

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

SWORN AFFIDAVIT: PHILIPPUS CHRISTOFFEL JACOBS

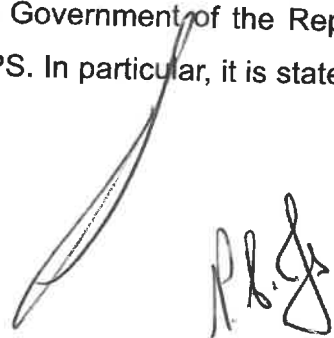
I, the undersigned

PHILIPPUS CHRISTOFFEL JACOBS

do hereby declare under oath as follows:

1. I am an adult male and a retired member of the South African Police Service (SAPS), residing at 308 Bronberg Retirement Estate, 47 Midas Avenue, Olympus, Pretoria.
2. The facts herein contained are, unless specifically stated or the contrary appears from the context, within my personal knowledge and to the best of my belief, both true and correct.
3. I depose to this affidavit in my capacity as a retired member of the SAPS, in response to the notice dated 01 November 2025, issued to me in terms of Rule 3.3 of the Rules governing the Commission of Inquiry: Stopped Investigations /Prosecutions of Truth and Reconciliation Commission Cases ("the notice").
4. According to the notice, I am implicated or potentially implicated in the political interference aimed at stopping the investigation or prosecution of the TRC cases. Specific reference is made in the notice to paragraphs 229 - 235 of the founding affidavit of LUKHANYO BRUCE MATTHEWS CALATA (*"the Calata affidavit"*), filed in support of the High Court that is pending before the Gauteng Division brought by *Calata and 22 Others* against the Government of the Republic of South Africa and Others, among them, the SAPS. In particular, it is stated in the said notice that:

"The politicians intervene



"...229. The ITT met for the first time on 12 October 2006. Pikoli attended the opening session of the first meeting together with his adviser, Ms. Kalyani Pillay, the Directors General of the NIA and Justice and Mr. Jafta from the Presidency. Pikoli did not participate further in the activities of the Task Team. According to Macadam, the NPA representatives on the ITT were Ackermann and Ramaite. Macadam noted in his affidavit (at p 796 at para 30, p801) affidavit (FA5) that on occasions when he stood in for Ackermann at meetings of the ITT, that:



"... the task team was predominantly comprised of members of the intelligence community who were **more intent on cross-examining me as to why matters should be investigated** rather than addressing the issue of all the outstanding cases." (Bold added)

230. It is interesting to note that Mr. Loyiso Jafta, Chief Director in the Presidency, who had an intelligence and security background, was present at the meetings of the ITT. Strictly speaking he should not have been there, as Part B of the Amendments, did not provide for a member of the Presidency to be part of the group assessing the TRC cases. This indicated that the Presidency intended to have direct involvement in the decisions relating to the TRC cases.
231. Meanwhile Pikoli had received further representations from the suspects in the Chikane matter claiming that they had received indemnity against prosecution in terms of the Indemnity Act 35 of 1990. Pikoli sought an independent opinion from a senior counsel who advised him in November 2006 that the claimed indemnities were no bar to prosecution and that Act 35 of 1990 had been repealed in 1995.
232. Ramaite reported to Pikoli that at the ITT meeting on 25 October 2006, Ackermann had presented an audit report of all the TRC cases in the possession of the PCLU. Ramaite also reported to Pikoli that at the 6 November 2006 meeting of the ITT, Joseph Lekalakala, a senior officer in the SAPS Crime Intelligence Division, stated that National Commissioner Selebi believed that Chikane was not interested in a prosecution. However, Ackermann advised that Chikane had left the matter in the hands of the NPA.




233. *In early December 2006 Pikoli was advised by Ramaite that Selebi was insisting that Chikane had not been consulted about the proposed prosecution. This claim was rejected by Pikoli since he knew that Chikane had been extensively consulted. According to Pikoli, he had personally met with Chikane during 2006 and 2007, who advised that while he may have forgiven his perpetrators, insofar as the application of the law was concerned, the matter must take its ordinary course. Pikoli asserted that Chikane said that if a decision was made to prosecute, he would accept that. Although Pikoli was aware that Ackermann had discussed the matter with Chikane as far back as 2004, he instructed Ackermann in December 2006 to once again visit Chikane to confirm his position.*
234. *According to Ackermann, on 6 December 2006, the PCLU received a letter from the head of the SAPS Legal Support section, Major General PC Jacobs, representing the view of the National Commissioner, which bluntly stated that before any prosecutorial decision could be made in respect of the TRC cases, the Task Team must submit a final recommendation to a Committee of Directors General in respect of each case, which in turn must advise the NDPP who to prosecute or not.*
235. *Towards the end of 2006 it became clear to Pikoli that "powerful elements within government structures were determined to impose their will on my prosecutorial decisions."..."*
5. I wish to state from the onset that, I have neither been present nor participated in any high-level discussions related to the meetings being referred to in paragraphs 221 to 228 of the *Calata* affidavit at any given moment. I was only present in the meetings, the minutes of which, shall be dealt with below.
6. Before responding to the allegations made in paragraphs 221 and 237 of the *Calata* affidavit, I deem it appropriate to provide a summary of my educational background, followed by my career in the Public Service, and more specifically, my career in the SAPS.

EDUCATIONAL BACKGROUND

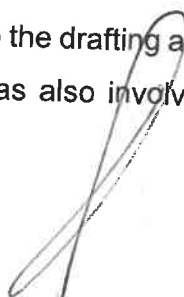


7. I obtained a B.luris degree through full-time study from the University of the Free State (UFS) in 1978, followed by an LLB. degree in 1984 and Diploma in Advanced Public Administration in 1988 from the University of South Africa (UNISA). I further obtained an LLD. degree (Public Law) in 1990 and D.Phil. degree (International Relations) in 2010 from the University of Pretoria ("UP").
8. Whilst in the employ of the SAPS, I attended the following training courses related to my functions:
 - 8.1 '*Legal Aspects of Terrorism*', presented by Professor Yona Alexander at the George Washington University in 1996.
 - 8.2 '*Leadership Development Programme*' presented by the School of Public Management at the University of Stellenbosch during 1996/1997.
 - 8.3 '*Investigation of War Crimes, Genocide and Crimes against Humanity*' presented by INTERPOL in Lyon, France in January 2009. This was preceded by a conference I attended in June 2005 in Lyon, France, hosted by INTERPOL on '*War Crimes, Genocide and Crimes against Humanity*'.

EMPLOYMENT BACKGROUND

9. I started my career in the Public Service in the employ of the erstwhile Department of Justice on 05 December 1975. Whilst in the said Department, I studied full time from 1976 to 1978 for a B. luris degree. Thereafter I performed two years of compulsory military service as a military legal officer (at the rank of Lieutenant) at the Army Battle School, Lohatlha. During my military service, I remained in the employ of the Department of Justice.
10. From January 1980, whilst still employed by the Department of Justice, I was appointed as a Public Prosecutor in Springs, whereafter I completed the Prosecutor's Course with the Justice College in Pretoria in 1982. I worked as a

- prosecutor in the magistrates' court and on some occasions, in the Regional Court in Springs from 1980 to September 1983.
11. From October 1983, I was transferred, as an official of the Department of Justice to serve in the Directorate for Security Legislation. Having been exposed to a vast jurisprudence on the application of security legislation, I enrolled for a doctoral study in Public Law, with interest in Constitutional Law and Administrative Law at the UP. Among the recommendations made in my thesis, were that there was a need for the review of the security legislation with references to the studies of the United Nations and the International Law Association.
 12. During the negotiation process leading up to the formation of a democratic government, the Directorate for Security Legislation was renamed "*Diverse Legal Services*" within the Department of Justice and Constitutional Development ("the DOCJ"). The said newly formed Diverse Legal Services at the time played a pivotal role prior to, and during the negotiations process by the administration, through the Minister of Justice, of the legislation pertaining to indemnity and temporary immunity.
 13. On 26 June 1995, I was transferred from the DOCJ wherein I was occupying a post at a Director Level to the newly established SAPS. My post title was the Head: Legal Support: Crime Operations at National Crime Investigative Services (*NCIS*). During 2006/2007 my post was assigned a rank of an Assistant Commissioner, which was subsequently changed to Major General.
 14. It was also during the said period that the Legal Services Division in the SAPS was reconfigured, and I was placed under the supervision of a Divisional Commissioner: Legal Services, headed by the then Divisional Commissioner LTMP Mtimkulu. My areas of responsibilities in the SAPS included, among others, rendering legal advisory to Operational Divisions. These included Detective Services and Crime Intelligence Divisions.
 15. During my career in the SAPS, I was involved in the drafting and/or presentations of police related legislation in Parliament. I was also involved in the initiation,



drafting and promotion, through Parliament of the Safety Matters Rationalisation Act, 1996 (Act No. 90 of 1996), which repealed the security laws of South Africa and the former TBVC states. A total number of 34 laws were repealed and the operation of several Acts of the Republic were extended to the whole national territory of South Africa. I also made presentations to Parliamentary Committees on the establishment of the Directorate for Priority Crime Investigation (DPCI) and enactment of the Dangerous Weapons Act (Act 15 of 2013), among others.

16. I retired on 30 September 2017 from the SAPS as an Honorary Lieutenant General. After my retirement, I was appointed at the Civilian Secretariat for Police Service on a one-year contract for 3 (three) consecutive terms from March 2018 until March 2021, with an additional six months contract until August 2021. During my employment at the Civilian Secretariat for Police Service, I mainly focused on the reviews of the SAPS Act (1995) and the Protection of Democracy against Terrorist and Related Activities Act (2004). I had served in the Public Service for a cumulative period of 44 years in the Department of Justice, SAPS and the Civilian Secretariat for Police Service respectively.

INVOLVEMENT IN THE TRC RELATED CASES

17. On 06 October 2006, the then National Director of Public Prosecutions, Advocate Vusi Pikoli (*"the NDPP / Adv Pikoli"*), addressed a letter to the National Commissioner of the SAPS at the time, the late Jackie Sello Selebi (*"the National Commissioner"*), requesting him to designate a senior official(s) from the SAPS to serve on the Interdepartmental Task Team (*"the ITT"*), specifically established to deal with the TRC cases. A copy of Adv Pikoli's letter dated 06 October 2006 is annexed hereto and marked **"PCJ1"**.
18. In response to the request made by Adv Pikoli in his letter dated 10 October 2006, the National Commissioner assigned Assistant Commissioner J Lekalakala (*"Major General Lekalakala"*) and I to participate in the meetings of the ITT on behalf of the SAPS. Major General Lekalakala and I then formed part of the ITT as evinced by a copy of the TRC committee members' list, annexed hereto and marked **"PCJ2"**.




19. As recorded in the letter dated 06 October 2006 from Adv Pikoli and received by the office of the National Commissioner on 10 October 2006, the following is stated:

- “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 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 Silas Ramaite 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...”

20. Of further importance to point out at this stage, is what is stated in paragraph 6 of part B of the amended Prosecution Policy¹ to the effect that:

“The PCLU shall be assisted in the execution of its duties by a senior designated official from the following State departments or other components of the NPA:

- (a) *The National Intelligence Agency.*
- (b) *The Detective Division of the South African Police Service.*
- (c) *The Department of Justice & Constitutional Development.*
- (d) *The Directorate of Special Operations.”...*

THE INTERDEPARTMENTAL TASK TEAM (the ITT / Task Team)

21. As appears in annexure “PCJ2”, the ITT comprised of the senior officials from various state institutions. Among them were Advocates Anton Ackermann (“Adv

¹ Annexure FA27 to the Calata affidavit: Pages 537 - 542: Bundle 1 of the Calata Group.



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Ackermann”) and Ramaite with Adv Pikoli being one of the principals of the committee. Advocate Mthunzi Mhaga (“Adv Mhaga”), also from the NPA, was responsible for taking the minutes of the meetings of the ITT.

22. I interpose to mention that I had interacted with Advocates Pikoli, Macadam and Ackermann and other PCLU members in my professional capacity in many instances throughout my career in the SAPS.
23. According to the minutes of the ITT in which I had been involved, the meetings took place on 12 October 2006; 25 October 2006; 06 November 2006; 16 November 2006; 04 December 2006 and 29 January 2007.

12 October 2006 meeting of the ITT



24. This meeting was attended by 15 (fifteen) persons, including the Director-General of National Intelligence Agency (“NIA”), Mr Manzini, Mr Brian Kopedi (NIA), Ms Yvonne Mabule (NIA) and Asst Comm Lekalakala of Crime Intelligence (CI) from the national intelligence structures (“intelligence structures”). The intelligence structures are established in terms of the National Strategic Intelligence Act 39 of 1994 and comprise of the members of the National Intelligence Coordinating Committee (NICOC), the intelligence divisions of the South African National Defence Force (“SANDF”) and SAPS.
25. Perusal of the minutes of the first meeting of the ITT held on 12 October 2006, reveals that the said meeting was held in two phases, namely, the opening by Adv Pikoli and thereafter continued in his absence chaired by Dr Ramaite. A copy of the minutes of the ITT Committee meeting dated 12 October 2006 is annexed hereto and marked “PCJ3”.
26. What is further reflected in the minutes of the first meeting of the ITT is that, in his opening remarks, the NDPP indicated ‘that the establishment of the committee is derived from the policy guidelines which were approved by Parliament on 1 December 2005’.

27. It is further evident from the minutes of the first meeting of the ITT that the NDPP emphasised the fact that he would be the one to decide on each prosecution and not the committee members. He also explained that 'the role of the committee will be to make recommendations to the NDPP on each case'.
28. The minutes of the meeting further reflect that Mr Manzini from NIA indicated that there was a need to prioritise and fast track the process relating to the TRC cases. Dr Ramaite then requested the PCLU and SAPS to compile an audit report of all cases in their possession. The PCLU would take charge of the investigations with assistance of the SAPS. The committee would then deal with all cases, including matters that had been closed by the PCLU at the time. Adv Macadam did not attend this very first meeting.

25 October 2006 meeting of the ITT

29. This meeting was attended by 9 (nine) persons, with Mr Brian Kopedi (NIA), Ms Yvonne Mabule (NIA) and Asst Comm Lekalakala (CI) being the only 3 (three) from the intelligence structures. A copy of the minutes of the ITT committee meeting dated 25 October 2006 is annexed hereto and marked as "PCJ4".
30. I presented in this meeting an audit report of all the TRC cases that were in possession of the SAPS at the time and indicated that I was not in charge of the investigations. Instead, Hennie Brits who had retired from the SAPS and served on the D' Oliveira Task Team, possessed a better knowledge as he dealt with those cases. I further undertook to provide the committee with a detailed report on potential prosecutions of those matters to be considered by the committee. In addition thereto, Adv Ackermann presented the memorandum he prepared for the NPA, containing an audit of cases emanating from the TRC process. Adv Macadam was not present at this meeting.
31. I attach hereto Adv Ackermann's memorandum dated 24 October 2006 marked "PCJ5".



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06 November 2006 meeting of the ITT

32. This meeting was attended by 8(eight) persons, (3) three of whom were from the intelligence structures, namely, Mr Brian Kopedi (NIA), Ms Yvonne Mabule (NIA) and Asst Comm Lekalakala (CI). I attach hereto a copy of the ITT committee meeting dated 06 November 2006, marked as "PCJ6".
33. It is apparent from the minutes of this meeting that a revised audit report was circulated to all committee members for deliberation at the next meeting. The meeting resolved that Adv Ackermann would then proceed with the identified matters reflected in the PCLU's first report.
34. It is further recorded in the minutes that, "*the latter's² attitude be ascertained and the matter was therefore closed pending feedback on his attitude*". Once again, Adv Macadam was not present at this meeting.
35. I attach hereto a copy of my presentation together with Adv Ackermann's memorandum dated 30 October 2006 marked as "PCJ7," and "PCJ8" respectively.

16 November 2006 meeting of the ITT

36. This meeting was attended by (eight) persons, and it is clear from the minutes that there was only one person, Ms Yvonne Mabule (NIA), from the intelligence structures. Both Advocates Ackermann and Macadam were present at the said meeting.
37. The minutes further reveal that it was agreed at this meeting that the Task Team had indeed made progress as there were already cases identified for investigations and that there were interim recommendations made on some of the cases. It is also apparent that Adv Ackermann wanted to know from me as to who compiled the report and why it was necessary to include the cases that had been finalised and request for inquests were made on such matters. I then indicated that I compiled the report and requested guideline(s) from the meeting

² The 'latter' refers to Rev Chikane.



on how to deal with the outstanding inquests, some of which had been finalised while others were not. These were all the TRC related matters.

