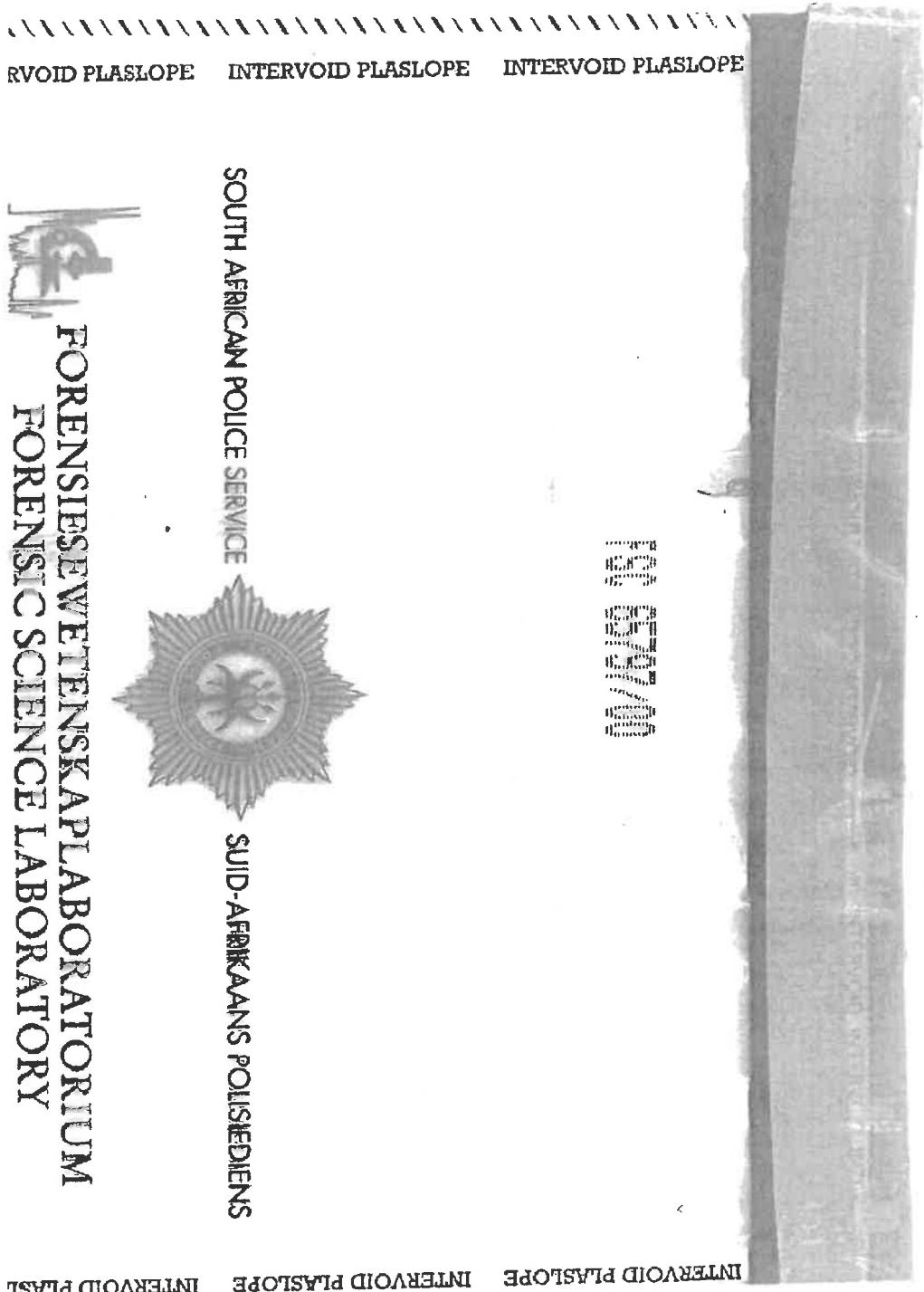
According to evidence by those mentioned, were under the command of one Mancheck who gave orders and who had to report to MK commanders.

All the other ANC- members (foot soldiers) who were involved in these crimes, are deceased.

4 Decision

In respect of the so-called foot-soldiers, no further investigation is necessary.

In respect of the ANC leadership who gave the orders for the land mines campaign, and who have not received amnesty, a decision needs to be taken at an opportune time, after consulting with all relevant parties. This is a difficult decision.



65550

INTERVOID PLASLOPE INTERVOID PLASLOPE INTERVOID PLASLOPE

INTERVOID PLASLOPE INTERVOID PLASLOPE INTERVOID PLASLOPE

SOUTH AFRICAN POLICE SERVICE

SUID-AFRIKAANS POLISIEDIENS



FORENSIESE WETENSKAPLABORATORIUM
FORENSIC SCIENCE LABORATORY

CATS 15/8/07
 INFORMATION NOTE

Ha

To: Divisional Commissioner P.J.L. du Toit: Forensic Science Laboratory and
 Criminal Record Centre

REQUEST FOR COMPARISON OF DOCUMENTS

1. It has been reported in the media that a document faxed to Advocate AR Ackermann on 20 August 2006 is a forgery and that the NPA has authorized an immediate investigation into the matter.
2. The original document is attached, as well as the copy that was faxed, together with a fax received from Advocate Ackermann on 20 August 2007.
3. Attached is a file in which the relevant documents are filed.
4. It will be appreciated if a comparison can be made, as a matter of urgency to determine the following:
 - 4.1. whether the signatures of Advocate Ackermann are authentic in relation to the fax received from him.
 - 4.2. whether the paper used on the respective pages of the questioned document is the same.
 - 4.3. whether there is any indication of amendments or tampering on the questioned document or indications of different pens used.
5. Your cooperation will be appreciated.

SECTION HEAD: CRIMES AGAINST THE STATE
 LJ BESTER
 DATE: 22 AUGUST 2007

SENIOR SUPERINTENDENT

Acknowledged
 receipt
 M. J. du Toit
 2007-08-22

CATS 16/5/07

A3

Page 1 of 3

**AFFIDAVIT IN TERMS OF SUBSECTIONS 212(4)(a) AND 212(8)(a)
OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977)
(AS AMENDED BY ARTICLE 6 OF THE AMENDMENT ACT ON
JUDICIAL MATTERS, 1998 ACT 34 OF 1998)**

LAB 118457/2007

MUSINA CAS 67/11/1988

MARTHINUS THEUNIS DU TOIT declares under oath in terms of Subsections 212(4)(a)(vi) and 212(8)(a) of the Criminal Procedure Act (Act 51 of 1977), as follows:-

1.

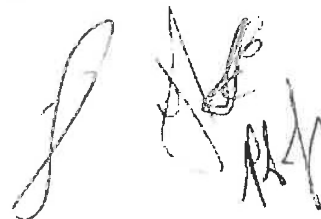
I am a senior superintendent with number 0410204-5 in the South African Police Service and am thus in service of the State.

2.

I have been attached to the Questioned Document Unit of the Forensic Science Laboratory since 1994 where I am permanently employed as an expert examiner of questioned documents, which includes the individualization of handwriting, signatures, typescript, printed matter and stamped impressions; the identification of forgeries, erasures and additions; the deciphering of obscured writing and indentations; the examination of South African and USA banknotes to determine if it is genuine or counterfeit as well as any other examination concerning disputed documents.

The abovementioned examinations require proficiency in the examination of disputed documents.

I have undergone 3 years theoretical and practical in-service training in the examination of questioned documents. In 1987 I completed the Advanced Program in Forensic Criminalistics presented by the University of South Africa, which is specifically directed to the examination of questioned documents. I attended a seminar at the South African Banknote Company regarding the security features and manufacture of genuine South African banknotes. During 1989 I attended a course in printing processes at the South African Printing College.



CATS 14/8/07

A2

Page 2 of 3

LAB 118457/2007

MUSINA CAS 57/11/1985

I examine approximately 20 cases per month in which disputed documents are involved and give evidence on a regular basis concerning my conclusions in High as well as Lower courts throughout the Republic of South Africa and adjacent states.

3.

On 2007-08-22, during the course of my official duties, I received the following exhibits pertaining to MUSINA CAS 57/11/1985 from exhibit administration of the Forensic Science Laboratory:

- 3.1 1 x Sealed exhibit bag containing documents marked by me "A" and "B1" to "B9".
- 3.1.1 Document marked "A" "Special Investigation Unit dated "26 June 2006 Rev: A15" containing 1 x disputed signature.
- 3.1.2 Documents marked "B1" to "B9" containing specimen signatures.

The abovementioned exhibits were in a sealed exhibit bag with number FSD-250634. The exhibit bag and seal were undamaged at receipt.

4.

I was requested to compare the disputed signature on the document marked "A" Special Investigation Unit dated "26 June 2006 Rev: A15" with the specimen signatures on the documents marked "B1" to "B9". I was also requested to determine if there is any indication of amendments or tampering on the mentioned disputed document.

5.

After an examination and comparison I arrived at the following conclusions

- 5.1 The signature is not a forgery.
- 5.2 There are no signs of any tampering or amendments.
- 5.3 The ink that was used to sign the signature and the date was also used to for the correction at the word "Leie(r)skap".

6.

Above conclusion was reached by using methods of examination which requires proficiency in the examination of disputed documents.

Handwritten signature and initials in black ink, appearing to be 'A. M. P.' or similar, located at the bottom right of the page.

CATS 16/8/07

A3

LAB 118457/2007

MUSINA CAS 57/11/1985

The abovementioned exhibits were kept in safekeeping for the duration of the examination until I personally sealed it with seal number 06 S1 047016 for returning purposes.

8.

I know and understand the contents of this declaration.
I have no objection to taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience.

[Handwritten signature and circular stamp]

I certify that the deponent has acknowledged that he knows and understands the contents of this declaration which was sworn before me and the deponent's signature was placed thereon in my presence at PRETORIA ON 22 AUGUST 2007.

[Handwritten signature]
COMMISSIONER OF OATHS

PETRUS JACOBUS ESTERHUIZEN
Forensic Science Laboratory
218 Visagie Street
PRETORIA 0001

S.A.P.S. SOUTH AFRICAN POLICE SERVICE

/s/jrv

[Handwritten signatures]

STATEMENT OF EXPERTISE - SENIOR SUPERINTENDENT M T DU TOIT**Professional History**

From 1994-03-16 to 2000-11-16 and again from 2001-08-01 he was employed by the South African Police Service's Forensic Science Laboratory as an expert examiner of questioned documents. In his career he examined more than 8300 cases involving questioned documents and rendered expert testimony in 297 cases in High and Lower Courts in the Republic of South Africa, Swaziland, Botswana and Namibia.

From 2000-11-19 to 2001-07-31 he was employed by African Bank as a Forensic Investigator which entailed the investigation of white-collar crime as well as the expert examination of documents.

He was second in command of the Questioned Document Unit from 2001-08-01 to 2006-08-31. Since 2006-09-01 he was the Section Commander of the Questioned Document Unit. He attained the rank of Senior Superintendent on 1998-09-01 and has been a member of the Senior Management of the Forensic Science Laboratory since.

The following specialized training was undergone by him:

- 1994 - 1997 : Academic and practical in-service training in the examination of questioned documents at the Questioned Document Unit : S A Police.
- 1998 : South African Banknote Company : Identification of printing processes and genuine and counterfeit currency.
- 1999 : Advanced Printing Course (S A Printing College)
- 1999 : SAPPI : Paper manufacturing course
- 1999 : ISO9000 Internal Quality Auditing - Technikon PTA

His principal duties included :

- ▶ The examination of cases of the highest difficulty level in all aspects of questioned documents;
- ▶ Rendering of expert evidence in court;
- ▶ Scene of crime examinations;
- ▶ Management of the following aspects of the Questioned Document Unit:
 - ▶ Casework;
 - ▶ Crime Scene Examination;
 - ▶ Research & Development;
 - ▶ Finances, instrumentation and consumables;
 - ▶ Implementing new instrumentation and procedures in the examination of documents.
- ▶ Liaison with role-players in combating fraud such as the Organized Crime Unit, Commercial Crime Unit, SABRIC, Departments Of Home Affairs and Foreign Affairs, INTERPOL and Department of Justice.
- ▶ Conducting of Internal Auditing

Training presented

1992 - 2000 : Part-time lecturer at Technikon SA in the subject "Police Administration I, II and III".
1997 to date : Training of Government Institutions, SARS, National Defense Force and SABRIC (all the major Bank institutions).