38. Of further importance to highlight from what is recorded in the meeting is the following:

"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 the 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."(sic)

39. A copy of the minutes of the ITT Committee meeting dated 16 November 2006, is annexed hereto and marked "**PCJ9**".

04 December 2006 meeting of the ITT

40. Although the meeting took place on 04 December 2006, the date is erroneously recorded as 04 December 2007. Of the 8 (eight) persons who attended, only Asst Comm Lekalakala (CI) was present from the intelligence structures. A copy of the minutes of the ITT committee meeting incorrectly dated 04 December 2007, is annexed hereto and marked "**PCJ10**".
41. It is apparent from the minutes of the meeting that Adv Macadam's name is not indicated on the list of those who attended. However, his participation is very apparent from the minutes of the said meeting. I can therefore confirm that both Advocates Ackermann and Macadam were present in the said meeting.
42. It is also important to note that Adv Macadam indicated in this meeting 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*".






29 January 2007 meeting of the ITT

43. This meeting was attended by 8 (eight) persons, of which 3 (three), namely, Mr Kopedi (NIA), Ms Yvonne Mabule (NIA) and Asst Comm Lekalakala (CI) were from the intelligence structures. It was during the said meeting that I informed the committee members that I was waiting for feedback from the Provincial Commissioners ("the PCs") on the appointment of investigators for the TRC cases. I further requested to be provided with a list of the dockets that were in possession of the PCLU at the time. Adv Macadam was not present at this meeting. A copy of the minutes of the ITT Committee meeting dated 29 January 2007 is annexed hereto and marked "**PCJ11**".
44. It would not be possible for me to represent the SAPS in the ITT without having consulted with the National Commissioner and/or relevant Divisional Commissioners regarding the recommendations made to the ITT.
45. It is alleged in paragraph 229 of the *Calata* affidavit that Macadam stated that, "*on occasions when he stood in for Ackermann at meetings of the ITT... the task team was predominantly comprised of members of the intelligence community who were more intent on cross-examining me as to why matters should be investigated rather than addressing the issue of all the outstanding cases*".
46. These allegations are inconsistent with the minutes of the meetings mentioned above, inclusive of the few attended by Adv Macadam, in that no meeting predominantly comprised of members of the intelligence structures as alleged in the *Calata* founding affidavit.

Allegations of a letter sent to the PCLU on 06 December 2006

47. It is alleged in paragraph 234 of the *Calata* affidavit that Adv Ackermann claims that I sent a letter to the PCLU, representing the view of the National Commissioner in respect of the recommendations for the prosecution of the TRC cases. Adv Ackermann specifically states in his affidavit to the Commission that:

"In respect of paragraph 33.1 of my aforesaid affidavit and paragraph 234 of the Calata affidavit I point out that the letter from the SAPS Legal Support Section Maj Gen PC Jacobs was probably addressed to the NDPP and not the Priority Crime Litigation Unit (PCLU)".

48. I wish to inform the Commission that the correspondence being referred to by Adv Ackermann, attached hereto as "PCJ12" was, in fact an email correspondence exchanged between Adv Mhaga and I consequent to a meeting of the ITT held on 04 December 2006. This was informed by the suggestion made by Assistant Commissioner Lekalakala that the committee members needed to consult with their principals before the 'trial' report was submitted to the NDPP. This is much clear when regard is had to the following facts:
49. At 11:33, on 06 December 2006, I sent an email to Adv Mhaga stating that:
- "I am waiting to brief the National Commissioner on the draft report. I will revert to you once I have spoken to him. Provisionally I wish to indicate that from the SAPS side we are still not happy how the Chikane matter is reflected. There was a definite decision that the Rev Chikane must be consulted again, that his wishes need to be reflected, that the issue be reported to our principal's and that they must make a recommendation to the NDPP on the matter. Kindly rectify this in your report." (sic)*
50. Adv Mhaga replied at 14:28 as follows:
- "Thanks for ya input but I would like you to establish whether the national Commissioner has met with the Rev Chikane to verify Josia's contention that he is not interested in prosecution. According to Anton Rev Chikane wants prosecution so the national Commissioner needs to substantiate such a belief." (sic)*
51. I then responded to Adv Mhaga at 16:48 as follows:

"I have conveyed to you and the Committee the view of the National Commissioner. It was decided in the Committee that this route will be followed,




in respect of the Chikane matter. Whether you are in agreement with our view or not is irrelevant. Kindly reflect our recommendation in your report so that the Committee of Directors General may consider it."

52. Adv Mhaga then responded on 07 December 2006 as follows:

"Your concern has been noted. However I'm still waiting for the other inputs on the whole report if there are any."

53. Perusal of the minutes of the ITT meeting held on 04 December 2006 also confirms that, the ITT / committee members were indeed requested to send their inputs to the committee, after consulting with their principals before 07 December 2006.

54. The gist of what I indicated in the email correspondence exchanged with Adv Mhaga and I was the fact that the views of the National Commissioner were also confirmed by the contents of the letters dated 6 February 2007, by the National Commissioner addressed to Adv. Pikoli and the Directors General ("the DG's") of Intelligence and the Department of Justice.

55. It is also apparent from the minutes of the meeting of the ITT held on 29 January 2007 ("PCJ11") that, I again raised the issue of the *Chikane* matter and that it needed to be discussed with the principals. These were the same views the National Commissioner conveyed to the NDPP and the Directors-General of the Department of Justice and Constitutional Development and National Intelligence respectively, through the letters signed by the National Commissioner on 6 February 2007.

56. The National Commissioner further stated in the letter dated 06 February 2007 addressed to the NDPP that:

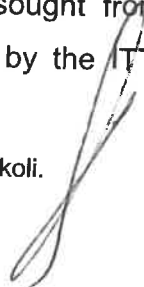
"My understanding was that the officials designated on the Task Team by the Directors-General will provide recommendations to the Directors-General who



will, as a collective, advise the National Prosecuting Authority as the decision maker on prosecutions."

57. It is therefore clear from the National Commissioner's letter referred to above that the NDPP is referred to as the "decision maker on prosecutions". It is also clear from the letter that the National Commissioner also requested that a meeting be convened by the NDPP to discuss the matters at hand. Copies of the letters by the National Commissioner to that effect are annexed hereto and marked "PCJ13", "PCJ14" and "PCJ15" respectively.
58. The NDPP responded to the National Commissioner in his letter, also dated 6 February 2007, stating that *"it is clear that our understanding of the mandate of the Task Team, as well as the guidelines that Cabinet approved are not the same. In the circumstances, this matter, as well as other issues that have emerged in the course of the NPA dealing with the TRC cases are currently being taken up with the Minister of Justice and Constitutional Development."* A copy of the NDPP's letter to that effect is annexed hereto and marked "PCJ16".
59. The then NDPP, Adv Pikoli, also stated in paragraph 44 of his affidavit³ in the *Nkadimeng* matter that, *"In early 2007, as a result of the differences in approach that had developed between the NPA and the SAPS, NIA and DoJ I informed Mr. Selebi and the Directors General that there was a serious misunderstanding. I resolved to approach the Minister of Justice and request her guidance. Pending such response the functioning of the Task Team was compromised by the uncertainty, and it held no further meetings until 8 August 2007"*. I do not have any knowledge about the meeting of 08 August 2007.
60. According to the minutes of the ITT of 04 December 2006, I informed the meeting that a letter was sent to Commissioner de Beer and that a list of investigators would be ready soon. My position as a Component Head responsible for legal advisory to the Operational environments was such that I had no powers to issue instructions regarding investigative assistance sought from the SAPS. This meant that all requests for assistance required by the ITT/NDPP had to be

³ Page 17 (580) of the Calata Group Volume Bundle 2: Vusumzi Pikoli.




conveyed to the relevant functionary in the SAPS. In the case of investigative assistance, the Divisional Commissioner: Detective Service, Commissioner J de Beer was the relevant functionary in that regard.

61. In order to solicit the necessary assistance sought by the ITT, an Information Note was prepared for Commissioner de Beer, after my meeting with Adv Mhaga on 22 November 2006. This was pursuant to our discussion regarding the issues relating to investigations of the outstanding TRC matters. In terms of the said Information Note, Commissioner De Beer was requested to allocate investigators to assist the ITT in the *PEBCO 3*, the *Cradock 4*, *S v Hantie Botha and Others CR Swart Square CR 2004/9/97*, *S v Coetzee John Vorster Plain CR 1469/2/96*, *COSAS four (Krugersdorp)*, *Heidelberg Tavern and St James Massacre*, *Cala CAS 92/2/95 Bathandwa Nondo* and *Moss Monude* cases. A copy of the draft Information Note I prepared in that regard is annexed hereto and marked as "PCJ17".
62. I further prepared a draft letter for Commissioner de Beer's signature on 06 December 2006, addressed to the PC's of the Eastern Cape, Western Cape, Gauteng, Kwa Zulu Natal and one Supt Noladi of Head-Office, listing the names of the investigators identified to assist with the relevant cases. In this regard it was reported to the ITT on 29 January 2007 that feedback was being awaited from the PC's on the appointment of investigators and that some had already provided their lists in that respect. A copy of the draft letter to that effect is annexed hereto and marked "PCJ18".
63. In compliance with the request by the ITT committee on 04 December 2006 in the *Highgate* matter, the docket was handed over to Adv Mhaga on 29 January 2007. The docket which was handed to Adv Mhaga consisted of the two lever arch files containing Evidence A1 - A80, plus Photo Album with 102 colour photographs; Correspondence B1 - 89 and the Investigative diary C2 - 153. A copy of the hand over letter dated 26 January 2007 is annexed hereto and marked as "PCJ19".



64. At all material times during my tenure as a member of the SAPS, I had to perform my work subject to the National Commissioner's approval, who was the person responsible for decision making on behalf of the SAPS. What was communicated to the members of the PCLU and/or ITT were the views of the National Commissioner as my principal. Furthermore, it is clear that the National Commissioner suggested that a meeting be held regarding the issues relating to the functioning of the ITT as appears in his letters dated 06 February 2007. In response thereto, the NDPP elected to elevate the matter to the level of the Minister of Justice and Constitutional Development.



Alleged fraudulent document / note

65. On Monday morning of 20 August 2007, Adv Ackermann telephoned me to request a copy of a note he authored related to the issues raised in the newspaper article published by the Rapport on 19 August 2007. A copy of the article is annexed hereto and marked "PCJ20".
66. I then obtained a copy of the note in question from the documents provided to me by Senior Superintendent (Snr/Supt) Louis Bester, for purposes of the work of the ITT and sent it to Adv Ackermann by fax on the same day. Later that day, I received a fax correspondence from Adv Ackermann, requesting that the original note be provided to him before 16:00 on that day. This was preceded by a telephone call I received from Adv Ackermann, questioning me about the accuracy of the date appearing on the note. A copy of Adv Ackermann's request as well as my fax with a copy of the note in question, dated 26 June 2006, are annexed hereto and marked as "PCJ21" and "PCJ22" respectively.
67. I thereafter brought the contents of Adv Ackermann's fax correspondence to the attention of Commissioner de Beer and informed him that the original note was kept in safe custody at the behest of S/Supt Bester.
68. An official media release was thereafter issued by the NDPP's office on 21 August 2007, claiming that the note received by Adv Ackermann from the SAPS was regarded as forged and that they had authorised an immediate investigation

into the matter. ⁴ A copy of the press release by the office of NDPP in that regard is annexed hereto and marked as “PCJ23”.

69. On the afternoon of the same day of 21 August 2007, Commissioner de Beer informed the National Commissioner in my presence of the allegations about the note. Commissioner de Beer then instructed S/Supt Bester to bring the file with the original documents to him, to which S/Supt Bester obliged.
70. Commissioner de Beer further instructed S/Supt Louis Bester to take a statement from S/Supt Britz, who was retired at that stage, to ascertain the process that was followed in the drafting and filing of the document from the NPA and that the original document be subjected to forensic investigation. The disputed note, and some 18 similar documents signed by Adv Ackermann, were subsequently sent for forensic investigation by an expert at the Forensic Services Laboratory, S/Supt MT du Toit, provided a forensic report on 22 August 2007, concluding that:
- 70.1. The signature on the document is not a forgery.
 - 70.2. There are no signs of any tampering or amendments.
 - 70.3. The ink that was used to sign the signature and the date was also used for the correction to the word “Leie(rs)kap”.
71. From S/Supt Britz’s affidavit, it was made clear that the note drafted by Adv Ackermann was filed and received with the other documents in 2003. However, the said note bore the date of 23 June 2006 as opposed to 23 June 2003. It was further confirmed by means of forensic investigation that the note in question was signed by Adv Ackermann. The ink, paper and other characteristics on the document were also found to be consistent with each other and that there were no alteration(s) made to it. In essence, the conclusion made in the forensic report was that the note in question was not forged.
72. On 30 August 2007, the disputed note, together with a file consisting of documents containing 72 specimen signatures and a copy of the fax received from Adv Ackermann were provided to the late ex-Brigadier JF Hattingh, the

⁴ Annexure FA37 to the Calata affidavit: Page 584: Bundle 1 of the Calata Group.

Director of Forensic Document Consultants, an independent consultant, for a second opinion on the disputed document. His report was signed on 31 August 2007 and confirmed the initial report.

73. I annex hereto copies of the two forensic investigation reports together with the affidavit by S/Supt Britz, marked as "PCJ24", "PCJ25" and "PCJ26" respectively.

CONCLUSION

74. In conclusion, I wish to state that it was never within my capability to instruct anybody to stop any investigation(s) and/or prosecution of any cases related to the TRC or otherwise. I also never had any intention whatsoever, to deny any person their rights to access justice as portrayed by the Calata Group.

75. Furthermore, I have never engaged in any act of political interference aimed at stopping the investigations and/or prosecutions of the TRC cases.


DEPONENT

THUS SIGNED AND SWORN TO before me at Letaba on this 26 day of **FEBRUARY 2026** the deponent having acknowledged that he knows and understands the contents of this affidavit, he has no objection to take the prescribed oath and considers it to be binding on his conscience.

COMMISSIONER OF OATHS

Name: P. Steyn
Address: 73 Saenger Drive Route 21 Beersfontein
Designation: Ex Officio Attorney
012 862 0976

Office of the National Director of Public Prosecutions



The National Prosecuting Authority of South Africa
Iqarnya Akhalala Lubatshutshini bolizantsi
Die Nasionale Vervolgingsgewag van Suid
6 October 2006

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

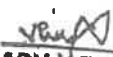
PROSECUTIONS OF CRIMES EMANATING FROM CONFLICTS OF THE PAST


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 2006.
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 Silas Ramate 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.

 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
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

PERSONELE ASSISTANS NATIONALE KOMMISSARIE
PERSONELE ASSISTANTS NATIONALE KOMMISSARIE
2006-10-10

FERRUZE

*Meeting moved to
2006/10/10.*





TRC COMMITTEE MEMBERS

| NAME | DEPT. | CONTACT No. | EMAIL | |
|-------------------|------------|----------------------------|--------------------------|----------|
| Anton Ackermann | NPA (PCLU) | 012-845 6474 | arackermann@npa.gov.za | |
| Mthunzi Mhaga | NPA (PCLU) | 012-845 6398 | mcmhaga@npa.gov.za | |
| Dr S Ramaite | NPA (NSSD) | 012-845 6765 | msramaite@npa.gov.za | Convenor |
| Marlyn Raswiswi | Justice | 012-315 1730 0826600463 | | |
| Yvonne Mabule | NIA | 012-427 4498 0827872853 | yvonnem@nia.gov.za | |
| Philip Jacobs | SAPS | 012-395 0063 | jacobspc@saps.gov.za | |
| Josias Lekalakala | SAPS | 0825745870 | milekalakal@telkomsa.net | |
| Brian Koopedi | NIA | 012-4262602 0824168357 | bkoopedi@nia.gov.za | |
| AT Mngwenwe | NPA(DSO) | 012-845 6470 | atmngwenwe@npa.gov.za | |
| NVE Ngidi | NPA(DSO) | 012-845 6401 | nvengidi@npa.gov.za | |
| | | <u>PRINCIPAL</u> | | |
| | | <u>S</u> | | |
| Adv Vusi Pikoli | NPA(NDPP) | 012-845 6758 | | |
| Kalyani Pillay | NPA | 012-845 6749 | | |
| Loyiso Jafta | Presidency | 012-300 5458 | | |
| M Simelane | DG justice | 012-315 1730 | | |
| MF Manzi | NIA | | | |

Handwritten signature and initials, possibly 'R. Jafta' and 'M. Simelane', located at the bottom right of the page.

MINUTES OF TRC COMMITTEE MEETING 12 October 2006Members 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 Marlyn 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.

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.

Ngidi
[Signature]
[Signature]

"PCJ4"

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

Dr Ramaite
 Adv Anton Ackermann
 Comm. Jacobs
 Brian Koopedi
 Yvonne Mabule
 Marlyn Raswiswi
 Ntlantla 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

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01 NOV 2000 12:08

PCLU 2/ 12 8456337...

No. 2999 P.- 5

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.

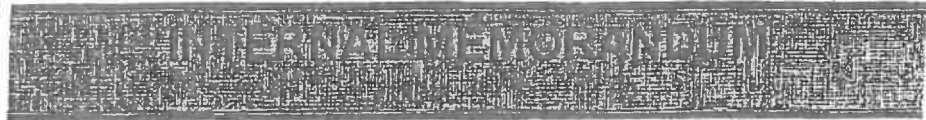
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"PCJ5"

/Z56 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

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

Tel: (012) 845 6474

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 Pikoli 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 Tyani & 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 Blani (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 Skoulides (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 Bult (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.