Conferences attended

2003 : First African Forensic Congress (Committee member)

International forensic and policing facilities visited :

- ▶ FBI Forensic Science Laboratory - Washington DC
- ▶ Forensic Science laboratory - Taiwan



Qualifications:

1990 : National Diploma (Police Management and Administration)
 1998 : Attained the Advanced Certificate in Forensic Criminallistics which is specifically directed towards the examination of questioned documents which carries a Degree status (RVQ13) from the University of South Africa.
 1999 : Project Management and Principles - I.T. Architects

CASEWORK EXPERIENCE

Questioned document examinations	8346
Expert evidence in court	287
International Questioned Document Proficiency Tests successfully completed (Collaborative Testing - USA)	13

CONSULTING SPECIALISTS**SPECIALISED EXAMINATIONS : J G VERMEULEN (M.Sc Chemistry)**

The company is working in close collaboration with Consulting Specialist J G Vermeulen (M.Sc Chemistry) who has the necessary background, qualifications, extensive knowledge and experience to render assistance in cases where the chemical analysis of inks, paper, etc. is required making use of specialized instrumentation and equipment such as a High Pressure Liquid Chromatograph (HPLC), Thin Layer Chromatography (TLC), Fourier Transform Infrared Spectrophotometer (FTIR) and X-Ray Fluorescence Spectrometer (XRF).

POLYGRAPH EXAMINATIONS

The Company is working in close collaboration with two Polygraph specialists who is the best qualified and experienced in their fields in the country. Amongst their training, qualifications and experience are the following:

- Diploma in Forensic Psychophysiology
- Completed the Axcton Computerized Polygraph Instrument Certification Course which were presented by the Argonbright International Institute of Polygraph, Atlanta, Georgia, United States of America.
- Diploma in Psychophysiological Detection of Deception at the American International Institute of Polygraph, Atlanta, Georgia, U.S.A.
- Completed the following applicable Advanced and Specialized Courses:
 - The Academy Scientific Investigative Training Advanced Seminar on the Forensic Assessment Interview and Integrated Interrogation Techniques;
 - The Laboratory for Scientific Interrogation Course on Scientific Content Analysis;
 - Continuing Education Seminar in Psychophysiological Detection of Deception;
 - Advanced/Specialized Seminar for Forensic Psychophysiologicalists;
 - Advanced/Specialized Seminar for Forensic Psychophysiologicalists on Pre- and Post-Conviction Testing for Sex Offenders;
 - Advanced/Specialized Seminar for Forensic Psychophysiologicalists;
 - Psychophysiological Detection of Deception (Polygraph);
 - Understanding Polygraph & Providing Expert Witness Testimony.

Between them the members have 15 years experience in Polygraph Examinations and both are members of the American Polygraph Association and of the South African Professional Polygraph Association.

One member conducted Polygraph Examinations in Belgium at the request of the Belgian Rijkswacht on two occasions during the year 2000 in several high profile cases and have testified in the Saizes Court of Antwerpen, Belgium with regard to the use of Polygraph.



FIRE INVESTIGATIONS

The Company is working in close collaboration with a highly qualified fire investigation team who renders an extremely professional and competent service in the following areas:

- The provision of a service pertaining to the origin and cause investigation of Structural, Vehicle, Wildland and Industrial fires and explosions;
- Compilation of expert reports, including scene diagrams, interviews, photography and video records;
- Provision of expert opinions / legal consultations and litigations;
- The presentation of expert evidence;
- Deployment of a trained accelerant detection canine at fire scenes when required;
- Collection, storage and preservation of evidence;
- Fire investigation related training.

Amongst their training, qualifications and experience are the following:

- Diploma in Fire Investigation (Forensic Science Society and University of Strathclyde, UK);
- Certified as Fire Investigators : International Association of Arson Investigators;
- Members of the Forensic Science Society, the International Association of Arson Investigators and the Fire protection Association of Southern Africa;
- Attended 21 International Conferences and Seminars and 11 Local Conferences and Seminars;
- Have conducted more than 1500 fire investigations with regard to cause and origin determination of fires.

The fire investigation Team has access to an internationally accredited laboratory for the analysis of fire debris samples to determine the presence of ignitable liquid residues and have access to an international network of peers in the field in the field of forensic fire investigation.

COST STRUCTURE: (DOCUMENT EXAMINATION)

Initial consultation :	No charge
Tariff for examination :	R 400-00 per hour
Preparation of illustration charts :	R 400-00 per hour
Consultation with client or attorneys :	R 400-00 per hour
Training : (Basic aspects of document examination :	R 1200-00 per course
Training : (Advanced aspects of document examination :	R 1800-00 per course
Expert testimony in Court :	R 1200-00 per day
Consumables :	At cost
Travel :	Standard AA tariff

COST STRUCTURE: (POLYGRAPH AND FIRE EXAMINATION)

Initial consultation & examination : Tariff determined per case.

CONTACT DETAILS

757 Braam Pretorius Street
Montana Park
PRETORIA
South Africa

P. O. Box 13717
SINOVILLE
0128

Tel. No. +27 12 5487205
Cell. No's. +27 728321259
+27 824984584
Fax. No. +27 12 5483847
E-Mail Address : fdc@vodamail.co.za

CATS 16/8/07

37

Hendrik Jacobus Brittz

Verklaar onder eed in Afrikaans:

1

Ek is 'n volwasse man met ID nommer 4612075055085 en woonagtig te 28ste laan 699, Villieria, telefoon nommer 012 3311613 en sel 0722244475. Ek is 'n pensionaris.

2

Ek was 'n Senior Superintendent in die Suid-Afrikaanse Polisie diens en was gesecondeer aan die Spesiale Ondersoekspan vandie Spesiale Litigasie Eenheid by die Nasionale Vervolgingsgesag, onder leiding van Advokaat A R Ackerman SC. Ondersoeke waarby ek betrokke was het hoofsaaklik gehandel oor politieke geweldsmisdade wat voor die 1994 se algemene verkiesing plaasgevind het. Ek het op 2005-02-28 uit die diens van die Suid Afrikaanse Polisie diens getree.

3

Tydens die ondersoeke wat ek en Brigadier Nel onder leiding van Adv Ackerman gedoen het, was Adv Ackerman se opdrag dat ons die betrokke dossiere moes deurwerk en dan vir hom 'n memorandum moes voorberei waarin die volledige feite van die dossiere kortliks weergegee word, met 'n konsep beslissing vir hom om te oorweeg.

Dossiere met gepaardgaande memorandums is dan aan Adv Ackerman oorhandig wat dit dan deurgewerk het. Adv Ackerman het dan wysigings aan die memorandums met konsep beslissings aangebring. Memorandums is daarna deur Adv Ackerman laat tik en is die oorspronklike opgestelde memorandum met die dossier aan ons terug besorg.

4

By terugontvangs van die memorandums en die dossiere is 'n afskrif van die memorandum in die dossier geliasseer en het die oorspronklikes in 'n aparte leer geliasseer en geindekseer in hulle oorspronklike vorm. Die skrywes wat terug ontvang was het hulle eie unieke nommers gehad wat deur Adv Ackerman se kantoor toegeken was. Adv Ackerman het ook afskrifte van die memorandums by hom gehou en het sy eie numeriese verwysingsnommer daaraan toegeken. Die datum waarop ek die getekende memorandums met dossiere terug ontvang het is onder andere ook in my register aangeteken.

CATS 16/8/07

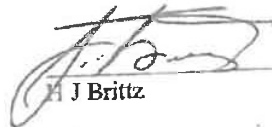
A1
38

5

Ek sertifiseer dat die verklaarder erken dat hy vertrouwd is met die inhoud van die verklaring en dit begryp.
Ek het geen beswaar teen die aflegging van die voorgeskrewe eed nie.
Ek beskou die voorgeskrewe eed as bindend vir my gewete.

PRETORIA

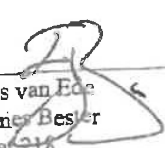
Datum: 2007/08/22


H J Brittz

Ek sertifiseer dat die verklaarder erken dat hy vertrouwd is met die inhoud vandie verklaring en dit begryp
Bostaande verklaring is in my teenwoordigheid beëdig en die verklaarder se handtekening daarop aangebring op 22 Augustus 2007 om 15:10 te Pretoria.

PRETORIA

Datum: 2007-08-22


Kommissaris van Ede
Louis Johannes Bester
Visagie straat 216
Pretoria
Senior Superintendent
Republiek van Suid Afrika



CATS 16/8/07

SUID-AFRIKAANSE POLISIEDIENS  SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag x302 PRETORIA 0001

Verwysing Reference	CATS 16/08/2007
Navrae Enquiries Telefoon	Snr Supt LJ Bester (012) 4013276
Telephone	082 778 6628
Fakenummer Fax number	(012) 320-4293

CRIMES AGAINST THE STATE
VIOLENT ORGANISED CRIME
DETECTIVE SERVICE
HEAD OFFICE
PRETORIA
0001

2007-08-30

Forensic Document Consultants
757 Braam Pretorius Road
PRETORIA
0001

**INVESTIGATION AND ANALYSIS OF DOCUMENTATION:
CATS 16/08/2007: SOUTH AFRICAN POLICE SERVICE**

1. You are hereby requested to investigate the following documentation attached.
 - 1.1 Find in forensic bag number FSC 65797/00 a three (3) page document with reference A15 and numbered 4 signed by Advocate AR Ackermann dated 26 June 2006.
 - 1.2 Find in forensic bag number FSE-155751 a file consisting of seventy two (72) documents signed by Advocate AR Ackermann over a period of time.
 - 1.3 Find in forensic bag number FSC 65703/00 a one (1) page document with reference arackerman dated 20 August 2007.
2. You are requested to do the following investigation and analysis. A comparison is needed as a matter of urgency.
 - 2.1 Whether the signatures of Advocate Ackermann are authentic on the documentation as mentioned in paragraph 1.1 and 1.2 *supra*. The signatures on the documentation mentioned in paragraph 1.2 *supra* is to assist you in your comparisons in order to make a decision on the authenticity of the signature on the document mentioned in paragraph 1.1 *supra*.
 - 2.2 Whether the paper used on the respective pages of the questioned document mentioned in paragraph 1.1 *supra* is the same.
 - 2.3 Whether there is any indication of amendments or tampering on the questioned document or indications of different pens used on the questioned document in paragraph 1.1 *supra*.

CATS 16/8/07

- 3. The investigating officer is available and if possible will be present when you conduct your investigation and comparisons.
- 4. Your cooperation and assistance is highly appreciated.

Kind regards

L.J. BEST
 SNR SUPT
 COMMANDER: CRIMES AGAINST THE STATE
 ORGANISED CRIME
 DETECTIVE SERVICE: HEAD OFFICE
 LJ BESTER

Snr Supt Bester/brie/22(s)

Anthony 2007-08-30
 10:55.



CATS 16/8/07

41
75

**AFFIDAVIT IN TERMS OF SECTION 213 OF THE CRIMINAL
PROCEDURE ACT, 1977 (ACT 51 OF 1977)**

REF : FDC 0095/2007
CATS 16/08/2007

JOHANNES FREDERICK HATTINGH declares in terms of Section 213 of the Criminal Procedure Act, Act 51/77, as follow :-

1.