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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'etat (Macadam)

No evidence.

3.15 General Basie Smit (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 Mgibe 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 Sithole (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 80 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 v 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 (will then be withdrawn).

4.3 Cradock 4 (Ackermann)

4.3.1 Potential prosecution.

4.3.2 Legal obstacles.

4.3.3 Extensive investigations required.

Need from SAPS →
 Jamie Els 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 ^{Hemba.} 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) L.R.C.

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, Nshingo Mataboge, Fanyana Nhlapo and attempted killing of Zandisile 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 Koch 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 Mashele and Lilian 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 Thlapi (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 Lethlapa 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 Vlakplaas operatives in 1985) ^{Mhaga} (Ackermann)

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 Vlakplaas 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 Gaberone 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



Received 2006/11/16

E "PCJ6"

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 30
1st week Dec
Reconciliation*

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

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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

PA. 31

[Signature]

PA. 31

"PCJ7"

Office of the Head
Priority Crimes Litigation Unit
VGM Building
PRETORIA

/Z56 forms

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INTERNAL MEMORANDUM

TO: DR MS RAMAITE
CC: ADV VP PIKOLI
CC: ADV K PILLAY
FROM: ADV AR ACKERMANN SC
SUBJECT: 1. DETAILS OF TRC CASES CLOSED BY THE PCLU
2. REAPPOINTMENT OF SENIOR SUPER-INTENDENT BRITZ
DATE: 30 OCTOBER 2006

1. On 25 October 2006, the PCLU was requested by the "TRC Committee" to furnish more details regarding all the cases which the PCLU had declined to prosecute. The PCLU was also requested to furnish the background which led to the prosecution of one Blani.
2. **TRC CASES CLOSED**
 - 2.1 **Death in detention Ahmed Timol**
 - 2.1.1 This death in detention matter goes back to 1971.
 - 2.1.2 The nephew of the deceased requested that an allegation that one of the police officers who had interrogated the deceased had confessed to a journalist be investigated.
 - 2.1.3 The DSO traced and interviewed the journalist who denied the allegation. There was no other evidence to prove that the

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deceased had definitely been murdered and all other crimes had prescribed.

2.1.4 The matter was therefore closed.

2.2 Death in detention of Steve Biko

2.2.1 Mr Ngcuka asked that this matter be investigated because of its high profile.

2.2.2 The DPP: Eastern Cape had recommended that no prosecution be instituted due to lack of evidence.

2.2.3 It was established that all the doctors who had treated the deceased were dead, except for the Chief State Pathologist, who, when consulted, conceded that he could not exclude that the injury to the deceased's head could have been accidentally caused.

i) 2.2.4 The police officer in charge of the interrogation who was responsible for making the decisions as to whether the deceased should receive medical treatment himself died after he was denied amnesty by the TRC.

2.2.5 The evidence against the remaining police officers only established *culpable homicide* which had prescribed in 1997.

2.2.6 The NDPP made a press statement to the effect that no prosecution was possible. An NGO organization obtained the opinion of Adv Trengove who also concurred with the decision.

2.2.7 Subsequent to this decision, the police officer who transported the deceased to Pretoria also died.

2.3 Carl Niehaus

2.3.1 A member of public asked for a prosecution after the media published an interview with Carl Niehaus in which he alleged that he had been tortured during detention.

2.3.2 Mr Niehaus was consulted and did not desire prosecution.

2.3.3 File closed.

2.4 Skoulides

2.4.1 Skoulides had been convicted of murder.

2.4.2 After his release from prison, his sister alleged that he had been framed by the CCB. There was no evidence to substantiate this claim and it was suspected that the purpose of the allegation was made so as to have the convict's criminal record deleted so that he could emigrate to Greece.

2.4.3 The file was closed.

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2.5 Nelson Sithole

2.5.1 The deceased was a Cape Town activist. He was killed outside his home. No perpetrators were identified and arrested by SAPS.

2.5.2 His lawyer alleged that the perpetrators were known to SAPS.

2.5.3 The DSO interviewed the eyewitnesses, perused the SAPS docket and interviewed a convicted prisoner whom the lawyer claimed knew about the case. The prisoner denied all knowledge of it. The witnesses had not identified the attackers. SAPS were of the view that the deceased was the victim of a criminal gang which was terrorizing that area. An identification parade had been held to see if the victims could identify members of the gang who were in custody on other charges but with negative results.

2.5.4 File closed.

2.6 Pro Jack

2.6.1 A person was refused amnesty for the murder of a Western Cape activist.

2.6.2 The TRC asked that this matter be looked into.

2.6.3 The DSO investigated the matter and came to the same conclusion as the TRC's Amnesty Committee, to the effect that the amnesty applicant had lied in respect of each and every material aspect relating to the murder of the deceased. There was no acceptable evidence to prosecute him or any other person and the file was closed.

2.7 AM Zulu

2.7.1 A convicted prisoner was refused amnesty for his role in the killing of a number of people in the Table Mountain area.

2.7.2 The TRC: KZN recommended that this matter be looked into further.

2.7.3 The convicted prisoner was an unreliable witness in his amnesty application and there was no other acceptable evidence implicating the persons whom he alleged had taken part in the attack with him.

2.7.4 The file was therefore closed.

2.8 Bult

2.8.1 Representations were made to the NPS by Bult, who alleged that he had been assaulted by the police during the Apartheid Era.

2.8.2 His allegations were however not serious enough to warrant investigation by the TRC unit which had been mandated by the NDPP only to consider serious human rights

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abuses.

2.8.3 The file was therefore closed.

2.9 Castro Khumalo

2.9.1 The victims requested that a prosecution be instituted.

2.9.2 The deceased was a member of a group of activists who had been killed by the Security Branch.

2.9.3 The perpetrators had however all received amnesty, but the bodies of the deceased had not been traced.

2.9.4 The case was therefore referred to the Missing Persons' Task Team for further action.

2.10 Winnie Mandela

2.10.1 She was implicated in the kidnapping of a youth in Soweto:

2.10.2 These allegations had been investigated by a component of the D'Oliveira Investigation Unit. It was established that all the relevant witnesses had been extensively interviewed and all had been found to be unreliable. Various allegations as to the location of the body of the missing person had been followed up with negative results.

2.10.3 There was therefore no reliable evidence to institute a prosecution against Mrs Mandela. It was noted that she had been convicted on another charge. The allegations that she was involved in the murder of Dr Asvat were also investigated with negative results. The allegations of Falati, Cebenkulu and Richardson were also looked into and it was found that these three persons were thoroughly unreliable and had strong motives to falsely implicate Mrs Mandela.

2.10.4 The file was therefore closed.

2.11 Emelo Black Cats

2.11.1 The D'Oliveira Investigation Unit had charged members of an IFP grouping called the Black Cats for various crimes committed in the Emelo area.

2.11.2 The investigations had been put on hold pending the finalization of the TRC.

2.11.3 The main 204 witness was interviewed by the DSO and found to be thoroughly unreliable.

2.11.4 The TRC had refused to grant him amnesty and the DPP: KZN had also rejected similar allegations made by him relating to activities in KZN.

2.11.5 The witness also indicated that he would not testify unless he was released from prison

first. There was therefore no evidence to prosecute and the file was closed.

2.12 Chadwick

2.12.1 The accused was a UK citizen who absconded to the UK after being indicted for the murder of two suspected IFP supporters.

2.12.2 The DPP: Pretoria applied for his extradition which he resisted in the UK for a period of almost eight years.

2.12.3 When his final appeal against extradition was exhausted, the UK authorities requested an undertaking from the NPA that the evidence available was sufficient to ensure this conviction.

2.12.4 A key witness had retracted his statement and there were other evidential problems. The original extradition application had to be abandoned although a new witness had been found. The UK authorities indicated that a fresh extradition application would have to be lodged before extradition could be granted on his version. Given the fact that the accused had been in custody for several years, combined with the fact that there was medical evidence suggesting that he could have been insane at the time of the crimes, it was not considered worth bringing a fresh application.

2.12.5 The Acting NDPP confirmed this decision.

2.12.6 Interpol has been requested to establish whether there is truth to the rumours that the accused might try and return to South Africa. If he were to voluntarily come to South Africa, the extradition problems would not apply.

2.13 Anton Lubowski

2.13.1 The original TRC unit was looking into this matter which related to the murder of a Swapo leader in Namibia.

2.13.2 A South African Court would only have jurisdiction in the event of evidence of a conspiracy to murder the deceased formulated in South Africa.

2.13.3 All the available evidence was perused. The most likely candidate to have killed the deceased was an Irish citizen, Alcheson, who was arrested in Namibia, but skipped bail.

2.13.4 There was no reliable evidence against any other parties and the file was closed.

2.14 Ciskei coup d'etat

2.14.1 The original TRC unit was looking into this matter.

2.14.2 It was established that although certain former Military Intelligence members had indicated their intention to apply for amnesty on the basis that the coup had been

orchestrated so as to ensure the murder of ANC supporters, they had withdrawn their applications.

2.14.3 The former Head of State of Ciskei had been prosecuted for ordering the killing of two alleged *coup* conspirators, but had been found not guilty by the Bisho High Court.

2.14.4 There was no other evidence available to justify a prosecution of any person and the file was closed.

2.15 General Basle Smit

2.15.1 Mr Ngcuka asked that this matter be looked into as a result of media attention.

2.15.2 The available evidence as gathered by the D'Oliveira unit was considered and found to be inadequate to base any prosecution for a human rights abuse. The suspect was a former Head of the Security Branch.

2.15.3 The file was therefore closed.

2.16 S.v. Bongani Wana

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

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

2.16.3 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.

2.16.4 The matter was then closed.

2.17 Representation by Mr SM Mavuya

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

2.17.2 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.

2.18 Representation by Mpho Masemola

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

2.18.2 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

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*Yes finale
rapport
follow-up*

REPORT ON AUDIT DOCUMENT
OF
SOUTH AFRICAN POLICE SERVICE
TRC RELATED MATTERS

1 At the last meeting of the Committee, a list of dockets in the possession of the South African Police Service, relating to the conflicts of the past was provided to the Committee. The key to the list was not available at that stage.

2 The key to the list is now available and the following matters need in our view to be followed up:

2.1 Messina CR 57/11/85 MZ Ncube and Two Others (4)

*GO'S is af-
gehandel van
VAN ECK EN DE
NYSSEN
VOORVALLE.*

The investigation relates to 8 landmine explosions which took place in the Messina area as well as two landmines planted in the Alldays area, and the death of two police officials during the escape of suspects.

*Aansprakelijkheid:
JA - ONBEKEND
PERSON / PERSOON
WIE LANDMINE
JEPLANT HET*

In his report on this matter, Advocate Ackermann indicated that "The ANC had approved the use of landmines, 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 the evidence those mentioned, were under the command of one

*GO'S TOU DIE
TWEDE POLISIE-
MANNIE NEE
+ GEHEER KON
NIE OPGESPOOR
WORD NIE.*

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. Advocate Ackermann made the following decision: In respect of the so-called foot-soldiers, no

*GO REGISTER +
MESSINA SA
NIE OORAN WERD*

further investigation is necessary. In respect of the ANC leadership who gave orders for the land-mines campaign, and who have not

received amnesty, a decision need to be taken at an opportune time, after consulting with all relevant parties. This is a difficult decision." (26 June 2006). PCLU has indicated that NPA has already decided thaton that no prosecution of cases against ANC NEC leadership will be instituted. A decision is required on how outstanding Inquests of deceased in these matters should be disposed of.

2.2 Ellisra's CR A28/8/88 MJ Rapholo

(38)

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gekou gohaja
die Jsw is
egter weg
Ellisras sw
besoek word
om witte
Klaac

Jacob Rapholo received amnesty for an incident where he and six other ANC members entered the Republic from Botswana into the district of Ellisras, where the security forces became aware of their presence. The trackers were ambushed by the ANC members. One member of the police was killed and another wounded in an ensuing shoot-out. One member of the ANC was also killed.

Advocate Ackermann indicated on 11 August 2003, that an inquest must be held. According to our information the inquest is still outstanding.

2.3 King Williams Town CR 397/11/92 TT Xundu

(45)

Dit wil
bekom of
go's nie
gekou was
nie

TT Xundu and three others (APLA members) received amnesty for an armed attack with hand grenades, AK 47, R4 and R5 automatic weapons on guests in the bar at the dining room of the King Williams Town Golf Club. Four persons were killed by shrapnel, from the hand grenades, and 25 were injured.

On 13 August 2003 Advocate Ackermann decided that inquests should be held in respect of the following persons:

- Gillian Davis
- Rhoda MacDonald
- David Andre Theresa Davis
- Ian Wheelwright Macdonald

It needs to be established whether these inquests were concluded and if not to follow it up.

2.4 Diepkloof CR 228/8/89 Michael Ndlovu, William Mafa and Ben Bani (50)

AD WAS WET
 NOLON
 MICHAEL
 NOLONVA SE
 ADRIASIE WOOD
 WITGEKLAAR

On 19 August 1989 two municipal police officers were attacked at the Diepkloof Clinic, and robbed of their service pistols. One member was killed and the other seriously wounded. Two persons (Mafa and Ndlovu) were arrested for the crime. Ndlovu escaped on 4 June 1990 and a warrant issued for his arrest. Mafa applied for and received amnesty. A person by the name of Ndlovu applied for amnesty. A third suspect, Ben Bani (possibly a pseudonym) has been implicated. Advocate Ackermann indicated on 4 September 2003 that it must be established whether Ndlovu received amnesty and that the warrant for the arrest of Ndlovu is outstanding.

2.5 Umbumbulu CAS 35/4/87 Steven Mkulusi, Moses Mkize and Sakhile Nzama (54)

DANE'S GO
 SHUKTE IN
 CLASSIEK
 ISG EGTER
 WEN
 SA WITGEKLAAR
 WOOD

Two members of the security police were attacked with an AK 47 and one police officer was killed. One of the suspects was apprehended, but was seriously ill of cancer. He died. The ANC in the TRC assumed responsibility for the incident. Advocate Ackermann on 3 October 2003, decided that the investigation against the suspects should continue. The deceased suspect

was, however, the main source of confessions, etc on which the evidence is based. It had been decided that, if the suspects cannot be traced, an inquest needs to be held, if it was not done already. It should be established if inquest has been held and if not to ensure that it is done.

2.6 Case Docket Jeppe CR 47/7/88 (65)

A car bomb exploded on 2 July 1988 at the Ellis Park Stadium during a rugby match. Two persons were killed and 37 injured. Huge damage to cars and property was caused. Four MK members claimed responsibility for the incident and received amnesty. Advocate Ackermann decided on 3 October 2003 that: "The Amnesty Committee, in accordance with the ANC submission to the TRC, found that the ANC leadership had accepted responsibility for the Ellis Park bombe explosion. The ANC leadership, which was abroad at that time, did not receive amnesty. A decision on their involvement in these charges, as well as other incidents, will be taken at an opportune time once all relevant parties have been consulted. The investigation into the ANC leadership and specific individuals' criminal responsibility for political violence in the RSA, which relates to the ANC's struggle to overthrow the then National Party Government, is being thoroughly investigated and will be relevant to these charges."

The PCLU report already indicates that the NPA has decided that no prosecution will be instituted against the leadership of the ANC. A decision on outstanding inquests in the matter need to be taken.

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ansprecklikher
YES - PERSONS
UNKNOWN

W

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2.7 Mayville CR No. A188/1/89; CR Swart Plain CR A567/3/89; CR Swart Plain CR A425/4/89 Mohammed Rafiq Rohan, Riaz Saloojee, Abubaker Ismael (73)

Placing limpet mines and demolition charges at transformer in Ridgeway, Durban, exploding limpet mines at Natal Command Snell Parade, Durban 10 March 1983. 15 persons injured damage to buildings. Explosion of limpet mines and demolition charges at CR Swart Plain Police Station, Durban, 7 April 1989. 3 persons injured. The decision of Advocate Ackermann in these matters was that: the investigation is regarded as finalized, in view of the fact that Rohan Saloojee received amnesty for the matters. Advocate Ackermann observed that a decision about the involvement of the ANC leadership in this and other cases, will be taken separately.

It is assumed that the above observation is covered by the report of the PCLU that no prosecution will be instituted against the leadership of the ANC.

3. In respect of the objections of Advocate Ackermann in respect of Mr. Britz: It was said at the meeting that we needed to contact him in order to explain the list, as he was the person who dealt with the cases. It was never said or implied that he would be appointed as investigator. He worked closely with Advocate Ackermann, who requested the SAPS from

PLS 3/1
PLS

) time to time to reappoint him. He also compiled lists of the cases and drafted the key to the huge volumes of documentation.

4. In respect of the minutes of the first meeting; an apology was tendered for the National Commissioner of the South African Police Service.