I am an expert examiner of questioned documents with the following qualifications and experience:

- ▶ I was attached to the Questioned Document Unit of the Forensic Science Laboratory of the South African Police Service from 1981 to 2006 where I was permanently employed as an expert examiner of questioned documents, which includes the individualization of handwriting, signatures, typescript, printed matter and stamped impressions; the identification of forgeries, erasures and alterations; the deciphering of obscured writing and indentations as well as any other examination concerning questioned documents. In the abovementioned examinations, methods of examination are utilized which requires proficiency in the examination of questioned documents.
- ▶ Since 1991 I was the Section Head of the Questioned Document Unit and I left the South African Police Service on 2006-08-31 with the rank of Director.
- ▶ I have undergone the following specialized training in the field of questioned documents:
 - 1981 - 1983 : South African Police : Theoretical and practical training in the examination of questioned documents at the Questioned Document Unit, S A Police Service.
 - 1985 : South African Banknote Company : Identification of printing processes and the identification of genuine and counterfeit currency.
 - 1994 : United States Secret Service, Washington DC : Identification of printing processes and the identification of genuine and counterfeit United States currency.
 - 1995 : Forensic Science Society : Great Britain : Diploma in Document Examination.
 - 1997 : University of South Africa : Advanced Program in Forensic Criminology which is specifically directed at the examination of questioned documents.
 - 1998 : Taiwan Forensic Services : Mandarin writing examination.
 - 1999 : South African Printing College : Advanced printing course.
- ▶ Conferences attended:
 - 1993 : International Association of Forensic Sciences Congress : Germany.
 - 1997 : Ninth INTERPOL Annual Congress in Currency Counterfeiting : Finland.
 - 1997 : Third INTERPOL Annual Congress on Fraudulent Travel Documents : Finland.
 - 1999 : United States Secret Service International Fraud Conference.
 - 1999 : South African Reserve Bank Counterfeit Currency Conference.
 - 2002 : Integrated approach in dealing with Counterfeit Currency : S A Reserve Bank.
 - 2003 : First African Forensic Congress.
 - 2003 : SADC Counterfeit Currency Seminar.
- ▶ Scientific subject-related publications:
 - Textbook : Questioned Documents : University of South Africa.
 - Examination of Counterfeit Currency : SAPS Commercial Crime.
 - Commercial Crime Investigation : SAPS Commercial Crime.
- ▶ I examine ±20 cases per month in which questioned documents are involved and give evidence on a regular basis concerning my conclusions in High and Lower Courts throughout the Republic and adjacent states.



CATS 16/08/07

REF : FDC 0095/2007
CATS 16/08/2007

2.

On 2007-08-30 I received the following exhibits from S/Supt Bester:

- 2.1 A disputed document consisting of three pages with reference A15 in a tamper evident bag with number FSC 65797/00 marked "CATS 16/08/07, SNR SUPT L J BESTER".
- 2.2 A file consisting of documents containing 72 specimen signatures in a tamper evident bag with number FSE-155751 marked "CATS 16/08/07, SNR SUPT L J BESTER".
- 2.3 A facsimile with reference "arackermann" consisting of one page in a tamper evident bag with number FSC 65703/00 marked "CATS 16/08/07, SNR SUPT L J BESTER".

3.

I was requested to:

- 3.1 Compare the signature on page 3 of the disputed document with the specimen signatures as mentioned in Par. 2.2 and 2.3.
- 3.2 To determine if the paper used on the three pages of the disputed document are the same and if the three pages formed one document as a whole.
- 3.3 To determine whether any amendments or tampering exists on the disputed document.
- 3.4 To compare the inks used on the disputed document regarding the signature, the date and the correction in Par. 4 on page 3.

4.

After an examination and comparison I found the following:

- 4.1 The signature on the disputed document was signed by the person who signed the specimen signatures. (See Annexure "A" and "A1").
The disputed- and specimen signatures corresponds regarding the following:
 - ▶ Similarities in construction:
 - Pronounced backward slant;
 - Size and relation of sizes in different parts of letters;
 - Speed of writing, fluency and line quality;
 - Placing and spacing above typed name;
 - Penlifts at normal places occurring constantly in both the disputed and specimens.
 - ▶ Individual characteristics:
 - The letter "A" is formed with the stem to the right of the upwards movement which is formed higher than the stem. The rounded part of the body is formed in most cases with a sharp hooked movement at the right and the final stroke is formed long and ends lower down than the first movement;
 - The stem of the "R" is formed shorter than the body, the body is formed flat and the final stroke is formed horizontal;
 - The movement in the form of an "e" after the second "A" is formed with a very long commencing stroke after which a series of vertical movements followed by long, almost horizontal movements are formed. These movements is formed smaller to the end of the signature.
 - ▶ The line quality of the disputed signature is very good and consistent with the line quality of the specimen signatures and characteristics of forgery such as poor line quality due to a slow, drawing process, tremor of forgery, penlifts at unnatural positions and retouchings are not present.

CATS 16/8/07

REF : FDC 0095/2007
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- 4.2 Paper : No difference could be detected in the three sheets of paper by non-destructive examination methods used (microscopy, ultra-violet and infrared).
- 4.3 The three pages was stapled a total of 6 times and the staple holes correspond on all three pages with no additional or missing holes which indicates that no pages were substituted or inserted. The note stapled to page 3 was stapled two times and the staple holes correspond. (See Annexures "B" and "C").
- 4.4 Two punch holes occurs on each page which corresponds on the three pages (See Annexure "D").
- 4.5 In Par. 4 on page 3 a correction was made where the letter "r" was added in pen. No other amendments, additions, erasures or other form of tampering exists on the document. The date reads 26/6/2006 with no alteration to the last figure "6" (See Annexure "E").
- 4.6 No differences could be found between the inks of the signature, the date and the correction in Par. 4 on page 3 by means of infrared and ultra-violet examination.
- 4.7 The note attached to page three did not form part of the original document as the note is printed by means of an ink-jet printer while the document was printed on a laser printer.

5.

The exhibits were under my exclusive control for the duration of the examination and was stored in a safe to which only I have access during periods it was not physically examined.

6.

I declare that the contents of this statement is to the best of my knowledge and belief true and the statement was made with the knowledge that, if used as evidence, I could be prosecuted if I deliberately made a statement knowing it to be false or which I believe not to be true.

7.

Signed at PRETORIA on 2007-08-31



.....
J.F. HATTINGH

DISPUTED

44



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

26/1/2001

SPECIMEN

5



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

6



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

7



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

8



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

9



Adv A R Ackermann S C

SPECIMEN

45

50



Adv A R Ackermann S C

11



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

14



Adv A R Ackermann S C

16



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

13



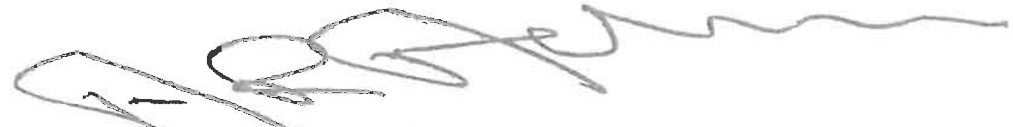
Adv A R Ackermann S C

73



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

60



Adv A R Ackermann S C

CATS 16/8/07

46 ^{As}

Annexure "B"

FDC0095/07

Page 1

Page 2

Page 3

CATS 16/8/07

47 HS

Annexure "C"

FDC0095/07

Staple Holes – Note on page 3

Staple Holes – Page 3

CATS 14/8/07

48 ^{HS}

Annexure "D"

FDC0095/07

Page 1

Page 2

Page 3

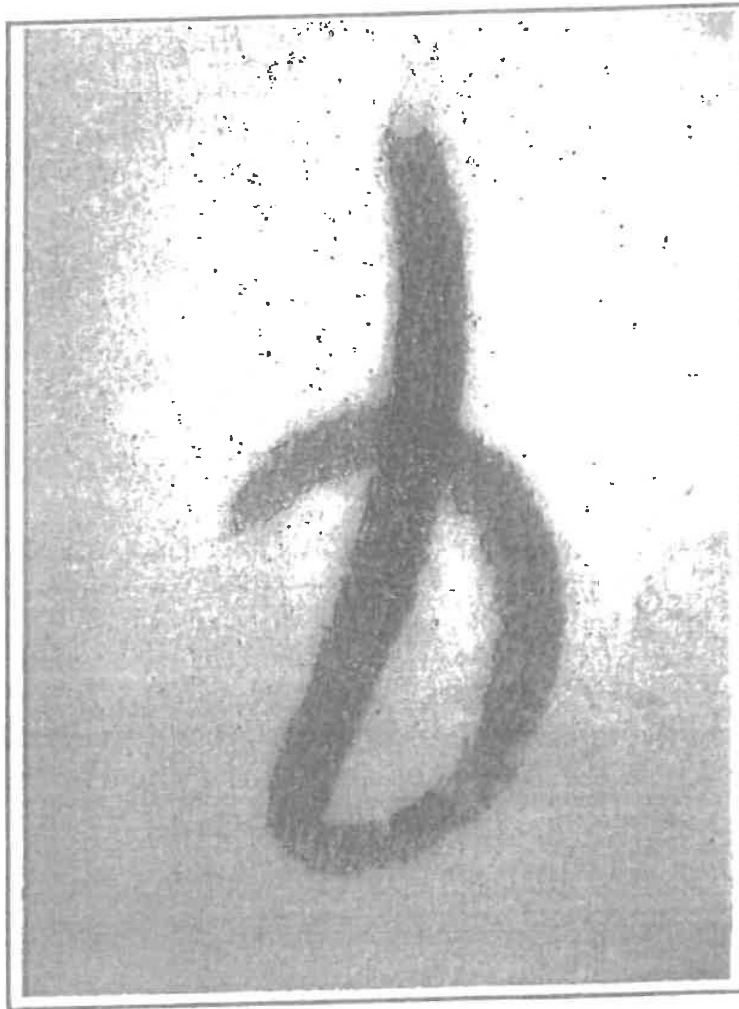
Annexure "E"

CATS 16/8/07

49 ^H
FDC0095/07

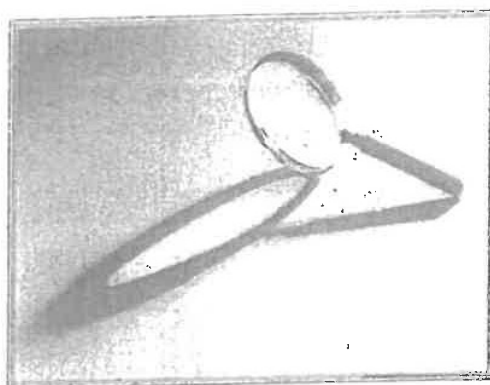
26/8/2007

8



Date Page 3

FORENSIC DOCUMENT CONSULTANTS
CC. 2007/078327/23



COMPANY PROFILE

Forensic Document Consultants

A WORLD CLASS SERVICE RENDERED BY WORLD CLASS EXPERTS

MISSION STATEMENT

"To provide a forensic document examination service of the utmost excellence and integrity."

Forensic Document Consultants was formed in September 2006 with the aim of providing a professional document examination service to individuals, companies and industries that have been or is at risk of being the victims of fraud or any other crime or action in which documents are involved. The strong basis and extensive knowledge and experience the company is based on ensures complete and accurate examination of all document-related problems to all client's satisfaction.

YOU ARE AT RISK

IMPACT OF FRAUD AND COUNTERFEITING

Although less frequently reported than the other major crimes committed, the losses due to fraud and corruption amounts to billions of Rand annually, which undermines the economy of the country as a whole.

- ▶ Cheque fraud reported by the major banking groups amounts to close to R2,5 Billion Rand annually. The fraudulent presentation of cheques accounts for 93,8% of losses while altered or amended cheques and fabricated cheques accounts for 6,2%.
- ▶ The losses by retail business accounts for 55,68% which amount to millions of rands per year. Credit Card Fraud and forged credit cards amounts to R170 Million per annum and is steeply on the rise.
- ▶ Identity theft goes hand in hand with fraudulent cheques and thousands of forged Identity Documents, Drivers Licenses and Passports are in circulation.
- ▶ Counterfeit currency are an ever-increasing problem with counterfeits of better quality being produced constantly. Counterfeit currency amounts to R25 Million per annum.
- ▶ Internal theft and fraud by personnel employed by companies are also steeply on the rise and accounts for billions of Rand lost due to the rising sophistication of methods employed by perpetrators.

CAN YOU AFFORD IT?

THE SOLUTION : FORENSIC DOCUMENT CONSULTANTS

Forensic Document Consultants specializes in the expert examination of documents (handwriting, signatures, forgeries, forged cheques and Identity Documents/Passports, counterfeit currency, travel cheques, etc.)