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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.

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|---|--------|--|------------|--|--------------|--|------------|--|--------------|
| X | URGENT | | FOR REVIEW | | PLSE COMMENT | | PLSE REPLY | | 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.

[Handwritten Signature]
Asst. Commissioner
HEAD LEGAL SUPPORT: CRIME OPERATIONS
PC JACOBS
Date: *2006/11/16*

PCJ 3104

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

Members present:

- Dr Ramaite
- Adv Ackermann SC
- Adv Chris Macadam
- Comm Jacobs
- Yvonne Mabule
- Marlyn 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 contented 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 ANC~~ ~~leaders.~~

SAPS

~~ANC~~

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 fro 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 fro the meeting.

It was agreed that the task team has indeed made progress as there were already cases identified fro 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

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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)
Mhlahla 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. J. 34

R. J.

"PCJ11"

MINUTES OF TASK TEAM MEETING 29/01/2007

Members Present:

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

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.

"PCJ12"

Jacobs PC - Assistant Commissioner

From: Mthunzi C. Mhaga [mcmhaga@npa.gov.za]
 Sent: 07 December 2006 02:59 PM
 To: Jacobs PC - Assistant Commissioner
 Subject: RE: Emailing: TTMEMO2NDPP

Dear Commissioner

Your concern has been noted. However I'm still waiting for the other inputs on the whole report if there are any.

Kind Regards
 Mthunzi

-----Original Message-----

From: Jacobs PC - Assistant Commissioner [mailto:jacobspc@saps.org.za]
 Sent: 07 December 2006 02:23 PM
 To: Mthunzi C. Mhaga
 Cc: Lalla Rayman - Divisional Commissioner; mjlekalakala@telkomsa.net
 Subject: FW: Emailing: TTMEMO2NDPP

-----Original Message-----

From: Jacobs PC - Assistant Commissioner
 Sent: 06 December 2006 04:48 PM
 To: 'Mthunzi C. Mhaga'
 Cc: Lalla Rayman - Divisional Commissioner; 'mjlekalakala@telkomsa.net'
 Subject: RE: Emailing: TTMEMO2NDPP

Dear Ntunzi

I have conveyed to you and the Committee the view of the National Commissioner. It was decided in the Committee as well that this route should be followed, in respect of the Chikane matter. Whether you are in agreement with our view or not is irrelevant. Kindly reflect our recommendation in your report, so that the Committee of Directors-General may consider it.

With kind regards
 PC Jacobs

-----Original Message-----

From: Mthunzi C. Mhaga [mailto:mcmhaga@npa.gov.za]
 Sent: 06 December 2006 02:28 PM
 To: Jacobs PC - Assistant Commissioner
 Subject: RE: Emailing: TTMEMO2NDPP

Hi Commissioner

Thanks for ya input but I would like you to establish whether the national Commissioner has met with Rev Chikane to verify Josias's contention that he is not interested in prosecution. According to Anton Rev Chikane wants prosecution so the national Commissioner needs to substantiate such a belief.

-----Original Message-----

From: Jacobs PC - Assistant Commissioner [mailto:jacobspc@saps.org.za]
 Sent: 06 December 2006 11:33 AM
 To: Mthunzi C. Mhaga
 Cc: mjlekalakala@telkomsa.net
 Subject: RE: Emailing: TTMEMO2NDPP

Dear Mtunzi

As I have said, I am waiting to brief the National Commissioner on the draft report. I will revert to you once I have spoken to him. Provisionally I wish to indicate that from SAPS side we are still not happy how the Chikane matter is reflected. There was a

definite decision that the Rev Chikane must be consulted again, that his wishes need to be reflected, that the issue be reported to our principals and that they must make a recommendation to the NDPP on the matter. Kindly rectify this in your report. Regarding the Highgate Docket, we will obtain the docket from Director McClaren and let you know when it is available.

Kind regards.
PC Jacobs

-----Original Message-----

From: Mthunzi C. Mhaga [mailto:mcmhaga@npa.gov.za]
Sent: 01 December 2006 07:42 AM
To: Jacobs PC - Assistant Commissioner
Subject: Emailing: TTMEMO2NDPP

<<TTMEMO2NDPP.doc>> Hi Commissioner

Kindly receive a draft progress report to be discussed in our Monday meeting

Kind Regards
Mthunzi

The message is ready to be sent with the following file or link attachments:

TTMEMO2NDPP

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

South African Police Service



Polisier-afdeling "PCJ13"

Private Bag
Privaatsok X94

Fax No:
Faks No: (012)

Your reference/U verwysing

THE NATIONAL COMMISSIONER
DIE NATIONALE KOMMISSARIS

My reference/My verwysing

National Commissioner Selebi

PRETORIA

Enquiries/Navroe

0001

Tel:

(012) 393 1515

Advocate VP Pikoli
National Director of Public Prosecutions
Private Bag x 752
PRETORIA
0001

(By telefax No. 845-7291)

Dear Advocate Pikoli

OUTSTANDING TRC CASES

I have been briefed on the last meeting of the Task Team set up in terms of the Cabinet guidelines on outstanding Truth and Reconciliation Commission (TRC) matters.

It was brought to my attention that in Sy Otto (complainant Rev. F Chikane) a decision on prosecution was taken without consultation with the respective Departments.

I have insisted that the complainant be consulted in terms of the guidelines on the basis that the Directors-General will have an opportunity to provide input before a decision on prosecution is taken.

I am also under the impression that there is no common understanding on the process to be followed.

My understanding was that the officials designated on the Task Team by the Directors-General will provide recommendations to the Directors-General who will, as a collective, advise the National Prosecuting Authority as the decision maker on prosecutions.

[Handwritten signature]

[Handwritten signature]

In my view a comprehensive report such as the one directed to the NPA, dated 24 November 2006, and revised on 29 November 2006, should be discussed by the Directors-General.

Although I do not insist on a meeting of the Directors-General after each meeting of our officials, I deem it necessary that the substantive reports and recommendations of the officials should be discussed by the Directors-General before a decision is made.

I am of opinion that the Directors-General should meet as soon as possible to provide guidance on the procedures 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.

You are requested to convene, as soon as possible, a meeting with the Directors-General in order to discuss the above matters.

With kind regards.

J. SELEBI
NATIONAL COMMISSIONER

J. Selebi
NATIONAL COMMISSIONER

Date: 6/02/07

PCJ 3148

P.S. *3/11*

[Signature] *[Signature]*

"PCJ14"

South African Police Service



Suid-Afrikaanse Polisiediens

Private Bag
Privaatsak X94Fax No:
Faks No: (012)

Your reference/ U verwysing

THE NATIONAL COMMISSIONER
DIE NATIONALE KOMMISSARIS

My reference/ My verwysing

National Commissioner Selebi

PRETORIA

Enquiries/ Navroe

0001

Tel:

(012) 393 1515

Advocate Menzi Simelane
 Director-General
 Department of Justice and Constitutional Development
 Private Bag X81
 PRETORIA
 0001

Dear Colleague

OUTSTANDING TRC CASES

I have been briefed on the last meeting of the Task Team set up in terms of the Cabinet guidelines on outstanding Truth and Reconciliation Commission (TRC) matters.

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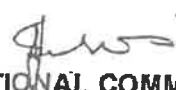
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I am also of the opinion that the Chikane matter should be discussed, both in terms of the procedures followed, and the way forward.

I have requested the NPA to convene a meeting as soon as possible, and trust that you will be in agreement with that request.

With kind regards.



J. S. SELEBI
NATIONAL COMMISSIONER

NATIONAL COMMISSIONER

Date: 6/02/07

PCJ/3148



South African Police Service



Suid-Afrikaanse Polisie diens

"PCJ15"

Private Bag
Privaatsak X94Fax No:
Faks No: (012)

Your reference/U verwysing

THE NATIONAL COMMISSIONER
DIE NATIONALE KOMMISSARIS

My reference/My verwysing

National Commissioner Selebi

PRETORIA

Enquiries/Navrae

0001

Tel:

(012) 393 1515

Mr M Manzini
Director-General
National Intelligence Agency
Private Bag X87
PRETORIA
0001

Dear Colleague

OUTSTANDING TRC CASES

I have been briefed on the last meeting of the Task Team set up in terms of the Cabinet guidelines on outstanding Truth and Reconciliation Commission (TRC) matters.

It was brought to my attention that in Sv Otto (complainant Rev. F Chikane) a decision on prosecution was taken without consultation with the respective Departments.

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P.B.G.

ZM

In my view a comprehensive report such as the one directed to the NPA, dated 24 November 2006, and revised on 29 November 2006, should be discussed by the Directors-General.

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I have requested the NPA to convene a meeting as soon as possible, and trust that you will be in agreement with that request.

With kind regards.

J. S. SELEBI
NATIONAL COMMISSIONER



NATIONAL COMMISSIONER

Date: 6/2/07

PGJ 3148



"PCJ16"

Office of the National Director of Public Prosecutions



The National Prosecuting Authority of South Africa
Igunya Jikelele Lobethushisi bokhoantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

Ref: NDPP / KP

Mr J.S. Selebi
National Commissioner
South African Police Service

Fax no.: (012) 393 - 1530

6 February 2007

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton

P/Bag X752
Pretoria
0001

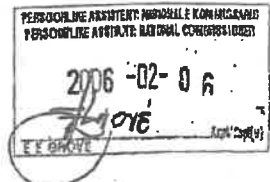
Tel: (012) 845-6000
Fax: (012) 845-7291
www.npa.gov.za

Dear Commissioner Selebi

Re: OUTSTANDING TRC CASES

Your letter of 6 February 2007 refers.

I advise that it is clear that our understanding of the mandate of the task team, as well as the guidelines that Cabinet approved, are not the same. In the circumstances, this matter, as well as other issues that have emerged in the course of the NPA dealing with the TRC cases, are currently being taken up with the Minister of Justice and Constitutional Development.



Kind regards

V.P. Pikoli
ADV. V.P. PIKOLI
NATIONAL DIRECTOR OF PUBLIC PROSECUTION
DATE: 06.02.2007



Justice in our society, so that people can live in freedom and security



"Together bearing the
burden for justice and equity"

[Handwritten signatures and initials]

"PCJ17"

CONFIDENTIAL

1

INFORMATION NOTE

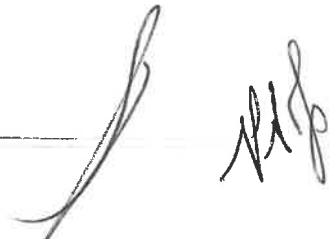
To: Divisional Commissioner: Detective Service
JF De Beer

REQUEST TO MAKE INVESTIGATORS AVAILABLE TO NATIONAL PROSECUTING AUTHORITY: OUTSTANDING TRC CASES

1. At the last meeting of the Sub-Committee appointed to deal with the outstanding TRC matters in accordance with the Cabinet's approved guidelines, it was recommended that a number of cases need to be brought to finality in terms of investigations.
2. The purpose of the investigation is to enable the relevant Committee to make a recommendation regarding possible prosecution to the NDPP, in accordance with the said guidelines.
3. A discussion was held with Advocate Nthunzi Mhaga of the Priority Crimes Litigation Unit (PCLU), who is also on the Committee in order to obtain guidance on where investigators are needed.
4. The relevant cases are:
 - 4.1. PEBC0 3 case.
 - 4.2. Cradock 4 case

Note: In both these cases, it was requested that a police official from Port Elizabeth, (Fanie Els) be appointed as he is already *au fait* with the cases.

CONFIDENTIAL



CONFIDENTIAL

2

- 4.3. S v Hantie Botha and Others CR Swart Sqaure CR 2004/9/97.

Note: It is requested that a detective from Durban be appointed to assist with the investigation.

- 4.4 S v Coetzee John Vorster Plain CR 1469/2/96.

Note: It is requested that a detective from Johannesburg be appointed to assist in this matter.

- 4.5 COSAS four (Krugersdorp)

NOTE: It is requested that a detective from the West Rand or Johannesburg be appointed to assist with this investigation.

- 4.6 Heidelberg Tavern and St James Massacre

NOTE: It is requested that Supt Barkhuizen or another Detective of the Western Cape be appointed to assist in this investigation.

- 4.7 Cala CAS 92/2/95

Bathandwa Ndondo.

NOTE: It is requested that a detective from Umtata be appointed to assist with the investigation.

- 4.8 Moss Monude case

NOTE: It is requested that a detective from Pretoria assist with this investigation.

5. It is recommended that detectives in the respective areas be identified and that their contact particulars be given to Advocate Mhaga, in order to make the necessary arrangements for the investigations to proceed.

CONFIDENTIAL



CONFIDENTIAL

3

- 6. Submitted for your consideration and the necessary action.

Asst. Commissioner
HEAD: LEGAL SUPPORT: CRIME OPERATIONS
PC JACOBS

Date:

PCJ 3110j

CONFIDENTIAL

Two handwritten signatures in black ink are located at the bottom right of the page. The first signature is a large, stylized loop, and the second is a more complex, multi-stroke signature.

"PCJ18"

G.P.-S. 002-0222

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

SAP 21

Privaatsak/Private Bag X302

| | |
|--------------------------|-----------------------|
| Verwysing Reference | |
| Navrae Enquiries | Asst. Comm. PC Jacobs |
| Telefoon Telephone | (012) 395 0066 |
| Faksnommer Fax number | (012) 395 0156 |

**DIVISIONAL COMMISSIONER
LEGAL SERVICES
HEAD OFFICE
PRETORIA
0001**

2006-12-06

- A. Provincial Commissioner: Eastern Cape
- B. Provincial Commissioner: Western Cape
- C. Provincial Commissioner: Gauteng
- D. Provincial Commissioner: KwaZulu Natal
- E. Commander: Supt Noldadi

**INVESTIGATING OFFICERS TO ASSIST IN FINALIZING CASES
EMANATING FROM THE TRUTH AND RECONCILIATION
COMMISSION (TRC)**

1. Following the approval of guidelines by Cabinet on the disposal of cases which emanated from the report of the TRC, certain investigations need to be finalized.
2. You are requested to make the following officers available as indicated from/against your Province. Interdepartmental Committee appointed to deal with these matters:

Supt Boshoff (Eastern Cape Province, Port Elizabeth)

Supt Barkhuizen (Western Cape Province)

Capt. Nodladi (Head Office)

Captain Zeeman (Gauteng Province)

Supt WC Olivier (Kwa Zulu Natal Province).

4. Kindly confirm the availability of these officers and provide their contact

particulars to this office, as soon as possible.

**DIVISIONAL COMMISSIONER: DETECTIVE SERVICE
JF DE BEER**

Date:

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by several loops and a final vertical stroke.

G.P.S. 002-0222



SUID-AFRIKAANSE POLISIEDIENS

SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag X84

| | |
|------------|-----------------------|
| Reference | Cambridge CR 16/05/93 |
| Navrae | |
| Enquiries | Asst. Comm. PC Jacobs |
| Telefoon | |
| Telephone | (012) 393-7063 |
| Faksnommer | |
| Fax number | (012) 393-7156 |

Legal Support
Crime Operations
South African Police Service
Head Office
PRETORIA
0001

2007-01-26

Dr Silas Ramaite, SC
Office of the National Prosecuting Authority
SILVERTON

BY HAND

Dear Dr Ramaite

HIGHGATE DOCKET: CR 16/05/1993

During the last meeting of the interdepartmental committee on the Truth and Reconciliation matters, Advocate Chris McAdam requested the above docket, and the South African Police Service members at the meeting undertook to locate and provide the docket.

Attached is a copy of the docket, in two ring binders, containing:

Evidence: A 1 – A 80, plus Photo Album with 102 colour photographs.

Correspondence: B 1 – C 89.

Investigation diary: C 2 – C 153.

Kindly acknowledge receipt of the docket on the attached copy of this letter.

It is assumed that the docket forms subject of the mandate and functions of the Committee and will be dealt with by the Committee.

PC Jacobs
Asst. Commissioner
HEAD: LEGAL SUPPORT: CRIME OPERATIONS
PC JACOBS

Date: 2007/01/29

Receipt is hereby acknowledge of the above docket as set out:

SIGNATURE: *McManga*

NAME: McManga

DATE: 29/1/7

PC Jacobs
PC Jacobs

Rapport

18/08/2007 19:25 - (SA)

ANC-lêers 'verdwyn'

SONJA CARSTENS

Pretoria

Die polisie het nog niks gedoen om meer bewyse en getuienis te kry vir die moontlike vervolging van 37 destydse leiers van die ANC aan wie amnestie vir apartheidsmisdade geweier is nie.

Rapport het die afgelope week uit onberispelike bronne verneem die polisie-dossiere wat twee afgetrede polisie-lede vroeër saamgestel het, is al jare toegesluit by die hoofkantoor van die polisie se speurdienste. Die bronne se name word op versoek verswyg weens die sensitiewe poste wat hulle beklee.

Volgens die bronne is geen verdere ondersoekwerk na die inligting in die dossiere gedoen nie.

Die dossiere is vroeër verwyder uit 'n kluis in die kantore van die direkteur van openbare vervolgings (DOV) in Pretoria waar adv. Paul Fick, SC, hoof van die vervolgings-span wat die vermeende Boeremag-lede aankla, die hoof was van 'n span wat verder ondersoek ingestel het met die oog op moontlike vervolging.

Die nasionale vervolgings-gesag (NV) het die ondersoek jare gelede weggeneem van Fick. Hy wou die afgelope week glad nie op vrae reageer nie.

Rapport verneem sedert dit uit Fick se kantoor verwyder is, is dit toevertrou aan 'n span by die NV wat dit verder moes ondersoek, maar wat weinig aan die ondersoek gedoen het.

Hierna is adv. Anton Ackermann, SC, in Junie 2003 aangestel as hoof van 'n eenheid wat onder meer misdade teen die staat moes ondersoek. Ackermann was die aanklaer in die Vlok-Van der Merwe-verhoor.

Oud-kommissaris Johan van der Merwe het Vrydag gesê "oorgenoeg getuienis" bestaan teen die ANC-leierskorps oor hul betrokkenheid by die landmynontploffing in 1995 waarin verskeie lede van die Van Eck- en De Necker-gesin gesterf het.

The image shows two handwritten signatures in black ink. The signature on the left is a large, stylized, cursive mark. The signature on the right is smaller and appears to be a more formal, possibly typed name written in cursive, possibly 'A.P. J.'.

In Junie 2004 het mnr. Siphon Ngwema, destydse woordvoerder van die NV, gesê nie een van die 37 leiers, onder wie pres. Thabo Mbeki, mnr. Jacob Zuma, komm. Jackie Selebi, polisiehoof, mnr. Linda Mti, vorige kommissaris van korrektiewe dienste, en min. Essop Pahad kan vervolgt word nie omdat "daar eenvoudig nie genoeg getuienis is om 'n klagstaat op te stel nie".

Ngwema het destyds gesê die NV weet nie wíe het wát gedoen of wie die opdragte gegee het nie.

"Indien die NV dit met die getuienis tot sy beskikking sou doen, is dit net so goed die vervolger besluit oudpres. PW Botha of oudpres. FW de Klerk moet teregstaan weens voorvalle in die apartheidsjare waarvoor niemand anders verantwoordelikheid aanvaar het nie," was Ngwema se woorde.

Mnr. Dirk van Eck het reeds aangedui hy is gereed om 'n klag in te dien teen ANC-leiers wat nie amnestie ontvang het nie vir die aanval wat meer as die helfte van sy gesin uitgewis het.

Die politieke omstredenheid oor vervolgings vir misdade uit die verlede sal uitbrei as die NV 'n vervolging instel teen genl. Basie Smit, 'n voormalige hoof van die polisie se spur- en veiligheidstakke. Een van die klousules in Vlok en Van der Merwe se pleitooreenkoms dwing hulle om in 'n moontlike verhoor teen Smit te getuig.

Rapport verneem Ackermann het vroeër skriftelik opdrag gegee dat die polisie nog getuienis in die ondersoek na die ANC-leiers moet versamel met die oog op moontlike vervolging. Maar die afgelope week het die polisie geweier om te sê of die opdrag nagekom is en wat die vordering daarmee is.

Dir. Sally de Beer, Selebi se woordvoerder, het navrae na dir. Phuti Setati, woordvoerder van nasionale speurdiens, verwys.

"Die polisie wil sy kommentaar oor die saak voorbehou," het Setati gesê.

scarstenss@rapport.co.za

Available at:

http://www.news24.com/Rapport/Nuus/0,,752-795_2167209,00.html

Accessed: 2007-08-24




20. Aug. 2007 12:44

NPA PCLU 0128456357

No. 0242 P. 1



The Head
Priority Crimes Litigation Unit
NATIONAL PROSECUTING AUTHORITY

VGM BUILDING, 3RD FLOOR, ROOM A3-01
CNR HARTLEY & WESTLAKE STREETS
WEAVER PARK, 0184
TEL: (012) 845-6432 FAX: (012) 845 7224

Div. Com JF de Beer
Fax

To: Dr Fip Jacobs

From: Adv A R Ackermann SC

Fax: 012 012 393 7156

Pages: 2

Phone: 012 845

Date: 20 August 2007

Re: Sv Mncube

CC:

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

• Comments:

Kommissaris de Beer

Eh het die nou net
van Anton ontvang
Die beers is in houis
PCLU Bestu se sang.

groete
Fip

2007 Aug 20 1:07PM HP LASERJET FAX

p. 2

-20. Aug. 2007 12:44

NPA PCLU 0128456337

No. 0242 P. 2



The National Prosecuting Authority of South Africa
 Igunya Jikelele Labeshophisi Bo Mzantsi Afrika
 Die Nasionale Vervolgingseteg van Suid-Afrika

The Priority Crimes Litigation Unit
 Office of the National Director of Public
 Prosecutions
 Private Bag X 752
 PRETORIA, 0001
 20 August 2007

Ref./Verw. : arackermann

Dear Flip

STATE VERSUS MNCUBE AND TWO OTHERS

With reference to our telephonic conversation of evendate which led to you faxing to me a document with reference A 15 dated 26 June 2006 and purportedly signed by myself, I would be grateful if you could cause the original to be delivered to me at my office before 16 h00 today

Your assistance in this regard will be appreciated

Regards

A R Ackermann SC
 Head Priority Crimes Litigation Unit

0123932193

"D1"

Dringende aunday.

Adv. Anton Acheomann SC
Prisoners Litigation Unit

012 8456337

Groete

Van: Flip Jacobs

0827789215.



0123932193

"PCJ22"

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

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

26 Junie 2006

MEMORANDUM

AAN : Dr S Ranaite 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

Handwritten signatures and initials, including a large signature on the left and initials 'R.A.' on the right.

0123932193

- 3 -

Die ondersoek het verder op 'n gewapende aanval op 26 Desember 1986 op 'n SAW patrollie 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 vervolg, skuldig bevind en gevonniss, terwyl die derde persoons (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 landmyn 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 tegelegener tyd nog geneem word nadat al die relevante partye gespreek is.

Bovermelde is 'n moelike besluit.

Adv A R Ackermann SC
SPESIALE DIREKTEUR
/tp

201/12/2007

ATT: Sally de Beer
FM: ~~Handwritten text~~

"PCJ23"

**Office of the
National Director of Public
Prosecutions**



The National Prosecuting Authority of South Africa
Igunya Jikelela Labetshutsishi beMzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

TO: MEDIA

DATE: 21 AUGUST 2007

RE: Response to Article in Rapport on 19 August 2007

Tel: +27 12 845 6000
Fax: +27 12 845 7281

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

P/Bag X752
Pretoria
0001
South Africa

www.npa.gov.za

With reference to the statements attributed to Adv. Anton Ackermann SC in the Rapport of 19 August 2007, the National Prosecuting Authority wishes to place on record the following:

- In May 2004, Mr Bulelani Ngcuka, the then National Director of Public Prosecutions, declined to prosecute the ANC leadership in connection with the conflicts of the past. A press statement confirming this was released on 15 May 2004.
- Since that press release the National Prosecuting Authority and in particular Adv. Ackermann has not directed any further investigation into this matter.
- Subsequent to the media report by the Rapport on 19 August 2007, and on request by the National Prosecuting Authority, the SAPS provided a copy of a letter, purporting to be written by Adv. Ackermann on 26 June 2006, to the National Prosecuting Authority. The NPA regards this letter as a forgery and has authorized an immediate investigation into the matter.

Tlali Tlali: 082 3333 880

*All documents
related to ANC 87
lost*



Justice in our society, so that people can live in freedom and security

[Handwritten signature]

"PCJ24"

CATS 16/8/07

A2

INFORMATION NOTE

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. D. du Toit
2007-08-22

CATS 16/8/07A3

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 57/11/1985

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 1997 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 1999 I attended a course in printing processes at the South African Printing College.

Three handwritten signatures in black ink are located at the bottom right of the page. The first signature is a large, stylized cursive signature. The second and third signatures are smaller and less legible, appearing to be initials or names.

CATS 16/8/07

A3

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 signatures and initials at the bottom of the page, including a large signature on the left and several smaller signatures and initials on the right.

CATS 16/8/07

A3

Page 3 of 3

7.

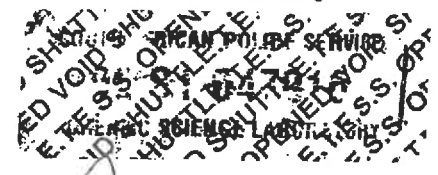
LAB 118457/2007

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.



[Signature]

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.**

[Signature]

 COMMISSIONER OF OATHS

PETRUS JACOBUS ESTERHUIZEN
 Forensic Science Laboratory
 218 Visagie Street
 PRETORIA 0001

[Signature]

 Supt. SOUTH AFRICAN POLICE SERVICE

/sjvw

[Signature] *[Signature]*

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 Technicon 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 Criminalistics which is specifically directed towards the examination of questioned documents which carries a Degree status (RVQ 13) from the University of South Africa.
 1999 : Project Management and Principles - I.T. Architects

CASEWORK EXPERIENCE

| | |
|--|------|
| Questioned document examinations | 8346 |
| Expert evidence in court | 297 |
| 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 Axciton Computerized Polygraph Instrument Certification Course which were presented by the Argenbright 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 Assizes 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
0129

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



"PCJ25"

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 gesekondeer 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.




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.

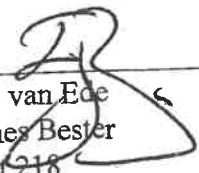

H J Brittz

Ek sertifiseer dat die verklaarder erken dat hy vertrouwd is met die inhoud vandie verklaring en dit begryp

Bostaande verklaring is in my teenwoordigheid beedig 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 218
Pretoria
Senior Superintendent
Republiek van Suid Afrika



"PCJ26"

AkCATS 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 Telephone | Snr Supt LJ Bester (012) 4013276 082 778 5628 |
| Faksnommer Fax number | (012) 320-4293 |

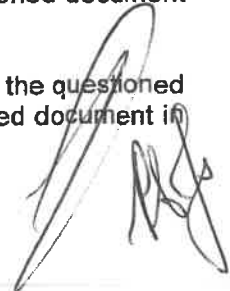
CRIMES AGAINST THE STATE
VIOLENT ORGANISED CRIME
DETECTIVE SERVICE
HEAD OFFICE
PRETORIA
0001

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

A4

-2-

- 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

LJ Bester
SNR SUPT
COMMANDER: CRIMES AGAINST THE STATE
ORGANISED CRIME
DETECTIVE SERVICE: HEAD OFFICE
LJ BESTER

Snr Supt Bester/brief22(s)

Anthony 2007-08-30
 10:55.




CATS 16/8/07

125

**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 16/8/07

A15.

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

HS

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

- 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.

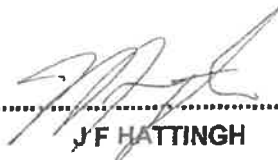
The exhibits were under my exclusive control for the duration of the examination and was stored in a safe to which only I have access during periods it was not physically examined.

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



Annexure "A"

CATS 18/8/07

FDC 0095/07^H

DISPUTED



Adv A R Ackermann S C
SPECIAL E DIREKTEUR

26/11/2007

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

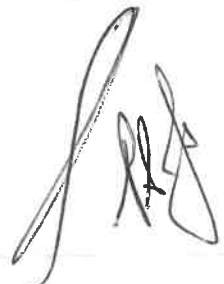


Adv A R Ackermann S C
SPECIAL E DIREKTEUR

9



Adv A R Ackermann S C



SPECIMEN

50

Adv A R Ackermann S C

11

Adv A R Ackermann S C
SPECIALER DIREKTOR

14

Adv A R Ackermann S C

16

Adv A R Ackermann S C
SPECIALER DIREKTOR

13

Adv A R Ackermann S C

73

Adv A R Ackermann S C
SPECIALER DIREKTOR

60

Adv A R Ackermann S C

CATS 10/8/07

HS

Annexure "B"

FDC0095/07

Page 1



Page 2



Page 3



CATS 16/8/07

As

Annexure "C"

FDC0095/07

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Staple Holes – Note on page 3

Staple Holes – Page 3

CATS 16/2/07

HS

Annexure "D"

FDC0095/07

Page 1

Page 2

Page 3



CATS 16/8/07

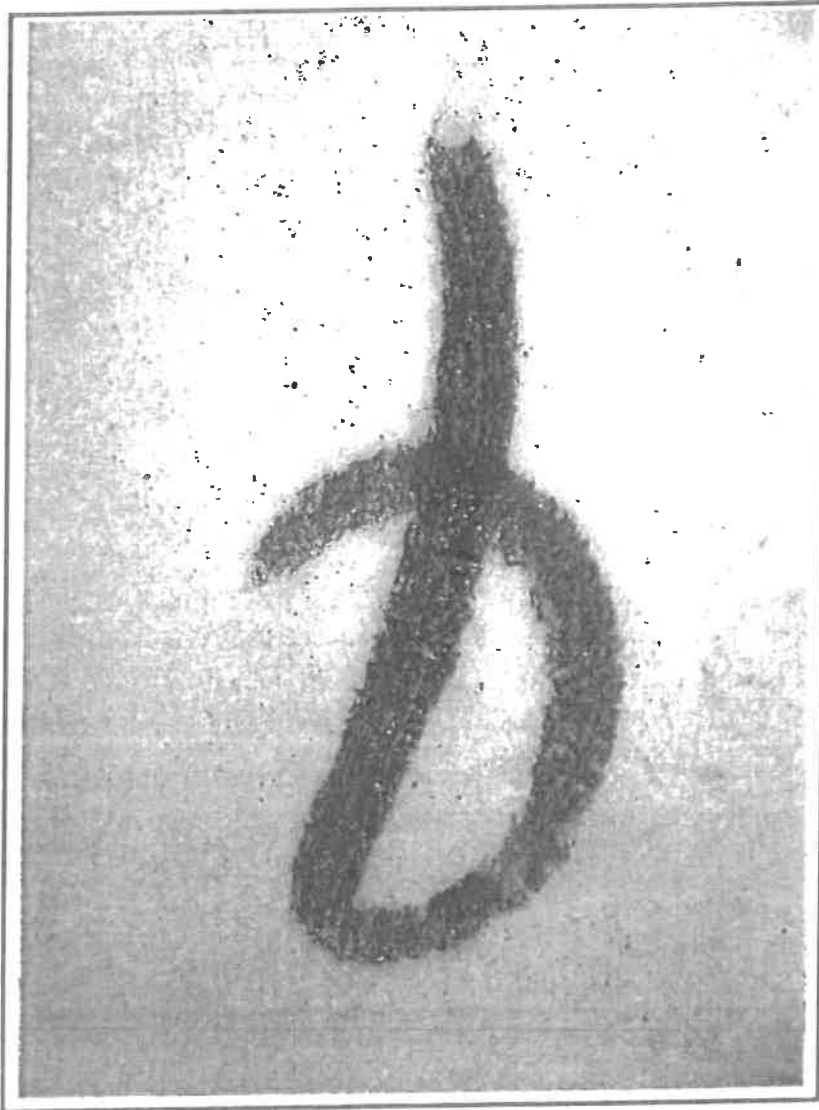
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Annexure "E"

FDC0095/07

26/8/2007

b

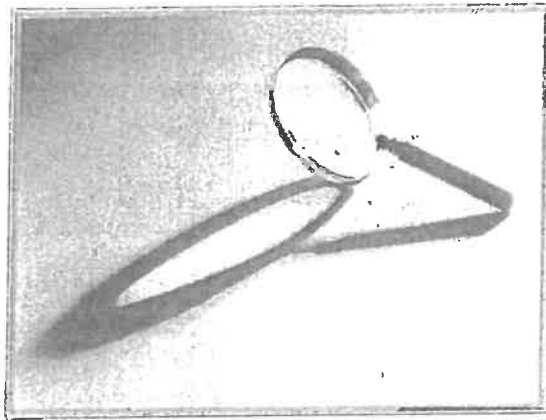


Date Page 3

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FORENSIC DOCUMENT CONSULTANTS

CC. 2007/078327/23



COMPANY PROFILE

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by several smaller, less distinct characters. The signature is located in the bottom right corner of the page.

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.