The early identification of fraudsters, external and internal to the company, can effect enormous savings while the offenders are quickly apprehended before further damage can be done.

Risk assessment can be done which can identify problem areas which can be rectified before losses occur.

TRAINING : The thorough, professional training of staff in the early identification of possible fraudulent and forged documents is the greatest safeguard against being the victim of fraud. All personnel involved in the handling of cash, cheques, credit cards and interaction with customers should be knowledgeable and confident in the early identification and handling of potential problem cases.

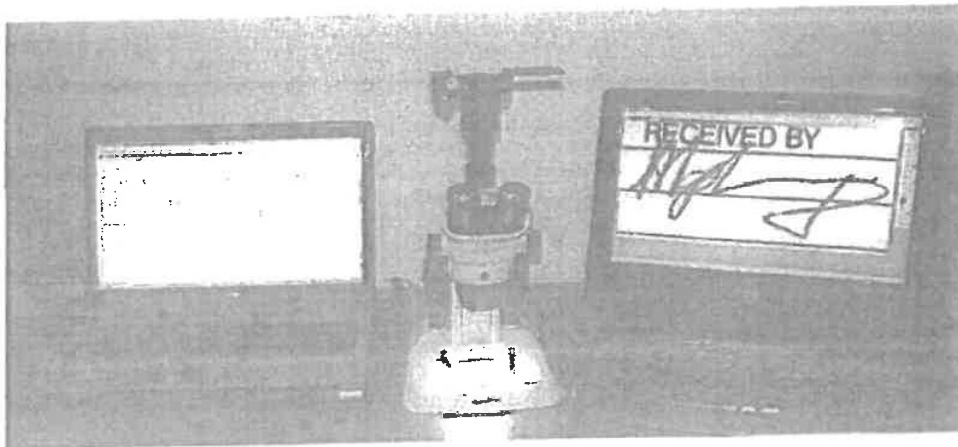
SERVICES AND EXAMINATIONS RENDERED:

Forensic Document Consultants specializes in the forensic examination of documents which includes laboratory examinations, interpretation of findings and presentation of conclusions reached for intelligence purposes or for use in court.

Services and examinations provided :

- ▶ Handwriting comparison and individualization;
- ▶ Signature comparison and individualization;
- ▶ Identification of forged signatures (wills, litigation, Closed Corporations, etc.);
- ▶ The examination and individualization of typewriting, photocopies, laser printers, etc.
- ▶ The examination of erasures, additions, obliterations or alterations on documents;
- ▶ The individualizing of apparatus that produced documents e.g. rubber stamps, printing presses, copy- and facsimile apparatus;
- ▶ Restoration of obscured writing and indentations on documents;
- ▶ The examination of cheques, credit cards and banknotes (RSA and foreign);
- ▶ The examination and restoration of torn, soiled, charred or burnt documents;
- ▶ The examination of Identity Documents, Passports, Visa's, etc. to determine authenticity and identify alterations, substitutions, etc.;
- ▶ The examination and comparison of writing instruments, inks, paper and other media;
- ▶ The rendering of expert evidence in court;
- ▶ The evaluation of expert testimony and conclusions by other experts;
- ▶ The examination of fingerprints;
- ▶ Polygraph examination and services;
- ▶ Research and development regarding security paper, security features in paper, etc.;
- ▶ Method development and validation;
- ▶ Training in all aspects of document examination;
- ▶ Fire and arson investigation;
- ▶ Risk analysis and solutions regarding documentation.

The company is in possession of all necessary forensic equipment and appropriate reference materials and undergoes international proficiency testing through Collaborative Testing Services, an International organization, approved by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB). The company complies fully with SANAS Criteria for Forensic Laboratories R08-01 (2001) and the ASCLD Laboratory Complete Accreditation Board Manual (2004) regarding Policies, Procedures and all necessary Forms set up to ensure evidence integrity (all evidence are handled in such a way that loss, cross transfer, contamination and deleterious change is prevented), case records, receipt, safekeeping and dispatch complies with prescriptions. Cases are technically evaluated and administratively verified.

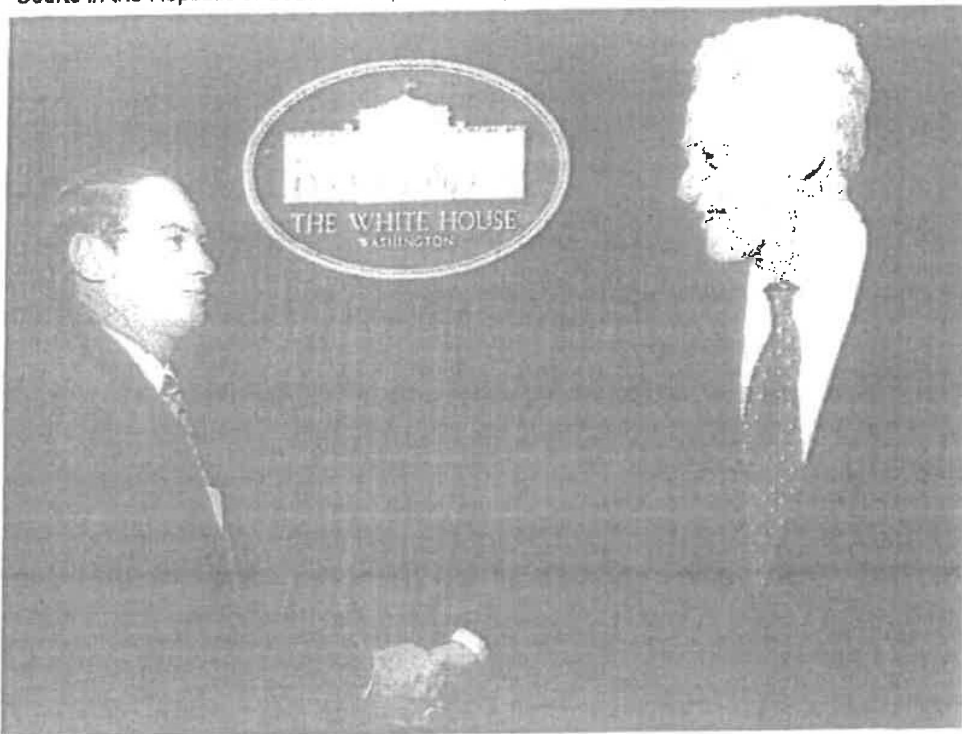


THE TEAM

STATEMENT OF EXPERTISE - DIRECTOR J F HATTINGH**Professional History**

From February 1971 to December 1980 he was employed by the South African Police Service as a Fingerprint Expert, completing training in the classification and identification of fingerprints, forensic photography and the investigation and preparation of crime scene plans. He reached the position of supervisor of a group of fingerprint experts and in 1980 was serving as a Quality Manager for the South African Criminal Record Centre. His principal duties included the classification, searching and identifying of fingerprints, forensic photography, scene of crime investigation and drawing plans of scenes of crimes and supervisor and Quality Manager evaluating the standard of work of the Criminal Bureau.

From January 1981 to August 2006 he was employed by the South African Police Service as an expert examiner of questioned documents. In his career he examined more than 21000 cases involving questioned documents and rendered expert testimony in 1295 cases in High and Lower Courts in the Republic of South Africa, Swaziland, Botswana, Zimbabwe, Lesotho and Namibia.



*To Johannes Hattingh
Best Wishes,*

Bill Clinton

Hannes Hattingh being thanked by the President of the United States for services rendered to the Secret Service.

Since April 2001 he was the Section Commander of the Questioned Document Unit of the S A Police Service. On 1994-12-01 he attained the rank of Director and was part of the Senior Management of the Forensic Science Laboratory until he left the service in September 2006.

The following specialized training was undergone by him:

- 1971 - 1972 : Academic and practical in-service training in the examination of fingerprints, crime scene investigation and forensic photography.
- 1981 - 1983 : Academic and practical in-service training in the examination of questioned documents at the Questioned Document Unit : S A Police.
- 1984 : IBM : Instructional program on typewriters.
- 1985 : South African Banknote Company : Identification of printing processes and genuine and counterfeit currency. Also certified as a training officer in abovementioned subject.
- 1994 : Crane & Co. : Boston, USA : The manufacture of security banknote paper
- 1994 : United States Secret Service, Washington DC : Identification of printing processes and genuine and counterfeit United States currency.
- 1996 : WIRSAM : Light Microscopy and photomicrograph instructional program
- 1998 : Training in Mandarin writing - Taiwan Forensic Services
- 1999 : Advanced Printing Course (S A Printing College)
- 1999 : SAPPI : Paper manufacturing course
- 1999 : ISO9000 Internal Quality Auditing

His principal duties included :

- ▶ The examination of cases of the highest difficulty level in all aspects of questioned documents;
- ▶ Rendering of expert evidence in court;
- ▶ Scene of crime examinations;
- ▶ Management of all aspects of the Questioned Document Unit, including:
 - ▶ Human resources (Organization, supervision and control);
 - ▶ Casework;
 - ▶ Crime Scene Examination;
 - ▶ Coordinate and Develop Training Programs in accordance with SAQA/NQF;
 - ▶ Research & Development;
 - ▶ Finances, instrumentation and consumables;
 - ▶ Implementing new instrumentation and procedures in the examination of documents.
- ▶ Liaison with role-players in combating fraud such as the Organized Crime Unit, Commercial Crime Unit, SABRIC, US Secret Service, Departments Of Home Affairs and Foreign Affairs, S A Reserve Bank, INTERPOL, Department of Justice and SBV Services.
- ▶ Quality Manager setting up Policies and Standard Operating Procedures and evaluating the standard of work of the personnel of the Questioned Document Unit.

Training presented

- 1994 - 1996 : Part-time lecturer at Technicon SA in the subject "Investigation of Crime".
- 1987 - 1999 : Lecturer and Moderator at the University of South Africa "Advanced Certificate in Forensic Criminalistics".
- 1998 - 2005 : Developed training programs for Zimbabwean, Tanzanian, Kenyan, Botswana, Lesotho and Swaziland Questioned Document examiners.

Membership of Professional Bodies

- ▶ Forensic Science Society (Great Britain);
- ▶ International Police Association;
- ▶ Police Science Association of Southern Africa;
- ▶ South African national Accreditation System Specialised Technical Committee on Forensic Science;

Conferences attended

1993 : International Association of Forensic Sciences Congress - Germany
 1997 : Ninth INTERPOL Annual Congress in Currency Counterfeiting - Finland
 1997 : Third INTERPOL Annual Congress on Fraudulent Travel Documents - Finland
 1999 : United States Secret Service International Fraud Conference
 1999 : South African Reserve Bank Counterfeit Currency Conference
 2002 : Integrated approach for dealing with Counterfeit Currency : S A Reserve Bank
 2003 : First African Forensic Congress
 2003 : SADEK Counterfeit Currency Seminar

Scientific publications :

- ▶ Textbook : Questioned Documents : University of South Africa
- ▶ Examination of Counterfeit Currency : SAPS Commercial Crime
- ▶ Commercial Crime Investigation : SAPS Commercial Crime.

International forensic and policing facilities visited :

- ▶ Forensic Science Laboratory - Germany
- ▶ FBI Forensic Science Laboratory - Washington DC
- ▶ United States Secret Service Forensic Laboratory - Washington DC
- ▶ Forensic Science Laboratory - Helsinki
- ▶ Forensic Science Laboratory - Taipei

Qualifications:

1980 : National Diploma (Police Management and Administration).
 1985 to 1989 : Studied the degree B.luris for non-degree purposes. Subjects applicable to work passed were : Criminology I, Introduction to Law Principles, Private Law I, Criminal Law, Civil Procedural Law, Law of Evidence, Criminal Procedural Law, Private Law II, Constitutional Law and the Interpretation of Statutes.
 1995 : Attained a Diploma in Document Examination from the Forensic Science Society in the United Kingdom which gives him worldwide recognition as a qualified forensic examiner of questioned documents.
 1998 : Attained the Advanced Certificate in Forensic Criminalistics which is specifically directed towards the examination of questioned documents which carries a Degree status (RVQ13) from the University of South Africa.

CASEWORK EXPERIENCE

Fingerprint examinations	± 100,000
Questioned document examinations	21356
Expert evidence in court	1295 : In High and Lower courts throughout the Republic of South Africa and adjacent states.
International Questioned Document Proficiency Tests successfully completed (Collaborative Testing - USA)	17

Verw : A1
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ramaite S C
VAN : A R Ackermann S C

ONDERWERP : **DIE STAAT teen**

1. ABOOBAKER ISMAIL
 2. MOHAMMED ABDULHAI ISMAIL
 3. MOHAMMED IQBAL SHAIK
- Saakdossier : Lyttelton MR 23/2/85 - Sabotasje

1. **KORT BESKRYWING VAN MISDAAD**

'n Kleefmyn het gedurende die nag van 1985/02/04 'n hoof watertoevoerpyp langs die Ben Schoeman hoofweg beskadig. Die pyplyn verskaf water aan Pretoria-Wes, wat tydelik ontwig was. Die hoëdruk massa waterlekkasie het die padoppervlakte van die hoofweg beskadig.

Die polisie-ondersoek was onsuksesvol gewees.

A ISMAIL, M A ISMAIL en M I SHAIK het as opdraggewer en uitvoerders van die ontploffing aanspreeklikheid aanvaar en het om amnestie aansoek gedoen.

- 2 -

2. AMNESTIE

Amnestie is op 16 Januarie 2001 aan bogenoemde persone verleen.

3. BESLISSING

Geen verdere ondersoek is nodig nie. Die saak word as afgehandel beskou.



Adv. A.R. Ackermann S.C.
SPESIALE DIREKTEUR

(/tp

Verw : A2
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ramaite S C
VAN : A R Ackermann S C
ONDERWERP : **DIE STAAT teen**

SIPHIWE NYANDA
Saakdossier : Mamelodi MR 315/3/85

1. KORT BESKRYWING VAN MISDAAD

Op 1985/03/17 is 'n geparkeerde SA Polisie voertuig, wat deur die Veiligheidstak gebruik is, in Mamelodi, Pretoria deur 'n ontploffing beskadig. Die Veiligheidstaklid was klaarblyklik die teiken gewees.

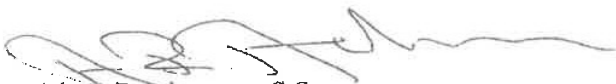
SIPHIWE NYANDA het amnestie vir die daad gevra.

2. AMNESTIE

Amnestie is op 7 November 2000 aan bogenoemde vir die misdaad verleen.

3. **BESLISSING**

Geen verdere inligting is beskikbaar nie. Die saak word as afgehandel beskou.



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

Verw : A3
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ramaite S C
VAN : A R Ackermann S C
ONDERWERP : **DIE STAAT teen**
(1) **SIPHIWE NYANDA**
(2) **SOLLY ZACHARIA SHOKE**
Saakdossier : Orlando MR 176/5/80

1. KORT BESKRYWING VAN MISDAAD

Op 5 Mei 1980 is die Uncle Toms Hall, Orlando-Wes deur drie gewapende mans aangeval. Twee polisiebeamptes is met wapens aangehou en is vasgebind terwyl 'n brand in die saal gestig is.

Die polisie-ondersoek was onsuksesvol.

Bogenoemde twee persone het as opdraggewer en uitvoerder van hierdie misdaad amnestie ontvang. Ander lede van die betrokke groep is waarskynlik ter dood veroordeel weens ander misdade. (Wonderboompoort MR 253/12/81).

2. AMNESTIE

Bogenoendes het op 7 November 2000 amnestie vir hierdie misdaad ontvang.

3. **BESLISSING**

Geen verdere ondersoek is nodig nie. Die saak kan as afgehandel beskou word en ooreenkomstig SAPD voorskrifte geliasseer word.



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

Verw : A4
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ramaite S C
VAN : A R Ackermann S C
ONDERWERP : **DIE STAAT teen**

(1) **ABOObAKER ISMAIL**
(2) **JOHANNES MNISI**
Saakdossier : **Erasmia MR 119/8/8176/5/80**

1. **KORT BESKRYWING VAN MISDAAD**

Op 12 Augustus 1981 het 'n groep MK lede Voortrekkerhoogte Militêrebasis met 5 vuurpyle aangeval wat vanaf 'n afstand met 'n vuurpylrigter afgevuur is. Die aanval het die besering van een persoon en skade aan SAW eiendom tot gevolg gehad.

Terwyl die groep van die toneel gevlug het, het hulle gepoog om 'n motor te roof, waartydens die bestuurder 'n skietwond opgedoen het.

Die opdraggewer, **ABOObAKER ISMAIL** en die enigste oorlewende lid van die groep, **JOHANNES MNISI**, het aansoek om amnestie vir die aanval gedoen.

2. **AMNESTIE**

Amnestie is op 16 Januarie 2001 aan beide bovermeldes verleen.

3. **BESLISSING**

Geen verdere ondersoek is nodig nie. Die saak word as afgehandel beskou.

Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

Verw : A5
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ramaite S C
VAN : A R Ackermann S C
ONDERWERP : **DIE STAAT teen**
(1) **ABOObAKER ISMAIL**
(2) **MOHAMMED IQBAL SHAIK**
(3) **MOHAMMED ABDULHAI ISMAIL**
Saakdossiere : Kroonstad MR 40/3/85 - Sabotasie

1. **KORT BESKRYWING VAN MISDAAD**

Op 1988/03/04 is die Nasionale Party kantore in Kroonstad deur 'n kragtige kleefmyn ontploffing beskadig. Die kleefmyn was voor die NP kantore gestel gewees en die ontploffing het ook skade aan omliggende geboue veroorsaak. Niemand is beseer nie.

Die polisie-onderzoek was onsuksesvol gewees. **A ISMAIL, SHAIK en M A ISMAIL** het aanspreeklikheid vir die ontploffing aanvaar en het om amnestie aansoek gedoen.

2. **AMNESTIE**

Amnestie is op 16 Januarie 2001 aan bogernoemdes toegestaan.

3. **BESLISSING**

Geen verdere ondersoek is nodig nie. Die saak word as afgehandel beskou.



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

Verw : A6
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ramaite S C
VAN : A R Ackermann S C
ONDERWERP : **DIE STAAT teen**

(1) **SOLLY ZACHARIA SHOKE**
(2) **SIPHIWE NYANDA**
Saakdossier : Daveyton MR 185/2/78 - Sabotasie

1. **KORT BESKRYWING VAN MISDAAD**

'n Kragtige bom ontploffing het op 1978/02/24 om 20:00 by Daveyton Polisiestatie plaasgevind, was groot skade aan die gebou veroorsaak het. Skade is ook aan aangrensende geboue veroorsaak. Geen persoon is gedood of beseer nie.

Die polisie-ondersoek was onsuksesvol geweest.

NYANDA en SHOKE het onderskeidelik as opdraggewer en uitvoerder van die ontploffing aanspreeklikheid aanvaar en het om amnestie aansoek gedoen.

2. **AMNESTIE**

Amnestie is op 7 November 2000 aan bogernoemde persone verleen.

- 2 -

3. BESLISSING

Geen verdere ondersoek is nodig nie. Die saak word as afgehandel beskou.



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

Verw : A7
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ramaite S C
VAN : A R Ackermann S C
ONDERWERP : **DIE STAAT teen**
SIPHIWE NYANDA
Saakdossier : Wonderboompoort MR 253/12/81

1. KORT BESKRYWING VAN MISDAAD

Op 26 Desember 1981 om ongeveer 22:10 is die SA Polisiestasie Wonderboompoort deur 'n groep persone met AK 47 gewere, handgranate, 'n RPD 7 vuurpyl en handwapens aangeval. Die aanval het die dood van een SAP lid en die besering van 4 lede tot gevolg gehad.

Drie ANC-lede wat tydens die ondersoek gearresteer is, is deur die hof weens hoogverraad skuldig bevind en ter dood veroordeel.


Die ANC het aanspreeklikheid vir die aanval aanvaar en die opdraggewer het amnestie ontvang.

2. AMNESTIE

Amnestie is op 7 November 2000 aan bogernoemde verleen.

3. **BESLISSING**

Geen verdere ondersoek is nodig nie. Die saak kan ooreenkomstig SAPD voorskrifte geliasseer word.



Adv A R Ackerman S C
SPESIALE DIREKTEUR .
/tp

Verw : A8
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ramaite S C
VAN : A R Ackermann S C
ONDERWERP : **DIE STAAT teen**
(1) **ABOBAKER ISMAIL**
(2) **JOHANNES MNISI**
(3) **COLIN MARK DE SOUSA**
(4) **HEINRICH JOHANNES GROSSKOPF**
Saakdossier : John Vorsterplein MR 2133/7/87

1. KORT BESKRYWING VAN MISDAAD

'n Kragtige motorbom het op 30 Julie 1987 om ongeveer 10:00 in Quartstraat, Johannesburg, naby die Wits-kommandoment, ontplof.

As gevolg van die ontploffing is een persoon gedood, 68 persone beseer en is groot skade aan geboue, voertuie en eiendom aangerig.

Die ANC het aanspreeklikheid vir die ontploffing aanvaar en alle betrokkenes daarby het amnestie ontvang.

2. AMNESTIE

Amnestie is onderskeidelik op 12 Desember 2000 en 16 Januarie 2001 aan al bogenoemde persone verleen.

3. **BESLISSING**

Geen verdere ondersoek is nodig nie. Die saak word as afgehandel beskou en kan ooreenkomstig SAPD voorskrifte geliasseer word.



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

Verw : A9
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ramaite S C
VAN : A R Ackermann S C
ONDERWERP : **DIE STAAT teen**
(1) NAPHTAL MANANA
(2) SIPHO CLEOPAS MAGANE
(3) PETROS TSHEPO MASHIGO
Saakdossier : Soekmekaar MR 5/1/1980

1. KORT BESKRYWING VAN MISDAAD

Op 1980/01/04 om 20:30 is die SA Polisiestasie Soekmekaar deur 'n groep MK lede met outomatiese wapen, handgranate en ander wapens aangeval. Twee SAP lede is beseer en skade is aan SAP eiendom, geboue en voertuie aangerig.

Voor die aanval het die groep 'n bakkie geroof en het die eienaar vasgebind gelaat.

Drie lede van die groep is later deur die polisie gearresteer en is weens hoogverraad, roof en poging tot moord aangekla. Al drie nl **LUBISI, MASHIGO** en **MANANA** is onder andere die doodstraf opgelê, wat tydens appèl na lewenslange gevangenisstraf gewysig is.

Twee van hierdie persone nl **MASHIGO** en **MANANA**, sowel as 'n derde persoon, **MAGANE**, wat nooit vervolgd is nie, het vir hierdie aanval om amnestie gevra.


- 2 -

2. AMNESTIE

Amnestie is op 27 September 1999 aan bogenoemdes verleen.

3. BESLISSING

Geen verdere ondersoek is nodig nie. Die saak word as afgehandel beskou.



(Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

**THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS
REGARDING EFFORTS OR ATTEMPTS TO STOP THE INVESTIGATION OR
PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES
(TRC CASES INQUIRY)**

HELD AT:

Sci-Bono Discovery Centre, Corner of Miriam Makeba & Helen Joseph Street
Newtown, Johannesburg

BEFORE:

COMMISSIONERS:

The Honourable Ms Justice Sisi Khampepe (Judge Ret.) – Chairperson
The Honourable Mr Justice Frans Diale Kgomo (Judge President Ret.)
Adv Andrea Gabriel (SC)

EVIDENCE LEADERS:

Adv Ishmael Semanya (SC)
Adv Vas Soni (SC)
Adv Fana Nalane (SC)
Adv Nompumelelo Seme
Ms Baitseng Rangata

REPRESENTATIVES

Adv Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Ms A Thakor – The Calata Group
Adv KD Moroka (SC) – DoJ representative
Adv Motalepula Rantho (for SAPS)
Mr Tabata (for Adv B Ngcuka)

4 MARCH 2026

DAY 17

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MzanziSA Business Solutions
Arbour Square
Cnr Melle & Juta Street
Ground Floor, Office 3
Braamfontein, 2001
TEL: 011 339 1289 Cell: 0794374335
E-mail: transcription@mzanziSA.com

In July 2003 you verbally informed me that you were not prepared to sign the declarations and were withdrawing the DSO from the further investigation of the cases. A letter to this effect was given to the CIO Leask by you (copy attached).