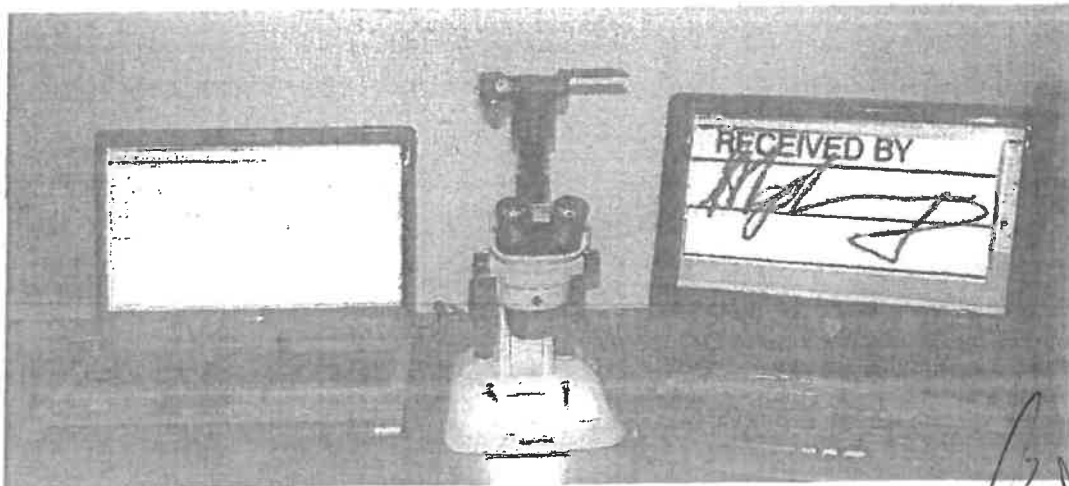
SERVICES AND EXAMINATIONS RENDERED:

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.

[Handwritten signature]

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".
- 1997 - 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 |

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

SUPPLEMENTARY AFFIDAVIT: PHILIPPUS CHRISTOFFEL JACOBS

I, the undersigned

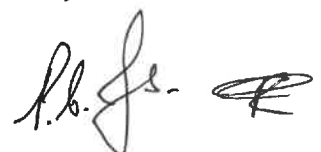
PHILIPPUS CHRISTOFFEL JACOBS

do hereby declare under oath as follows:

1. I am an adult male and a retired member of the South African Police Service ("SAPS"), residing at 308 Bronberg Retirement Estate, 47 Midas Avenue, Olympus, Pretoria.
2. I am the deponent to the affidavit filed with the Commission on 26 February 2026.
3. The facts herein contained are, unless specifically stated or the contrary appears from the context, within my personal knowledge and to the best of my belief, both true and correct.

PURPOSE OF THIS AFFIDAVIT

4. This supplementary affidavit is filed pursuant to the Commission's correspondence dated 24 February 2026, wherein the SAPS was requested to provide the Evidence Leaders with documents related to the work of the Commission. Among the documents requested were my official diaries for the period 2002 to 2010.
5. Upon receipt of the Commission's correspondence being referred to above, I conducted a further search among the documents I relied on during the preparation of my affidavit filed with the Commission on 26 February 2026. I then



found a copy of what is referred to as the "early 2009 letter from the SAPS to NDPP". This is a letter signed on 7 March 2008 by the then Acting National Commissioner Williams ("Commissioner Williams"), which was addressed to the Acting National Director of Public Prosecutions ("NDPP") at the time, Advocate Mpshe. I wish to state I drafted the letter after being requested to do so by Commissioner Williams. A copy of the letter to that effect is annexed hereto and marked "SA1".

6. Perusal of the letter being referred to above reveals that such was drafted consequent to an invitation received by the SAPS from the National Prosecuting Authority ("NPA"), for a meeting of the Interdepartmental Task Team ("ITT") dealing with the post TRC matters. Pursuant to the prevailing difference of opinions between National Commissioner Selebi and the erstwhile NDPP, Advocate Pikoli, about the interpretation of the role and function of the ITT, the latter undertook to take the matter up with the Minister of Justice and Constitutional Development as per letter dated 6 February 2007. The issue of the difference of opinions that existed between the National Commissioner and the NDPP on the role of the ITT was also addressed in paragraphs 55 to 58 of my affidavit filed with the Commission on 26 February 2026.
7. It is further apparent from the contents of the letter that Commissioner Williams intended to inform Advocate Mpshe of the fact until such time that the matter had been clarified, the representatives of the SAPS were instructed not to attend meetings of the ITT.
8. Of importance to mention is the fact that Commissioner William's letter addressed to Advocate Mpshe on 7 March 2008 was accompanied by a copy of Advocate Pikoli's letter dated 6 February 2007, a copy of which is annexed to my affidavit dated 26 February 2026 as "PCJ16".
9. I further need to make mention of the fact that, following the letter I prepared for the National Commissioner's office on the TRC matters during March 2008, I was not aware of any feedback having been received from Advocate Mpshe in that regard. To my knowledge, the matter remained unresolved since it became



apparent that the ITT could no longer function meaningfully as clarity was not attained. As a result, I was never instructed to attend any meeting of the ITT again.

10. During the process of searching for the documents requested by the Evidence Leaders as stated above, I also came across a copy of an unsigned information note I prepared during February 2009 under file number 25/6/2(3788). The purpose of the draft information note was to inform the Divisional Commissioner: Detective Service, Commissioner Raymond Lalla, Acting National Commissioner Williams and the Minister of Safety and Security, Mr Charles Nqakula, of the developments regarding the investigation and prosecution of TRC matters. A copy of the unsigned information note that I drafted is annexed hereto and marked "SA2".
11. Perusal of the information note reveals that it was prepared after the Acting NDPP at the time, Advocate Mpshe, had informed the SAPS of the pending appeal lodged by the NPA in the case of *Nkadimeng and Others vs National Director of Public Prosecutions and Others*¹ ("Nkadimeng I"). The appeal emanated from the decision by then Transvaal Provincial Division ("TPD") declaring the amendments to the NPA's Prosecution Policy dated 01 December 2005 invalid, unlawful and unconstitutional. The NPA consequently expressed the view that the pending appeal should not prevent the investigations in the TRC cases from continuing in the interim. This was informed by the fact that the appeal had the effect of suspending the order issued by the court pending finalisation of the matter.
12. Dr Ramaite and Advocate C Macadam of the NPA had earlier indicated to the SAPS that the cases listed in the documents that accompanied the information note submitted to the Minister's office were being studied by the NPA with a view of establishing if there was a need for further investigation(s) by the SAPS. These matters would then be referred to the respective departments, including the National Intelligence Agency (NIA), to advise the NPA on issues such as security concerns related to the said matters. If the NPA, after consideration of the

¹ (32709/07) [2008] ZAGPHC 422 (12 December 2008)



concerns raised, deemed it necessary to proceed with such matters, it would then seek investigative assistance from the SAPS

13. During the Ginwala Inquiry established in October 2007, the ITT established in terms of the Policy had practically reached a stalemate based on the issue of the difference of opinions regarding the role of the Directors-Generals in relation to the ITT *vis a vis* the NDPP.
14. I wish to state that my role in relation to the draft information note was limited to the compilation of the said note. I am therefore not in a position to confirm as to whether Commissioners Lalla and Williams subsequently signed and forwarded the information note to the Minister.
15. Regarding the request for my official diaries from 2002 to 2010, I am currently not in possession of any of the said diaries. Due to the time lapse since my retirement from the SAPS in 2017, I have no recollection if my diaries for the said period were ever preserved and the possibility exists that they may have been misplaced. Since my retirement the personnel in my previous office have been relocated twice. Save for the documents attached to my affidavit filed with the Commission on 26 February 2026 as well as those annexed to this supplementary affidavit, I do not have further documents set out in the list of required documents sent by the Evidence Leaders.



DEPONENT

THUS SIGNED AND SWORN TO before me at Pretoria on this 25th day of **MARCH 2026** the deponent having acknowledged that he knows and understands the contents of this affidavit, he has no objection to take the prescribed oath and considers it to be binding on his conscience.



COMMISSIONER OF OATHS

Name: Daniel Jacobus Retief.

Address: 222 Kivonia Road, Morningside, Sandton

Designation: Attorney

25 March 2026



SA1

South African Police Service  *Suid-Afrikaanse Polisie*

Private Bag
Privaatsak

X94

Fax No:

Faks No:

Your reference/U verwysing:

My reference/My verwysing: **3/5/2(308)**

Enquiries/Navrae:

Acting National Comm. T Williams

Tel:

(012) 393-1536

THE NATIONAL COMMISSIONER
DIE NASIONALE KOMMISSARIS
PRETORIA
0001

Advocate Mpshe
Acting Director of Public Prosecutions
Private Bag X752
Silverton
PRETORIA
0001

Dear Advocate Mpshe

INTERDEPARTMENTAL TASK TEAM DEALING WITH POST – TRC MATTERS

The representative of the South African Police Service received an invitation for a meeting of the above-mentioned Task Team scheduled for 13 March 2008.

As you know, there had been correspondence between the National Commissioner and the National Director of Public Prosecutions about the interpretation of the role and functions of the Task Team *vis-a-vis* the Director – General, of the Departments represented in its, Advocate Pikoli agreed that there is a difference of opinion on the matter, and undertook to take the matter up with the Minister of Justice, and Constitutional Development (a copy of the letter is attached for your convenience). To date no feedback has been received and the matter remains unresolved.

Until such time that the matter has been cleared up, I am of the view that the Committee cannot function meaningfully.




Please inform me as soon as possible of how you see the role of the Directors-General of the Departments involved in the Task Team.

Until such time that the matter is resolved, I have instructed the representatives of the South African Police Service not to attend meetings of the Task Team.

Your urgent response will be appreciated.

With kind regards.



**ACTING NATIONAL COMMISSIONER
TC WILLIAMS**

Date: 2008/03/07

PCJ 3497



Office of the National Director of Public Prosecutions



The National Prosecuting Authority of South Africa
Igumyama Jikelele Labatshutshisi boKwazi
Die Nasionale Vervolgingsgesag van Suid

Ref: NDPP / KP

Mr J.S. Selebi
National Commissioner
South African Police Service

Fax no.: (012) 393 - 1530

6 February 2007

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Neovind Park
Silverton

P/Bag X752
Pretoria
0001

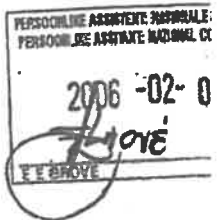
Tel: (012) 845-6000
Fax: (012) 845-7291
www.npa.gov.za

Dear Commissioner Selebi

Re: OUTSTANDING TRC CASES

Your letter of 6 February 2007 refers.

I advise that it is clear that our understanding of the mandate of the task team, as well as the guidelines that Cabinet approved, are not the same. In the circumstances, this matter, as well as other issues that have emerged in the course of the NPA dealing with the TRC cases, are currently being taken up with the Minister of Justice and Constitutional Development.



Kind regards

V.P. Pikoli
ADV. V.P. PIKOLI
NATIONAL DIRECTOR OF PUBLIC PROSECUTION
DATE: 06.02.2007



[Handwritten signatures]

FILE NO: 25/6/2(3788)

INFORMATION NOTE

To: The Minister for Safety and Security

INVESTIGATION OF MATTERS EMANATING FROM THE TRUTH AND RECONCILIATION COMMISSION (TRC)

1. Cabinet approved guidelines to deal with matters which are still unresolved following the conclusion of the work of the TRC. These matters remain open as a result of either a refusal of the TRC to grant amnesty in respect of particular events/persons; or that the alleged perpetrators have not applied for amnesty in respect thereof.
2. The Cabinet guidelines were captured in the prosecution policy of the National Director of Public Prosecutions. In a judgement of the High court (TPD), brought in respect of amongst others, the murder of the Cradock four in which Security Branch officers were implicated, the Court held that the policy amendments to the National Prosecuting Authority Policy dated 1 December 2005, are unconstitutional and unlawful and invalid.

The Court amongst others observed that: **"Crimes are not investigated by victims. It is the responsibility of the police and Prosecution Authority to ensure that cases are properly investigated and prosecuted. Victims of crimes rely on these institutions for investigation and prosecution. The essence of the complaints is that the policy amendments allow the first respondent not to prosecute, even in circumstances where there is a prima facie case...."** (par 16.2.3.3).



The court also observed that **"The whole procedure as envisaged in part B1, is a recipe for conflict and absurdity"**. (par. 15.5.4).

The office of the Acting National Director has now indicated that an appeal has been noted and that the effect of the noting suspends the Court's ruling. The NPA consequently expressed the view that the appeal should not prevent investigations being conducted in connection with TRC cases in the interim.

3. During the Ginwala Inquiry, the Interdepartmental Task Team established in terms of the Policy, practically reached a stalemate, as a result of differences of opinion on the role of the Directors-General of the Departments constituting the Task Team, *vis-à-vis* the National Director of Public Prosecutions.
4. Dr. Ramaite and Advocate C McAdam of the NPA has indicated that the cases listed in the attached list are being studied by the NPA at the moment with a view to indicate what further police investigations are required. The matters will then be referred to the respective departments, including the National Intelligence Agency (NIA), in order to advise the NPA on issues, such as security concerns. Should the NPA, after consideration of the concerns deems it necessary to proceed with the matters, investigative assistance will be requested from the SAPS.
6. NIA (Mr. Pete Richer) has also indicated that NIA is willing to proceed with cooperation in the Task Team.



7. Submitted for the Minister's information. The Minister will be appraised of further developments.

Asst. Commissioner

**HEAD: LEGAL SUPPORT: CRIME OPERATIONS
PC JACOBS**

Date:

Noted:

DIVISIONAL COMMISSIONER: DETECTIVE SERVICE

R LALLA

Date:

Noted:

**Acting/NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
TC WILLIAMS**

Date:

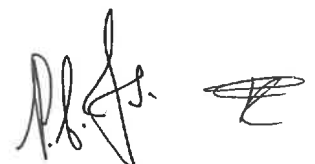
Noted:

MINISTER

Date:

cc/ Director Martin Naude

PCJ 3703

Handwritten signatures in black ink, including a large signature and a smaller one to the right.

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 ontwrig 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. **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.

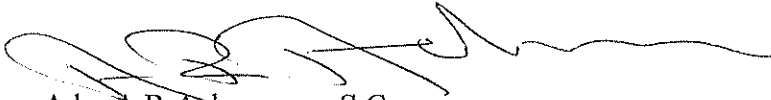
SIPHIWE NYANDA het amnestie vir die daad gevra.

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.

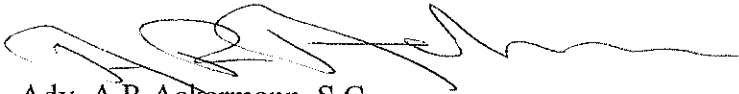
Bogenoemde twee persone het as opdraggewer en uitvoerder van hierdie misdaad amnestie ontvang. Ander lede van die betrokke groep is waarskynlik ter dood veroordeel weens ander misdade. (Wonderboompoort MR 253/12/81).

2. AMNESTIE

Bogenoemdes 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) **ABOBAKER 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.

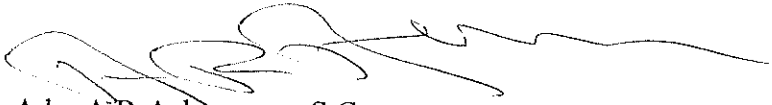
Die polisie-onderzoek was onsuksesvol gewees. **A ISMAIL, SHAIK en M A ISMAIL** het aanspreeklikheid vir die ontploffing aanvaar en het om amnestie aansoek gedoen.

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 - Sabotasje

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 gewees.

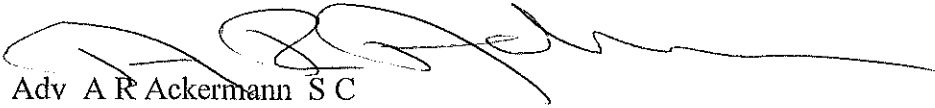
NYANDA en **SHOKE** het onderskeidelik as opdraggewer en uitvoerder van die ontploffing aanspreeklikheid aanvaar en het om amnestie aansoek gedoen.

2. AMNESTIE

Amnestie is op 7 November 2000 aan 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

6
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 Polisiestase 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.

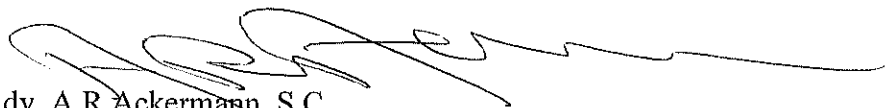
Die ANC het aanspreeklikheid vir die aanval aanvaar en die opdraggewer het amnestie ontvang.

2. AMNESTIE

Amnestie is op 7 November 2000 aan bogenoemde verleen.

3. **BESLISSING**

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



Adv A R Ackermann 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) **ABOObAKER 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 Polisiestatie 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.

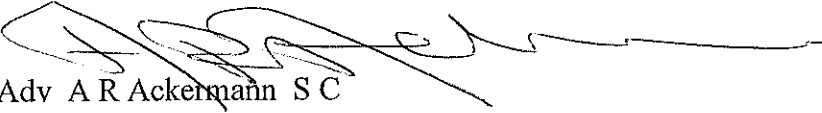
Twee van hierdie persone nl **MASHIGO** en **MANANA**, sowel as 'n derde persoon, **MAGANE**, wat nooit vervolg is nie, het vir hierdie aanval om amnestie gevra.

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

Verw : A10
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
Saakdossier : Roodepoort MR 360/8/84

1. KORT BESKRYWING VAN MISDAAD

Op 1984/08/16 om ongeveer 15:25 het 'n hewige ontploffing in die City Centre gebou, Luttigstraat, Roodepoort, plaasgevind. Die derde en vierde vloere is erg beskadig deur die ontploffing wat ook 'n brand veroorsaak het. Die gedeelte van die gebou waar die ontploffing plaasgevind het, het die SA Polisie Distrikshoofkantoor, Soweto-Oos gehuisves. Vyf persone is beseer en omvangryke skade aan die gebou en eiendom is aangerig.

Ondersoek dui daarop dat 2 kleefmyne die ontploffing veroorsaak het.

Tydens die polisie-ondersoek is 'n MK lid, **MBANE JONAS MASILELE**, wat later tydens 'n polisie optrede doodgeskiet is, positief met die ontploffing verbind.

Twee persone, **ISMAIL** en **SHAIK**, het onderskeidelik as opdraggewer en lid van die MK se Dolphin Unit, aanspreeklikheid vir die ontploffing aanvaar en het om amnestie aansoek gedoen.

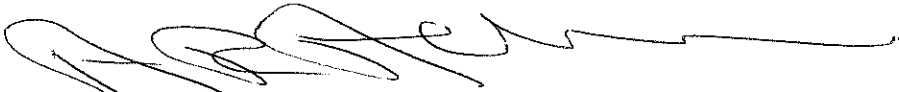
2. **AMNESTIE**

Amnestie is op 16 Januarie 2001 aan bogenoemde persone verleen.

3. **BESLISSING**

Getuineis is voor die Amnestiekomitee geplaas dat verskeie lede van die MK se "Dolphin Unit" oorlede is. Die polisie-ondersoek en amnestie bevinding is derhalwe met mekaar versoenbaar. Die ANC se MK lede was onder skuilname (MK name) aan mekaar bekend, wat naamverskille wat mag ontstaan, logies verklaarbaar maak.

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

Verw : A11
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) **DAVID MOTSHWANE MOISI**
(3) **SIPHO MATTHEWS THOBELA**
Saakdossier : Sasolburg MR 22/6/80 - 1) Sabotasie
2) Poging tot Moord

1. KORT BESKRYWING VAN MISDAAD

Gedurende die nag van 1980/06/01 het daar drie hewige ontploffings by SASOL se brandstofaanleg plaasgevind wat brandstofopgaartenks beskadig het. Hewige brande is veroorsaak wat groot skade aangerig het.

Twee gestelde kleefmyne is ook gevind voordat dit ontplof het.

'n Nagwag het tydens die patrolling van SASOL se heining 'n verdagte persoon opgemerk wat op hom geskiet en hom gewond het.

Die polisie-ondersoek was onsuksesvol.

ISMAIL, MOISI en **THOBELA** het as lede van MK aanspreeklikheid vir hulle betrokkenheid by die misdade aanvaar en het daarvoor om amnestie aansoek gedoen.

2. **AMNESTIE**

Amnestie is op 16 Januarie 2001 aan bogenoemde persone verleen.

3. **BESLISSING**

Geen verdere ondersoek is uitstaande nie.

Volgens getuienis wat aan die Amnestiekomitee voorgelê is, is al die ander betrokkenes waarskynlik oorlede.

Die saak word as afgehandel beskou.



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

Verw : A12
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**

ABOOBAKER ISMAIL

Saakdossiere : (1) **Evander MR 316/10/81 - Sabotasie**
(2) **Secunda MR 411/10/81 - Sabotasie**
(3) **Secunda MR 420/10/81 - Sabotasie**
(4) **Witbank MR 436/10/81 - Sabotasie**

1. KORT BESKRYWING VAN MISDAAD

Op 23 October 1981 is omvangryke skade aangerig deur ontploffings wat plaasgevind het by :

- (1) 'n EVKOM subkragstasie by Evander.
- (2) 'n Watertoevoerpyp en vervoerband van SASOL in Secunda.
- (3) 'n Ander watertoevoerpyp van SASOL in Scunda.
- (4) 'n EVKOM transormator by Transalloys in Witbank distrik.

'n ANC lid, **ROGERIO CHAMUSSO**, is vir die pleeg van die daade skuldig bevind en is op 82/12/06 gevonniss. Hy het beweer dat hy militêre opleiding, wapentuig en opdragte van die ANC in die buiteland ontvang het.

2. **AMNESTIE**

Amnestie is op 16 Januarie 2001 aan bogenoemde persoon (**A ISMAIL**) toegestaan as opdraggewer van hierdie misdade.

3. **BESLISSING**

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



Adv A R Aekermann S C
SPESIALE DIREKTEUR

/tp

Verw : A13
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) **JOSEPH KOETLE**
 - (2) **SOLLY SAKARIA SHOKE**
 - (3) **WILLEM MABELE**
 - (4) **SIPHIWE NUYANDA**
- Saakdossier : John Vorsterplein MR 1309/5187**

1. KORT BESKRYWING VAN MISDAAD

Op 20 Mei 1987 het 'n kleefmyn ontploffing, gevolg deur 'n kragtige motorbomontploffing, by die Landdroshof, Johannesburg plaasgevind. Die tweede ontploffing het die dood van 4 SAP lede tot gevolg gehad wat ondersoek kom instelhet na die eerste ontploffing. Weens die ontploffing is daar verder 14 persone beseer en groot skade is aan voertuie, geboue en eiendom in die omgewing aangerig.

2. **AMNESTIE**

Amnestie vir hierdie daad is op 23 Oktober 1998 aan eersgenoemde 3 persone toegestaan terwyl die vierde persoon (**NYANDA**), as opdraggewer, op 7 November 2000 amnestie ontvang het.

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 : A14
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**
- (3) **HELENA PASTOORS**

**Saakdossier : Pretoria-Sentraal MR 673/5/83 : Moord en
Poging tot Moord**

1. KORT BESKRYWING VAN MISDAAD

Op 1983/05/20 om 16:30 het 'n kragtige motorbom voor die Nedbankpleingebou in Kerkstraat-Wes, Pretoria ontplof. As gevolg van die ontploffing is 19 persone gedood, 217 persone beseer en groot skade is aan geboue, voertuie en eiendom in die omgewing aangerig. Twee persone wat vir die ontploffing verantwoordelik was, naamlik **FREDDIE SHONGWE** en **EZEKIËL MASEKO**, is ook tydens die ontploffing oorlede.

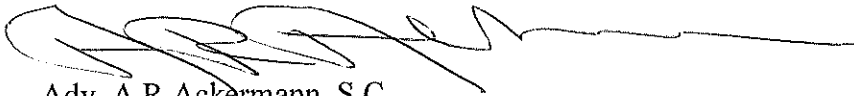
Die ANC het verantwoordelikheid vir die ontploffing aanvaar en alle ander betrokkenes daarby het om amnestie aansoek gedoen, wat aan hulle verleen is.

2. **AMNESTIE**

Op 16 Januarie 2001 is amnestie aan die bovermelde persone toegestaan.

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 : 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, Pondrft, 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 patrollie 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 vervolg, skuldig bevind en gevonniss, terwyl die derde persoons (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 (MNCULBE) 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).

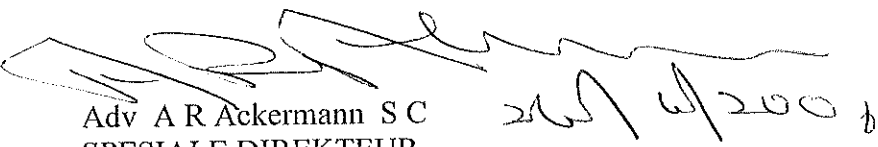
Volgens getuienis gelewer was die vermeldes onder bevel van ene MANCHECK wat opdragte gegee en aan MK gesagvoerders verslag moes doen. MANCHECK is oorlede en daar is geen getuienis oor sy skakeling met die MK oppergesag nie.

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 tegeleghener tyd nog geneem word nadat al die relevante partye gesprek is.

Bovermelde is 'n moeilike besluit.


Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

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) **SIPHIWE NYANDA**
 - (2) **SOLLY ZACHARIA SHOKE**
- Saakdossiere : (1) Maroka MR 81/5.79 - Hoogverraad
(2) Orlando MR 26/11/79 - Hoogverraad
(3) New Canada MR 208/5/81

1. KORT BESKRYWING VAN MISDAAD

- (1) Op 3 Mei 1979 is die Maroka polisiestasie deur 'n groep gewapende mans met AK 47 gewere, handgranate en handwapens aangeval. Een SAP lid is gedood terwyl 5 lede en burgerlikes beseer is. Groot skade is aan geboue en eiendom aangerig. (Maroke MR 81/5/79).
- (2) Op 2 November 1979 is die SA Polisiestasie Orlando deur 'n groep persone met masjiengewere, AK 47 gewere, handgranate en handwapens aangeval. Tydens die aanval is 2 persone gedood en 2 is beseer. (Orlando MR 26/11/79).

- (3) Op 25 Mei 1981 is die spoorlyn by New Canada spoorwegstasie deur 'n ontploffing beskadig. (New Canada MR 207/5/81).
- (4) Op 25 Mei 1981 is daar ook 'n plfotoestel tussen New Canada en Mzimhlope gevind. (New Canada MR 208/5/81).

Dade

Die ANC lede is later vir gemelde misdade gearresteer en is weens hoogverraad verhoor, skuldig bevind en ter dood veroordeel.


Die ANC het aanspreeklikheid vir die dae aanvaar en die uitstaande verdagte en opdraggewer het amnestie ontvang.

2. **AMNESTIE**

Amnestie is op 7 November 2002 aan 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 Askermann S C
SPESIALE DIREKTEUR

/tp

Verw : A16
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) **OBED MASINE**
- (2) **FRANS TING-TING MASANGO**
- (3) **NEO GRIFFITHS POTSANE**
- (4) **JOSEPH ELIAN MAKHURA**
- (5) **DAVID SOLOMON SIMELANE**
- (6) **SIPHIWE NYANDA**

Saakdossiere :

- A. Moroka MR 619/6/78 - Moord
 - B. Mamelodi MR 148/3/86 - Moord
 - C. Mamelodi MR 35/6/84 - 2 x Moord
 - D. Silverton MR 44/7/86 - 18 x Poging tot Moord
 - E. Soshanguve MR 140/7/86 - Saakbeskadiging
-

1. **KORT BESKRYWING VAN SAKE**

A. **MOROKA MR 619/6/78**

Op 1978/06/25 is 'n lid van die SA Polisie, S/Sers **ORPHEN CHAPI**, by sy woning te Rockville, Soweto deur 'n gewapende man aangeval en geskiet. Hy is as gevolg van die skietwonde oorlede.

B. **MAMELODI MR 148/3/86**

Op 1986/03/17 is die liggaam van 'n lid van die SA Polisie, Kst **SEUN JOSEPH VUMA**, met skietwonde in sy woning te Mamelodi-Oos 18765 aangetref. Ondersoek het aan die lig gebring dat hy van buite sy woning deur die venster geskiet is.

C. **MAMELODI MR 35/6/86**

Op 1986/06/06 om 19:00 is 'n politieke leier, **MABALEKA DAVID LUKHELE** en sy suster, **ELIZABETH DLUDLU** in hulle woning te Mamelodi-Oos 10509 deur 'n gewapende man met 'n AK 47 geweer oorval en doodgeskiet. Sy vrou **ELIZABETH LUKHELE** is tydens die aanval gewond. Tydens eersgenoemde se dood was hy die sekretaris van die Swazi Council of Chiefs asook die president van die **INYATSI YA MSWATI NATIONAL PARTY** gewees.

D. **SILVERTON MR 44/7/86**

Op 1986/07/04 om 17:20 het 'n kragtige ontploffing voor die ingang van Checkers Supermark, Pretoriaweg, Silverton in Pretoria, plaasgevind. Reste van 'n Russies-vervaardigde SPM-2 kleefmyn is onder andere gevind. As gevolg van die ontploffing is 18 burgerlike persone beseer, waarvan 4 ernstige beserings opgedoen het. Groot skade is aan Checkers, asook besighede, voertuie en eiendom in die omgewing van die ontploffing aangerig.

E. **SOSHANGUVE MR 140/7/86**

Op 1986/07/21 om 14:00 het 'n landmyn onder 'n laaigraaf ontplof. Die laaigraaf is beskadig maar niemand is beseer nie. Die landmyn was klaarblyklik vir SAW voertuie gestel wat gereeld daar beweeg het.

Tydens die ondersoek is eersgenoemde 4 persone, nl **MASINE**, **MASANGO**, **POTSANE** en **MAKHURA** gearresteer is vir al hierdie misdade aangekla. Daar is ook op wapens beslag gelê wat in hulle besit was en wat tydens die pleeg van hierdie misdade gebruik is.

Al vier persone is op 89/03/02 in die Hooggeregshof, Delmas (hofsak CC 400/88) aan hierdie oortredings van moord, poging tot moord en opsetlike saakbeskadiging, skuldig bevind.

MSINE, MASANGO en POTSANE is ter dood veroordeel, wat later tydens appèl na 25 jaar effektiewe gevangenisstraf versag is.

MAKHURA is ook tot 25 jaar gevangenisstraf gevonniss.

Hulle is gedurende 1991 vrygelaat en het om amnestie aansoek gedoen.

Die ander 2 persone, **SIMELANE** en **NYANDA**, was nie gearresteer of vervolgt nie.

SIMELANE het as opdraggewer aanspreeklikheid aanvaar vir die moord van S/Sers **CHAPI** (A hierbo genoem) en **NYANDA** vir die ontploffing in Silverton asook vir die moord van Konst **VUMA** (B en D hierbo genoem). Beide het vir die daad om amnestie aansoek gedoen.

2. **AMNESTIE**

Amnestie is op 8 September 1999 aan eersgenoemde 5 persone verleen, terwyl die 6de persoon, **NYANDA**, op 7 November 2000 amnestie ontvang het.

3. **BESLISSING**

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

Verw : A16
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) **OBED MASINE**
- (2) **FRANS TING-TING MASANGO**
- (3) **NEO GRIFFITHS POTSANE**
- (4) **JOSEPH ELIAN MAKHURA**
- (5) **DAVID SOLOMON SIMELANE**
- (6) **SIPHIWE NYANDA**

Saakdossiere :

- A. Moroka MR 619/6/78 - Moord**
 - B. Mamelodi MR 148/3/86 - Moord**
 - C. Mamelodi MR 35/6/84 - 2 x Moord**
 - D. Silvertown MR 44/7/86 - 18 x Poging tot Moord**
 - E. Soshanguve MR 140/7/86 - Saakbeskadiging**
-



1. KORT BESKRYWING VAN

- A. **MOROKVA MR 619/86/78**
The National Prosecuting Authority of South Africa
Louryva Ilkela, Lobotshutshisi Bo Mzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

Op 1978/06/25 is 'n lid van die SA Polisie, S/Sers **ORPHEN CHAPI**, by sy woning te Rockville, Soweto deur 'n gewapende man aangeval en geskiet. Hy is as gevolg van die skietwonde oorlede.

- B. **MAMELODI MR 148/3/86**

Op 1986/03/17 is die liggaam van 'n lid van die SA Polisie, Kst **SEUN JOSEPH VUMA**, met skietwonde in sy woning te Mamelodi-Oos 18765 aangetref. Ondersoek het aan die lig gebring dat hy van buite sy woning deur die venster geskiet is.

- C. **MAMELODI MR 35/6/86**

Op 1986/06/06 om 19:00 is 'n politieke leier, **MABALEKA DAVID LUKHELE** en sy suster, **ELIZABETH DLUDLU** in hulle woning te Mamelodi-Oos 10509 deur 'n gewapende man met 'n AK 47 geweer oorval en doodgeskiet. Sy vrou **ELIZABETH LUKHELE** is tydens die aanval gewond. Tydens eersgenoemde se dood was hy die sekretaris van die Swazi Council of Chiefs asook die president van die **INYATSI YA MSWATI NATIONAL PARTY** gewees.

- D. **SILVERTON MR 44/7/86**

Op 1986/07/04 om 17:20 het 'n kragtige ontploffing voor die ingang van Checkers Supermark, Pretoriaweg, Silverton in Pretoria, plaasgevind. Reste van 'n Russies-vervaardigde SPM-2 kleefmyn is onder andere gevind. As gevolg van die ontploffing is 18 burgerlike persone beseer, waarvan 4 ernstige beserings opgedoen het. Groot skade is aan Checkers, asook besighede, voertuie en eiendom in die omgewing van die ontploffing aangerig.

- E. **SOSHANGUVE MR 140/7/86**

Op 1986/07/21 om 14:00 het 'n landmyn onder 'n laaigraaf ontplof. Die laaigraaf is beskadig maar niemand is beseer nie. Die landmyn was klaarblyklik vir SAW voertuie gestel wat gereeld daar beweeg het.

Tydens die ondersoek is eersgenoemde 4 persone, nl **MASINE**, **MASANGO**, **POTSANE** en **MAKHURA** gearresteer is vir al hierdie misdade aangekla. Daar is ook op wapens beslag gelê wat in hulle besit was en wat tydens die pleeg van hierdie misdade gebruik is.