10 In response thereto I requested Commissioner de Beer to appoint the police to take over the investigations. After a series of meetings with him, he approached the National Commissioner who indicated that the police would only investigate upon written instruction of the President (Copy of de Beer's letter is attached). His primary reason was that the SAPS had transferred all their members with appropriate experience to the DSO in order to capacitate it to conduct these investigations.

20 After receipt of de Beer's letter, I made several unsuccessful attempts to contact you to discuss the matter. Eventually I had to report the matter to Dr Ramaite.

On 3 November 2003 you informed me that you would sign the declarations in terms of Section 28(1)(b) and would appoint SSI de Lange to conduct the necessary investigations.

paragraph 7.

ADV ACKERMANN: Paragraph 7:

“Shortly thereafter Mr Ngcuka informed me that my unit should take over the management of TRC investigations and prosecutions from the DSO. I am informed that this decision was based on the following background.

10 Shortly after his appointment, Mr Ngcuka created a Human Rights Unit in his office, headed by a DDPP (Mr Brink Ferreira) to deal with such cases.

 For various reasons, this unit had been unable to discharge its mandate and in 2001, Mr Ngcuka had transferred the cases to the DSO. Mr Ngcuka was adamant that all the TRC matters had to be investigated by the DSO and not SAPS.

20 As a consequence of this decision, the DSO requested Commissioner de Beer to conduct an audit of all TRC cases carried by SAPS and to refer the cases in question to the DSO. SAPS was perfectly amenable to this request as is confirmed from the attached documentation relating thereto.

 The DSO had only a small number of investigators in its head office available to

conduct all the investigations which were necessary and this limited any progress which could be made. Only a handful of cases were finalized where decisions were made not to prosecute.

10 7.5. At this point in time, the final report of the TRC had not been released and there was wide-spread speculation that the President was intending to declare an amnesty for further prosecutions. As a result, it was felt that it would be inappropriate to institute prosecutions before the report was released and the President had responded thereto.

Shortly after the creation of the PCLU in April 2003, the report became available and the President, in a public statement, ruled out any form of further amnesties. He specifically mandated the NDPP to proceed with prosecutions according to normal practices.

20 8. During May/June 2003, I immediately conducted an audit of TRC cases on hand and a presentation was given to Mr Ngcuka and his deputies. I had identified certain cases warranting prosecution, as well as a number of matters which required further investigation.

Mr Ngcuka and his deputies were satisfied with my presentation and I was given the go-ahead to proceed.

Then Annexure A, I do not have it.

10 9. I however ran into considerable difficulties in obtaining the necessary legal authorizations for investigations from Adv Ledwaba (who was Head of the DSO's operations). In addition, the DSO investigators complained that they required access to SAPS dockets and personnel to conduct the necessary investigations and that SAPS was reluctant to assist them. This related to investigations against members of the security forces. As far as investigations against APLA and MK were concerned, these were being dealt with by a Director and Senior Superintendent from SAPS, who reported to Adv Fick SC, a DOPP in Adv Mpshe's office.

20 As a result of the above difficulties, I met with Commissioner de Beer and requested him to take over the TRC cases dealt with by the DSO. He requested me to put my request in writing, as he indicated that this matter would have to be discussed with Commissioner Selebi. After I put in my request, he, in writing, advised me that

SAPS would not investigate, unless the President authorized it to do so. There was however no objection to SAPS continuing with the APLA and MK investigations. Relevant correspondence is attached hereto.

I appointed... [intervenues]

ADV VARNEY: If we can just pause for a second, just a question for clarification, so in that paragraph 10 you seem to be saying that there was however no objection to SAPS continuing with the APLA and MK investigations. Are you saying that they were willing to continue with those ones, but they were not willing to pursue investigation against the former apartheid security forces?

ADV ACKERMANN: I cannot recall why I wrote it there. Annexure C, D and E that is not attached and I assume that those attachments will set out why I wrote that.

ADV VARNEY: Thank you, you may proceed.

ADV ACKERMANN:

I appointed DOPP Macadam to focus on the DSO cases, while I dealt with the SAPS cases. Both Macadam and I disposed of a large number of cases on the basis that there were no grounds to prosecute. Macadam however had identified a small number of cases involving security branch members, but informed me that he could not prosecute these matters, as he had dealt with the

**THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS
REGARDING EFFORTS OR ATTEMPTS TO STOP THE INVESTIGATION OR
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Adv KD Moroka (SC) – DoJ representative
Adv Motlalepula Rantho (for SAPS)
Mr Tabata (for Adv B Ngcuka)

5 MARCH 2026

DAY 18

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MzanziSA Business Solutions
Arbour Square
Cnr Melle & Juta Street
Ground Floor, Office 3
Braamfontein, 2001
TEL: 011 339 1289 Cell: 0794374335
E-mail: transcription@mzanziisa.com

instruction was to stop the arrest, not to proceed with any TRC prosecutions. I stood up and walked out.

Another heading I have here is "meeting with Reverend Chikane on 22 January 2007". Commissioners, it is relevant and important to explain what occurred before the meeting with Reverend Chikane. At some stage I was informed by General Jacobs that Chikane was against the prosecution and at ...[intervenes]

ADV VARNEY: Mr Ackermann, when you say General Jacobs, can you explain to the commission who he is and what was his role at that
10 time?

ADV ACKERMANN: He was a legal, attached to the legal division of the police. He was also the representative. He was nominated by General, Commissioner Selebi to sit on the so-called task team, the task team where that started its first sitting, I think, was here in October 26; and I knew him from a number of matters I had to deal with the police, but he was a legal man.

ADV VARNEY: Thank you. Please proceed.

ADV ACKERMANN: Now, as I said, it is important to explain what occurred before the meeting with Reverend Chikane on the 22nd. We
20 had a number of meetings. As I said, I have not got the dates here, but it must be middle of October and we had about three meetings of the task team during that time. Now, at this meeting virtually all the members, like a rehearsed choir informed me that Reverend Chikane does not want a prosecution. The minutes of the meetings of the task team is available and it...

prosecution of the accused in this case. Therefore, he needs to be consulted and the matter needs to be discussed with their principals before making a recommendation. Adv Ackermann reminded the meeting that the national director has made his decision on this matter. Yvonne..."

That is Yvonne Mabule. She is the representative [indistinct] I think of NIA.

10 "...stated, concurred with Commissioner Jacobs on the Reverend Chikane matter. Ngidi said he had no objection to the national director's decision on this matter."

You can see that the Chikane matter played a central role for the meetings of the task team. They were very concerned about that matter. Now, also ...[intervenes]

ADV VARNEY: Just to be clear about some of the role-players. So you mentioned that Yvonne Mabule was one of the National Intelligence Agency representatives; and Mr Ngidi, Nhlanhla Ngidi,
20 was he from the DSO?

ADV ACKERMANN: Yes.

ADV VARNEY: Scorpions.

ADV ACKERMANN: There is a list somewhere where it says where they are all from. I am not sure. I know where Jacobs was. I know where Mthunzi Mhaga was. Now 81, on page 81 you find the list of

before a decision is made. I am of the opinion that the directors-general should meet as soon as possible to provide guidance on the procedure to be followed by the officials in the task team. I am also of the opinion that the Chikane matter should be discussed, both in terms of the procedures followed and the way forward. I have requested the NPA to request a meeting as soon as possible and trust that you will be in agreement with that request.”

10 ADV VARNEY: Thank you, Mr Ackermann.

ADV ACKERMANN: Then ...[intervenes]

ADV VARNEY: Mr Ackermann, if we can just pause for a moment. We have reached the 45-minute mark and the team in Cape Town have requested a short break. Can we ...[intervenes]

ADV ACKERMANN: I will proceed and deal with the Chikane matter ...[intervenes]

ADV VARNEY: You wish to proceed.

ADV ACKERMANN: Yes, is that correct.

20 ADV VARNEY: Okay. Well, then we act under your advisement and you will just let us know when you wish to stop for a break. But before you proceed to the next document; this letter that National Commissioner Selebi sent to Adv Pikoli; am I right in saying that he also sent it to, the very same letter to Adv Menzi Simelane who was then Director-General of the Department of Justice.

must come and see him in his office. He informed me that after due consideration, he decided to remove me from the TRC cases. He told Mr Mpshe and it was, I told Mr Mpshe that it was not he who took that decision to remove me, but the minister instructed him to remove me from the cases. I then gave Mr Mpshe the background of the meetings that Mr Pikoli had with the minister and Selebi the past two years pertaining to my involvement in TRC cases and that they demanded that I be removed from the cases. Mr Mpshe... [intervenes]

10 ADV VARNEY: Just in terms of timing, this would be September of 2007?

ADV ACKERMANN: Ja, I was under the impression that it was in the beginning of October, I am not sure but...

ADV VARNEY: Yes, it could be in October, because... [intervenes]

ADV ACKERMANN: I asked... [intervenes]

ADV VARNEY: Because Mr Pikoli was suspended, we will get you the date, but it is during September 2007.

ADV ACKERMANN: 27 September he was suspended and I say a week later, that is how I recall it and that it was a week or two weeks
20 later. If I can, my diaries, I requested my diaries, I asked, phoned Msimaga and said get hold of my diaries, but of course I am quite certain I wrote something in my diary about this matter. I have not received it, my diaries from the NPA. My diaries can say, I had two diaries, the one was where I put my personal, if I say personal it will be personal work matters, the other one would be on operational

matters that I referred to. So I am looking for these two diaries so that I can give the correct date when he called me in. I made note of it.

ADV VARNEY: Thank you. Then NDPP Pikoli was suspended on 23 September 2007, so if it was two weeks later, then you are right, it probably would have been in early October.

ADV ACKERMANN: As I said, I told him, I gave him the background and then Mr Mpshe quite honestly looked at me and he says, no, it was not the minister that requested him to remove me, but that it was the Director General Mr Simelane of Justice, must say I found it very ironic, but according to him it was not the minister. I asked Mr Mpshe who was going to take over from me and he said that he was still considering that aspect. My parting words to Mr Mpshe was that he must remember that the TRC cases are a given and that they are not going to disappear. That was now in 2007. I do not think anything happened after 2007. Now Mr Simelane submitted an affidavit to this commission, in... [intervenes]

COMMISSIONER KGOMO: Just before you going there, I am interested to learn whether Mr Mpshe gave you something in writing why you were removed from the TRC cases? Was it all oral, nothing in writing?

ADV ACKERMANN: Nothing in writing, he just said he, after due consideration he decided to remove me.

COMMISSIONER KGOMO: And the due consideration without content, just due consideration, just that bland statement?

ADV ACKERMANN: That is correct, Commissioner and that is why I told him then that is not he who is stating that decision, I know it was the minister who gave him the instruction. And that was, I deduced from what happened a week before or two weeks beforehand, Mr Pikoli was suspended and so of course there were only two obstacles, it was Mr Pikoli and I. So two weeks later when he became the, or I do not know when he became the NDPP, he called me in and said after due consideration he is taking me off.

COMMISSIONER KGOMO: Okay.

10 ADV ACKERMANN: I did not receive any written instruction and to be honest, you know, I do not expect that there will be a letter to the effect stating that you are now taken off TRC matters. He said it to me and I accepted it.

COMMISSIONER KGOMO: Yes, thank you.

ADV VARNEY: Before we proceed, Mr Ackermann and in relation to the Commissioner's enquiry about whether there was anything in writing, Commissioners on Tuesday evening the secretary of the commission did release some documents and in fact Mr Ackermann is more in the build than I am, because he spotted those documents. I
20 had an opportunity to look at them during the tea break and there is reference to the removal of Mr Ackermann in a letter from acting NDPP Mpshe to the minister and I think this will be an appropriate time to hand up those two documents, with the leave of the commission.

CHAIRPERSON: Yes, you may do so.

relation to the TRC cases with immediate effect.”

Then I say:

“I have no doubt that Adv Mpshe received a political instruction to remove me from these cases. I advised Adv Mpshe that removing me from the TRC cases would not make the cases go away.”

Of course when I gave evidence here, I stated that Mr Mpshe told me, when I said it is a minister, he said no, it was Mr Simelane who told
10 him. Now I asked the counsel to remove that and I have my reasons and I wishes to give you my reasons why I did that.

Commissioners, in my life I base all my decisions on probabilities. Every decision I make, I take the probabilities and I anticipated a certain scenario and the scenario that I anticipated is that there will be a civil court case in the Thembu Simelane matter. And that I will have to be a witness in that case and my evidence will be to the effect that Mr Mpshe told me that it was Mr Simelane who told him to take me off the TRC matters.

I then had to take a decision as to what are the probabilities
20 that Mr Simelane was going to admit that he informed Mpshe? On the probabilities I decided that it was nil. I have previous information about Mr Simelane, Commissioners of course that is my opinion, that is how I saw it at the time, making my decision.

And I was not so certain about his, I read quite a few court cases and there was a Ginwala commission and there was also an

ADV ACKERMANN: Simelane. In my affidavit to commission I also deliberately left out a very important fact that Mr Mpshe told me. He said that the meeting between himself and Simelane to discuss my removal from TRC cases took place at an airport and he stressed that it was not a formal meeting. Now it would be very easy for the commission investigators to establish from flight records whether Mr Mpshe and Mr Simelane were together at an airport between the suspension of Mr Pikoli and the date I was rescind from my duties.

CHAIRPERSON: Which airport was it?

10 ADV ACKERMANN: He did not state and I did not want to elaborate on that, he just said it was at an airport. Now how I remember it so vividly, is at the time I thought by myself, in my experience that is where underhand handovers and meetings take place usually at the police... ag at the petrol depot on the highway, there was petrol stations or at airports. But of course I did not tell him that, but that is why I remembered it was at the airport. Now I was right in that Mr Simelane denied that he told Mr Mpshe that, or no he said in his statement he never had any discussions with any person. I do not know, I was waiting for the statement of Mr Mpshe to hear what he is
20 going to say about the matter. Whether he is going to deny that he told me it was Mr Simelane.

ADV VARNEY: Thank you, Mr Ackermann.

ADV ACKERMANN: Those are my reasons and I expect to be cross-examined on it.

ADV VARNEY: Mr Ackermann, unless you have got anything further

to add on the issue of the role of Mr Mpshe, can I suggest that we take a break?

ADV ACKERMANN: I appreciate that.

ADV VARNEY: Commissioners, Chairperson, the request from Cape Town is that this break be 20 minutes of... [intervenes]

CHAIRPERSON: 20 minutes. We will adjourn for 20 minutes.

ADV VARNEY: As the commission pleases.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 CHAIRPERSON: Mr Varney?

ADV VARNEY: Chairperson, are we ready to resume? Mr Ackerman, I think we'll just deal with one more part of your evidence today, the evidence that you wish to give in relation to the role of advocate Menzi Simelane. If you're ready to proceed, you can.

ADV ACKERMANN: Now, Commissioners, I am of the view that the affidavit Mr Simelane submitted to the commission is one of the most damning pieces of evidence to proves the existence of a political interference. Mr Pikoli and I were the only two obstacles that the
20 justice cluster had to contend with pertaining to the decision of TRC prosecutions, and they and Mr Cluster had to find convenable reasons to remove us from the TRC process. I am of the view that the reasons President Mbeki advanced for suspending Mr Pikoli, is unbelievable and far-fetched. Mr President Mbeki stated that the reason for suspending Mr Pikoli was to prevent a gunfight and a

**THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS
REGARDING EFFORTS OR ATTEMPTS TO STOP THE INVESTIGATION OR
PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES
(TRC CASES INQUIRY)**

HELD AT:

Sci-Bono Discovery Centre, Corner of Miriam Makeba & Helen Joseph Street
Newtown, Johannesburg

BEFORE:

COMMISSIONERS:

The Honourable Ms Justice Sisi Khampepe (Judge Ret.) – Chairperson
The Honourable Mr Justice Frans Diale Kgomo (Judge President Ret.)
Adv Andrea Gabriel (SC)

EVIDENCE LEADERS:

Adv Ishmael Semanya (SC)
Adv Vas Soni (SC)
Adv Fana Nalane (SC)
Adv Nompumelelo Seme
Ms Balteng Rangata

REPRESENTATIVES

Adv Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Ms A Thakor – The Calata Group
Mr Sipho Tlhaole – The Calata Group
Adv KD Moroka (SC) – DoJ representative
Adv Gwala (SC) – NPA representative
Adv Ebenezer Propny (for SAPS)
Adv Vivian Rikhotso (for Adv Menzi Simelane)
Mr Lutando Gciltshana (for Adv Bulelani)

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MzanziSA Business Solutions
Arbour Square
Cnr Melle & Juta Street
Ground Floor, Office 3
Braamfontein, 2001
TEL: 011 339 1289 Cell: 0794374335
E-mail: transcription@mzanziisa.com

happen to each docket. I testified yesterday that I started at the top of the pile and in respect of each docket, I compiled a short internal office memorandum setting out the facts and how the matter should be finalised. I discussed the problematic cases with Brits and Nel before I made a final decision.

In the majority of the cases the perpetrators had been granted amnesty and could therefore not be prosecuted or inquest had already been held. These memoranda were not addressed to any person and were to be placed in the docket, so that the status of this docket could be ascertained, like 23 years ago. Fortunately I had this note in this docket. So I knew what I did. Now, the forged note, and I will give evidence extensively on this forged note, is; I have got here page 110.

ADV VARNEY: Commissioners, that is in the separate Ackermann bundle that the commission, of the documents that the commission obtained for Mr Ackermann; and it is at page 110.

ADV ACKERMANN: I will refer to this document through my evidence. I just noticed this morning I cannot believe that I never picked this up. Page 2 is missing and I said and I asked the attorney to go through all the places where this was submitted, and I see even Commissioner Jacobs sent only page 1 and 3. I do not know where is page 2. I will tell you why it is relevant later on.

This note is a fabrication and I will explain later to the commission why, what were the reasons for this fabricated document. These notes, there must have been at least 90 of them. You will

see... I will just see [indistinct]. It is a reference number on top, reference A15. That is when I started there, and "navraag: Adv Ackermann" and the telephone number; and it is addressed. It says "to Ramaite SC, van: AR Ackermann SC" and the date is 26 June 2006. And at the bottom you will see there is my signature and the date is 26-06-2000 and you will see there is also a six and that six is not my handwriting. I will deal with it later.

As I said, these memoranda were typed by Ms Pienaar in Macadam's office; and the number that I gave in A15 is a number, a
10 reference number, it was in sequence. In other words, the one A14 will be; A14 will be dated before... I cannot see [indistinct] this document, but they were in sequence and it were all 2003. I will deal with the fraud itself, the forgery later on.

What is very important is; at the bottom of page 111 you will see under my name there is [indistinct] TP. I know in the older days the person who types a letter, the typist usually put her initials at the bottom of the letter; and that is Thea Pienaar. Now she left my office end of 2003 or maybe beginning of 2004. So it is not possible that she could have typed this letter. She was not there. But there are
20 multiple indications that and proving that this is a forged letter that I will come to later.

Just to give more background; later in 2004 Mr Ngcuka resigned and Dr Ramaite was appointed acting director. In late 2004 after Ramaite received a telephone call from Minister Mabandla regarding the Chikane arrest, I was informed by Dr Ramaite and Mr

asked him to furnish me with my memorandum. Talking thereafter, he faxed me a document. It was the forged document. That is now again 110, the forged document, but there was no page 2. The document ...[intervenes]

ADV SEMENYA: Sorry, Ackermann. Chairperson, we have Ms Ntloko on virtual with her hand up. I do not know whether she wants that interruption to happen now or at the end of the evidence.

CHAIRPERSON: Yes. Ms Ntloko?

ADV NTLOKO: Chair, I am not certain that my hand is up. The hand
10 that is in fact up is Ms Rantho's hand. I see [indistinct] actually up. I am not sure why; [indistinct] wanted was the translation and then Mr Varney dealt with it.

CHAIRPERSON: Thank you.

ADV VARNEY: You may proceed, Mr Ackermann.

ADV ACKERMANN: Now I received this document and I recognise the portion of the contents of the document as corresponding to the memorandum that I compiled for the landmine docket in 2003. I recognise my signature at the bottom, page 2 of the document, but noted that a six, not in my handwriting, had been added to the date
20 which was in my handwriting and located next to the signature. I therefore immediately realised that this document was a forgery, as the document claim that in June 2006, I made the following decision. Fortunately we have a translation of that why [indistinct]. This is just for convenience sake that I can [indistinct].

ADV VARNEY: Mr Ackermann, before we put up the translation,

After I established that the document is a forgery, I immediately report the matter to the national director. He instructed me to request Commissioner Jacobs to forward the original of the note to my office. A letter was faxed to Commissioner Jacobs, requesting him to have the document delivered to my office by no later than 16:00 on 20 August 2007. The document was never delivered to my office, nor have I heard anything regarding the matter from Commissioner Jacobs.

I will just give briefly reasons I regard why this is forged.

10 General van der Merwe and his Foundation for Equality before the Law on numerous occasions threatened the 37 ANC leaders with a prosecution if they dare to prosecute any member of the security forces. These threats of the Foundation for Equality before the Law even played out in the public domain.

Ad nauseam I was informed by the attorney of [indistinct] Jan Wagenaar that General van der Merwe was in possession of a docket proving the guilt of the 37 ANC leaders. The gathering of the indictment was the so-called landmine campaign which they admitted in the amnesty application that was not successful.

20 I was informed by Wagenaar that the contents of the docket included, *inter alia*, agenda, minutes, presentation list and decisions taken by the ANC at meetings. I think Lusaka was mentioned. This is what I earlier this morning said. I knew something about Lusaka; and this was what Wagenaar informed me. I do not know whether it was over the telephone or it was in my office, but it appears to me I

did know about the Lusaka link.

I was also informed by Wagenaar that senior counsel perused this document and was of the view that a *prima facie* could be made out against the leaders of the ANC. I have no doubt that the ANC leadership must have been very concerned about the existence of this docket.

After all, they did apply for amnesty of the landmine campaign and it was refused. There was only one way out for the ANC to prevent a prosecution against them; and that was to make sure that
10 no prosecution was instituted in the Chikane matter. The TRC team was the vehicle they used. The task team was after all created for the purpose to make decisions on TRC matters.

That is the reason why the Chikane case played a very important role in the deliberations of the task team. And I will later deal with the minutes of the task team to see how many times Chikane came up and what the views were of the members of the task team. Virtually all the members were of the opinion that Chikane was not interested in the prosecution.

Now if the task team was unsuccessful with their attempts to
20 prevent the prosecution, the powers that be must then get another plan; and that plan was to obtain evidence that Ackermann was still investigating the 37 ANC leaders, but the problem was that there was no evidence to that effect. So what is the next step? Documents must be fabricated, approved that I was still investigating the 37 leaders. I have made here a note; the role played by Commissioner

see it is a very long response, is there a chance that you could perhaps summarise for the commission your response?

ADV ACKERMANN: No, I will not be able to do, because they all relevant, I cannot even recall what I said... [intervenes]

ADV VARNEY: Okay, please proceed.

ADV ACKERMANN: So:

10 “Since 2003, Commissioner Selebi furnished the President and the ANC leadership with false information. In essence the false information was that PCLU was planning to arrest the President and other high ranking ANC officials. One of the documents used by Commissioner Selebi was a personal note which I drafted in 2003 and filed in the police docket. That is a false, the forged letter.

20 In early 2004 the former Minister of Justice, Mr Maduna informed Mr Ngcuka that Commissioner Selebi had alleged that I was on the verge of arresting the President. These allegations were investigated by Mr Ngcuka and found to be untrue. A plea statement was released in middle 2004 to the effect that there was no case against the President.

 These false allegations by Commissioner Selebi persisted during the period 2004 and 2006.

Adv Pikoli will be able to provide the details there.

During, I think July 2006 Adv Pikoli apparently had a meeting with ministers of government, Commissioner Selebi was also present and once again it was raised that I was pursuing an investigation against the President.

10 Adv Pikoli apparently request a meeting to provide him with proof of such an investigation. Commissioner Selebi apparently told the meeting that he had proof of the investigation in writing and pointed to a file he had with him. On 16 November 2006 Commissioner Jacobs presented a report at the task team. This is the meeting where I was furious.

20 The minutes of the meeting do not reflect everything what was said at this meeting. For instance I enquired about the meeting of the date 26 June 2006, which was in brackets on page 2 of the record. He did not provide me with an answer. At the time I was of the opinion that it was the date on which a report had been written by SAPS and that it as an excerpt from a SAPS report. I left it at that."

Commissioners, of course at that stage I did not know of the existence of the forged letter, that was the date of 26 June 2006, I

found very strange and I wanted to enquire what was it?

“The document provided by Commissioner de Beer indicated that it had been typed on 26 June 2006 and not 26 June 2003, everything then...

[intervenes]

ADV VARNEY: Mr Ackermann, you actually left out paragraph 14.

ADV ACKERMANN: Oh, ja. In paragraph 14:

10 “In August 2007 as a result of a report in the Rapport Newspaper, I requested Commissioner de Beer to send me my office note which had been filed in the police docket. And the docket provided by Commissioner de Beer indicated that it had been typed on 26 June 2006 and not 26 June 2003. Everything then fell into place.

20 Adv Pikoli instructed an investigation into the matter. The minister’s letter to Pikoli speaks for itself. It is obviously that the document Selebi referred to was this forged office note. On 17 September 2007, SAPS informed McCarthy that the office note had in fact been created in 2003. It is now common cause between SAPS and the NPA that my office note was written on 26 June 2003 and not 26 June 2006.”

Madam Chair, I do not know why I put in that paragraph, because at a later stage I was informed that I must advance reasons why I am not

prosecuted for perjury and I will refer to that document. So it does not make sense to me that they admitted, because they were the ones, according to McCarthy who asked that I must furnish reasons why I should not be prosecuted.

10 “The question however remains whether Commissioner Jacobs was *bona fide* when he presented the SAPS report. It is significant that in that report which he compiled, he drafted it in the following manner: Adv Ackermann indicated on 11 August 2003, on second, that is page 2.

 On 13 August 2003 Ackermann decided that, next page Adv Ackermann indicated of 4 September 2003 that Adv Ackermann decided on 3 October that and yet when the President’s case is involved, a date of 26 June 2006 is inserted in brackets. It is significant that Commissioner Jacobs failed to insert his customary set, because it is an error.

20 I also attach a copy of my report to Adv Leonard McCarthy as well as a copy of my affidavit in connection with the investigation as reflected in the annexures. A copy of the forged document is attached hereto as Annexure A.”

What happened is then that some stage McCarthy called me in and said he had discussions with, I was under impression it is

Commissioners de Beer and Jacobs and they stated that they are of the view that I committed perjury and I must advance reasons why I made the false affidavit. In fact I did draft an affidavit, if I say draft, I immediately left it to Chris Macadam to deal with the matter and ask him, I gave him the facts to draft my affidavit. Now this affidavit you find on page 121. I do not intend to go through the whole affidavit, there is only one long paragraph in Mr Macadam's ...[indistinct] and that will be on page 126. That set out... [intervenes]

ADV VARNEY: Sorry, to just before you proceed, Mr Ackermann, so I
10 just want to check that the Commissioners and the parties are on the same page, it is in the same bundle at page 121, at the top it says E, it is your affidavit, this is an unsigned version. It is dated 21 August 2007. You can proceed.

ADV ACKERMANN: I will, I think the gist of this document is paragraph 14 on page 126 and this is how Mr Macadam drafted what transpired and I think this is the document referred to that is the perjury. Do you want me to read out that paragraph 14? It is a repeat of what I stated.

ADV VARNEY: Yes, it is a repeat and frankly, Mr Ackermann, unless
20 there is something different that you wish to draw our attention to, I do not think it is necessary to read it, given that from what I can see it is repeating the facts around the forged letter.

ADV VARNEY: And paragraph 15 and 16, it is also, I do not have to read that out, just the gist is the perjury I have committed. I of course then had to report to McCarthy, I just want to get the... I have it here,

it is on page 119.

CHAIRPERSON: 119?

ADV ACKERMANN: 119, Chair.

ADV VARNEY: So that internal memorandum from yourself to Adv McCarthy on the DSO, that is dated 27 September 2007, the subject matter is 'Project gnome' and it is obviously annexed D, what do you want to highlight in this document?

ADV ACKERMANN: I will read out this document, because that I was directed to advance reasons why I should not be prosecuted for
10 perjury. Now I feel that moment, because it was obvious to me that the document was forged, but now I have to advance reasons. I said:

"Dear Leonard, I shall be brief.

I am adamant and 100% sure that the figure "6"
as reflected in the handwriting expert's document,
FDC 0095/07 (Annexure "E") is not in my
handwriting.

And I am still of the view that any person, you do not need to a
handwriting expert to see that it is not my 6, if you look at the slants, it
is not even close and all the surrounding facts this document was not
20 written in 2006. And I say:

"I am of the view that you do not need an
handwriting expert to establish that fact.

"Furthermore, it is important to note that the
handwriting expert made no such finding and
merely remarked: '...with no alteration to the last

figure '6'."

There is no alteration; it was a completely different person that wrote that.

"Within minutes after I had received the said memorandum from Commissioner Jacobs, I phoned him and informed him that the memorandum was forged and requested him to furnish me with the original. To date I have not had sight of the original.

10 It is incomprehensible that somebody will post-date by three years the year on a document."

To pre-date the, I do not know what I mean, to pre-date the year during the months of January is quite common, but to post-date it was not that common.

"I have never, on any occasion, written to Dr Ramaite in Afrikaans. The crucial question is whether any person in SAPS had a motive or reason to produce a document emanating from the NPA, to the effect that the NPA was still
20 investigating ANC office bearers during 2006.

If no such motive exists, I must accept that the *gravamen* of the disputed document falls away. Kindly find attached hereto a letter from the minister to Adv Pikoli.

I am very interested to know which documents

Mr Ackermann, I just want to put to you a passage from the affidavit of Advocate Vusi Pikoli, Commissioners, that is Advocate Pikoli's affidavit in Calata Group Bundle 2, his affidavit dated 6 May 2015 is at pages 1 to 47 and I am going to refer Mr Ackermann to a passage that starts on page 24 of that bundle 2 and It is at paragraph 64 of Advocate Pikoli's affidavit. Mr Ackermann, that paragraph reads:

Those at the meeting demanded answers from me about TRC prosecutions, and just to be clear this is a meeting that is referred to in paragraph 62. It is a meeting of the Justice Crime Prevention and Security Cabinet Committee on post TRC matters held on the 23rd of August 2007. Attendees included Commissioner Selebi, Cabinet Ministers and other DGs, apparently Cabinet Ministers present included Minister for National Intelligence Services Mr Ronnie Kasrils, Justice Minister Mabandla and Minister Skweyiya among others. So paragraph 64:

“Those at the meeting demanded answers from me about TRC prosecutions, they were also particularly concerned that I was instituting an investigation into certain members of the South African Police Service. This was in relation to my investigation into who was behind the fabrication of the letter purportedly written by Ackermann SC. Minister Mabandla told me to stop this investigation as we could not be seen to be taking

each other to court. I advised the Minister that I would not stop the investigation.”

Were you aware that Minister Mabandla had asked NDPP Pikoli to stop that investigation?

ADV ACKERMANN: I was aware of that fact and ten years later it is prescribed. The matter was never investigated. I might add I suddenly realised that there is a document somewhere where Chris McAdam wrote to Ms Steenkamp of the Scorpions asking her for the investigations documents of the fabrication because he was also
10 involved in it and Ms Steenkamp wrote back to him stating she can't find those documents, it is not in the archives.

ADV VARNEY: Yes well, you have a good memory Mr Ackermann but I do not think it is possible for us right now to locate that document unless you can direct us to it. Can I suggest that we do not pursue that particular point unless you have it before you and you can advise us.

ADV ACKERMANN: I have the document here.

ADV VARNEY: Can you tell us which bundle?

ADV ACKERMANN: It is page 130 of the McAdams, of my bundle. I
20 did not even realise I had a bundle here.

ADV VARNEY: So it is page 130 of the Ackermann bundle.

ADV ACKERMANN: Yes.

ADV VARNEY: If you just give us a moment to get to it. Okay so that document is titled Internal Memorandum. It is dated 3 December 2009 and it is from Mr P Steenkamp who is the Principal Admin

Officer of the BG team to Advocate McAdam, Deputy Director of Public Prosecutions and the subject matter is Project Gnome. Please advise who Ms Steenkamp was and what was the BG team?

ADV ACKERMANN: I do not know, Commissioners. I just remember it was Ms P Steenkamp. He says he is Principal Admin Officer. I do not know.

ADV VARNEY: Okay. You may go ahead and highlight what you wish from this document.

ADV ACKERMANN: She says:

10 Dear Advocate McAdam, I confirm receiving a formal request from you to make available the original Project Gnome file. I also confirm that such a file was opened by a special investigating component of the DSO in 2007. This component was disbanded with the closure of the DSO in 2009 and substantial material was transferred out of the office.

 At the time I was in charge of the component's records. I have diligently researched the offices to
20 locate the file but have been unable to do so. I have also personally contacted the former Chief Investigating Officer, who is also unaware of the current whereabouts of the file.

 The file was dealt with by a senior investigator Mr Piet van der Merwe who resigned last year. All

that I have been able to locate are copies of various documents which I have attached here. I do not know why Chris requested these documents.

ADV VARNEY: And just so that we all know, what is this Project Nome, spelled G-N-O-M-E?

ADV ACKERMANN: That is the DSO, with all their investigations, named. This was Project Gnome and that was now the investigation with regard to this fabricated note.

10 ADV VARNEY: I see. Is there anything further you wish to add in relation to this document?

ADV ACKERMANN: No, that is all. None of this is available.

ADV VARNEY: All right, if there is nothing further, Mr Ackermann, can we then move to a topic that you wish to deal with, the hacking of your office computer?

ADV ACKERMANN: Of course, the notes that I have written will be on a typist's computer. So I requested my secretary at that stage, Ms Zwart, to search for the note A-15, that is a fabricated document, on our computer. She did find it and it was identical to the document
20 that Commissioner Jacobs produced, namely this forged document.

I was shocked and realised that my computer was hacked. Mr McAdam then took over and requested that the hacking be investigated by an outside expert. I did not get involved with the investigator in the investigation.

A few days later, Mr McAdam or Ms Zwart reported to me

that the expert found that the hacking of my computer did take place and that it occurred from a computer in Durban, or from the office of our IT expert at the BGM building. I know the person, he is Marnus, I probably asked him to do something on our computer, most probably this hacking occurred from a computer in Durban, it is our office in Durban.

ADV VARNEY: And did that, was there a report generated in relation to the hacking by that expert?

ADV ACKERMANN: I asked for the report for this commission, we wrote in my affidavit, I stated that I would like to have a report of this expert, plus I wanted to know the cost, because as I look at the cost, we had to pay him and it is usually a fight, is it now out of my budget or was it out of Mr Pikoli's budget? But that is why I know that there was this expert to investigate the matter.

ADV VARNEY: But that report hasn't been recovered as yet?

ADV ACKERMANN: No.

ADV VARNEY: And while we are on documents, you mentioned that your secretary, Ms Zwart, I spot with a Z, she found the note A-15, the original or the identical on your computer, is there a copy of that original document available?

ADV ACKERMANN: No, not that I know of. Look, in this reports, there are many annexures. These annexures, for instance, they were not, these annexures were not furnished to us.

But for instance, what we have done is probably 10 of these office notes were recovered. For instance, A-40 was written on a