Al vier persone is op 89/03/02 in die Hooggeregshof, Delmas (hofsak CC 400/88) aan hierdie oortredings van moord, poging tot moord en opsetlike saakbeskadiging, skuldig bevind.

MSINE, MASANGO en **POTSANE** is ter dood veroordeel, wat later tydens appèl na 25 jaar effektiewe gevangenisstraf versag is.

MAKHURA is ook tot 25 jaar gevangenisstraf gevonniss.

Hulle is gedurende 1991 vrygelaat en het om amnestie aansoek gedoen.

Die ander 2 persone, **SIMELANE** en **NYANDA**, was nie gearresteer of vervolgt nie.

SIMELANE het as opdraggewer aanspreeklikheid aanvaar vir die moord van S/Sers **CHAPI** (A hierbo genoem) en **NYANDA** vir die ontploffing in Silverton asook vir die moord van Konst **VUMA** (B en D hierbo genoem). Beide het vir die daad om amnestie aansoek gedoen.

2. AMNESTIE

Amnestie is op 8 September 1999 aan eersgenoemde 5 persone verleen, terwyl die 6de persoon, **NYANDA**, op 7 November 2000 amnestie ontvang het.

3. BESLISSING

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


Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

Verw : ~~Bakel~~ ^{R17}
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

11 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

1. **EUGENE ALEXANDER DE KOCK**
 2. **JOHANNES JACOBUS SWART**
 3. **KOBUS KLOPPER**
 4. **NICHOLAAS JOHANNES VERMEULEN**
- Saakdossier : Komatiepoort MR 14/7/91**

1. KORT BESKRYWING VAN MISDAAD

Die saak spruit voort uit die wegdoening van die liggaam van 'n verdagte, **JOHANNES SWEET SAMBO**, wat tydens polisie aanhouding in Komatiepoort dood is.

DE KOCK is weens die klagtes vervolgd en is skuldig bevind.

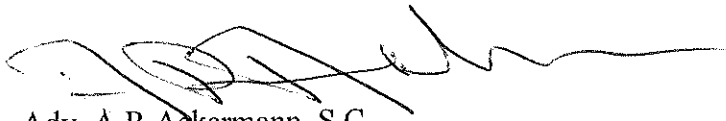
Die ander vermeldes, **SWART**, **KLOPPER** en **VERMEULEN** was Staatsgetuies en het vrywaring van vervolging ingevolge Artikel 204 van die Strafproseswet ontvang. Al vier van hulle het aansoek om amnestie gedoen.

2. **AMNESTIE**

Bovermelde persone het op 26 April 2001 amnestie vir hierdie misdade ontvang.

3. **BESLISSING**

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



Adv A R Aokermann S C
SPESIALE DIREKTEUR

/tp

Verw : ~~Etke~~ ^{DIE}
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

11 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen
LINDA PRECIOUS MNTAMBO
Saakdossier : Booyens MR 259/7/88

1. KORT BESKRYWING VAN MISDAAD

Op 09/07/1988 het 'n kleefmynontploffing by die Cambrians Hockey Club, Christopherson Park, Turfontein, Johannesburg plaasgevind. Ongeveer 15 persone wat in die klub was ten tye van die ontploffing is nie beseer nie. Skade is aan die gebou aangerig.


Bogenoemde **L P MNTAMBO** is tydens die polisie ondersoek met die misdaad verbind en 'n lasbrief vir sy arrestasie was uitgereik. Op grond van amnestie wat aan hom verleen is, is die lasbrief gekanselleer.

2. AMNESTIE

Amnestie is op 2 Februarie 2000 aan bogenoemde verleen (SK 21627 gedateer 13/10/2000)..

3. BESLISSING

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

A19

Verw : EdK3
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

11 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

- 1. **SIPHIWE NYANDA**
- 2. **SOLLY ZACHARIA SHOKE**
- 3. **DICK MKHONTO**

Saakdossier : Barberton MR A148/3/87 - Landmynontploffing

1. KORT BESKRYWING VAN MISDAAD

Op 1987/03/28 het 'n landmyn op 'n plaaspad tussen Diepgezet en Josefsdal grenspos, onder 'n privaat bakkie plaasgevind. Vier swart mense, 2 mands en 2 vrouens, is gedood terwyl een beseer is. Die bakkie is 'n wrak.

Die polisie ondersoek was onsuksesvol maar het met ander ontploffings ooreengestem. Die ondersoek het aangedui dat hierdie misdade vanuit buurstate beplan en uitgevoer word.

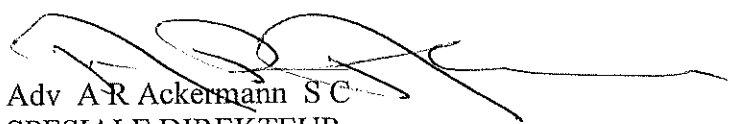
NYANDA, SHOKE en MKHONTO het as MK lede verantwoordelikheid vir hierdie ontploffing aanvaar as deel van die ANC se operasie Cetshwayo projek en het om amnestie aansoek gedoen.

2. AMNESTIE

Amnestie is op 22 Junie 2000 aan bogenoemde toegestaan.

3. BESLISSING

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


 Adv A R Ackermann S C
 SPESIALE DIREKTEUR
 /tp

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

11 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

- 1. **SIPHIWE NYANDA**
- 2. **SOLLY ZACHARIA SHOKE**
- 3. **DICK MKHONTO**

Saakdossier : Barberton MR 78/12/1986 - Landmynontploffing

1. KORT BESKRYWING VAN MISDAAD

Op 1986/12/17 is 'n gestelde landmyn op 'n pad tussen Josefskop en Josefsdal grenspos, opgespoor en is onskadelik gestel. Die polisie ondersoek was onsuksesvol maar word met ander voorvalle waar landmynontploffings inverband gebring. Die ondersoek het gedui op dade wat vanaf buurstate gepleeg word.

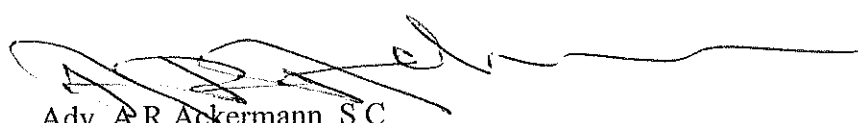
MK lede, **NYANDA, SHOKE** en **MKHONTO** het vir al hierdie voorvalle wat met die ANC se Operasie Cetshwayo verband hou, aanspreeklikheid aanvaar en het om amnestie aansoek gedoen.

2. AMNESTIE

Amnestie is op 22 Junie 2000 aan bogenoemde toegestaan.

3. BESLISSING

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

11 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

1. **SIPHIWE NYANDA**
2. **SOLLY ZACHARIA SHOKE**
3. **DICK MKHONTO**

Saakdossier : Barberton MR 55/12/86 - Landmynontploffing

1. KORT BESKRYWING VAN MISDAAD

Op 1986/12/14 het 'n landmyn onder 'n SA Polisie bakkie ontplof wat op die Josephsdal - Barbertonpad gery het. Twee SAP lede, nl Sers **A ROSSOUW** en Konst **L C MAVUNDLA** is beseer en die voertuig is erg beskadig.

Die polisie ondersoek was onsuksesvol maar het geblyk verband te hou met ander soortgelyk voorvalle wat vanaf buurstate beplan en uitgevoer word. MK lede, **NYANDA**, **SHOKE** en **MKHONTO** het aanspreeklikheid vir al hierdie landmynvoorvalle aanvar, as deel van die ANC se Operasie Cetshwayo aktiwiteite, wat gedurende 1985 tot 1987 by of naby die Oos-Transvaal se grens plaasgevind het.

2. AMNESTIE

Amnestie is op 22 Junie 2000 aan bogenoemde toegestaan.

3. BESLISSING

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


Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

11 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

1. **SIPHIWE NYANDA**
 2. **SOLLY ZACHARIA SHOKE**
 3. **DICK MKHONTO**
- Saakdossier : **Barberton MR 13/11/86**
-

1. KORT BESKRYWING VAN MISDAAD

'n Landmynontploffing het op 1986/11/02 om 17:20 die dood van 'n perd en perderuite te Diepgezet, Barberton tot gevolg gehad. Die slagoffer was 'n SAW lid O/Korp **A M LE ROUX** gewees. Die polisie ondersoek was onsuksesvol en het op ANC lede gedui wat hulle in buurstate bevind het.


NYANDA, SHOKE en **MKHONTO** wat lede van MK is, het om amnestie aansoek gedoen en het aanspreeklikheid vir die ontploffing aanvaar.

2. AMNESTIE

Amnestie is op 22 Junie 2000 aan bogenoemde toegestaan.

3. BESLISSING

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

11 Julie 2003

MEMORANDUM**ONDERWERP : DIE STAAT teen****AMOS THEMBA MABENA****Saakdossiere:****Pretoria-Sentraal MR 1213/7/1990 - Motorbom Hallmark gebou****Hartebeespoortdam MR 85/7/1990 - Moord**

1. KORT BESKRYWING VAN MISDAAD

Op 1992/7/26 is **DAVID SHONGWE**, wat 'n Wit E20 Nissan Kombi, JZN 993 T bestuur het tydens 'n gewapende roof van die voertuig doodgeskiet. Sy liggaam is langs die pad naby Hartebeespoort gelaat.

Die voertuig is gebruik vir die bou van 'n reuse motorbom wat uit 38 sz-3 demolisieladings (114 Kg Russiese militêre springstof) bestaan. Die bom was met twee selfvervaardigde tydmeganismes (met wekkers drade en batterye) toegerus.

Die motorbom was op 1990/07/27 in die Hallmarkgebou geparkeer en die tydmeganismes was gestel om dit te laat ontplof.

Die een meganisme se siklus was voltooi toe die voertuig nagegaan is maar die draad wat aan die battery gekoppel was het losgegaan wat voorkom het dat die springdoppies ontsteek het. Die ander meganisme is klaarblyklik onskadelik gestel kort voordat dit die bom sou aktiveer.

MABENA is vir die moord en motorbom gearrester maar het vrywaring teen vervolging ontvang en is vrygelaat.

Uit die ondersoek het dit aan die lig gekom dat **MABENA** 'n MK lid was wat die dae saam met 'n persoon bekend as "Two-Six" die dae gepleeg het. Hulle het hulle opdragte na bewering van ANC leiers ontvang asook die wapens en plofstof wat gebruik was.

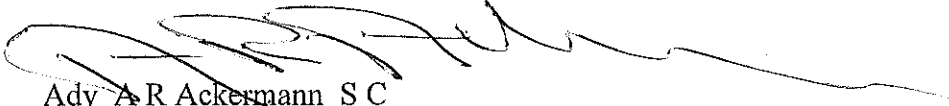
2. **BESLISSING**

MABENA het vir die roof, moord en stel van die motorbom in Hallmark gebou, vrywaring verkry (SK 2896/91 Pub 16072 gedatter 03/11/94).

Ondersoek om die uitstaande verdagte en opdraggers te identifiseer moet voortgesit word.

Indien hulle positief uitgeken word moet bepaal word of hulle amnestie of vrywaring vir die misdade ontvang het.

Indien hulle vervolgbaar is, moet die verdere ondersoek vir oorweging aan my voorgelê word.



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

11 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

- 1. NATHANIEL JABULANI MBATHA**
 - 2. LINDA PRECIOUS MNTAMBO**
 - 3. GEORGE SONNYBOY MOGAPI**
 - 4. SANDILE SHEPERD NDLUNGWANE**
- Saakdossiere: Jabulani MR 288/9/88**
-

1. KORT BESKRYWING VAN MISDAAD

'n Handgranaat is op 14/08/1988 gedurende die nag, in die woonhuis van mnr **ISAAC SAKKIE MONAMODI** gegooi wat ontplof het. Daar was niemand in die vertrek nie en daar is slegs groot skade aangerig.

Mnr **MONAMODI** was 'n munisipale werke wat nie 'n staking wat die vakbond (SAMWU) gereël het ondersteun het nie.

- (1) Eersgenoemde **MBATHA** is weens die misdaad skuldig bevind en is gevonniss. Hy het nie om amnestie aansoek gedoen nie.
- (2) 'n Lasbrief was vir **L P MNTAMBO** uitgereik wat gekanselleer is nadat amnestie aan hom verleen is.
- (3) **MOGAPI en NDLUNGWANE** was verdagtes in die polisie ondersoek maar is weens onvoldoende getuienis nie vervolg nie.

2. AMNESTIE

Laasgenoemde drie persone het op 2 Februarie 2000 amnestie vir die daad ontvang. (SK 21627 ged 13/10/2000).

3. **BESLISSING**

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

HENDRIK JACOBUS BRITZ

Kerkplein 28, Pretoria. Tel (012) 4019021 of
082 7798578

VERKLAR (ONDER EED IN AFRIKAANS)

Ek is tans in Senior Superintendent in die
Suid-Afrikaanse Polisie en is verbonde
aan in spesiale Ondersoekspan van die
Spesiale Litigasie Eenheid van die Nasionale
Direkteur van Openbare Vervolgings, onder
leiding van Adv. A R Ackermann SC.
Ondersoeke waarby ek betrokke is het hoofsaaklik
op politieke geweldsmisdade betrekking wat
voor die 1994 algemene verkiesing plaasgevind
het.

²
Hierdie ondersoek word wesentlik deur die
Vrywaring - begeradiging en amnestie prosesse,
wat plaasgevind, het geraak. Ek het
derhalwe so ver moontlik navorsing gedoen
en statistieke bekom oor persone wat
amnestie, begeradiging of vrywaring teen
vervolging ontvang het.

³
Volgens gegewens tot my beskikking het
Buyusile Ronnie BLANI
geen amnestie, begeradiging of vrywaring
vir enige misdaad ontvang nie.

Geen algemene vrywaring teen vervolging
wat verleen is het geweldsmisdade

HJ

soos die aanval en moord van die bejaarde
egpaar, met Koos de Jager (72) en mev
Myrtle Louisa de Jager (), ingesluit nie
4.

Volgens die ondersoek weet ek ingestel het
kou Bayusile Ronnie BRANI nie tydens die
aanvanklike verhoor opgespoor word nie en
kon by derhalwe nie verhoor word nie.
Volgens inligting het hy hom gedurende
daardie tyd in die buiteland bevind
waardeen hy getuig het.

Nou, na afhandeling van die vywaring
en amnestieprosesse, blyk dit dat BRANI
geen kwytstelling van vervolging verkry
het nie, en derhalwe weens hierdie
aanklagte vervolgbaar is.

5

Ek is vertrouwd met die inhoud van
hierdie verklaring.

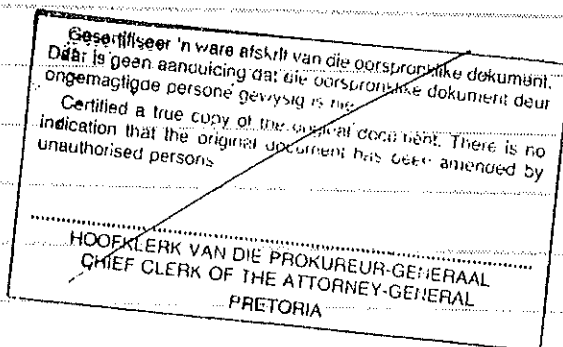
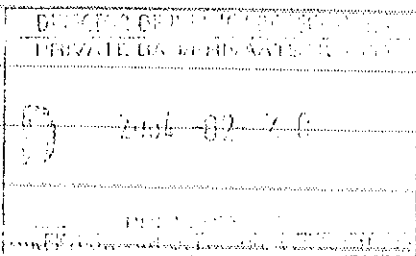
Ek het geen beswaar teen die afli van
die voorgeskrewe eed nie.

Ek beskou die eed as bindend vir my
gewete

Pretoria

20 Februarie 2004

H. J. BRITTS



Sien Keesey

1. Het verslag dat de getuige afgeleesd heeft, is het verslag van de getuige van de gebeurtenissen die op de 20de van April 1964 in Pretoria, Oos-Transvaal, voorgevallen zijn.

2. Het verslag met de inhoud van beslaande verklaring is te vinden op bladzijde 1 en 2.

Antwoord.....

3. Het verslag is een afschrift van de afgeleesde verklaring van de getuige.

Antwoord.....

4. Het verslag is een afschrift van de afgeleesde verklaring van de getuige.

Antwoord.....

5. Het verslag is een afschrift van de afgeleesde verklaring van de getuige.

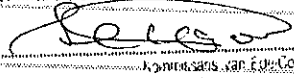
1. I solemnly swear before administration of the oath that the declaration I gave in the "Oath Book" is true and correct and I have not made any false statements in my answers to the questions and write down his/her answers with my presence.

(1) Do you know and understand the contents of the declaration?
Answer: YES

(2) Do you have any objection to taking the prescribed oath?
Answer: NO

(3) Do you consider the prescribed oath to be binding on your conscience?
Answer: YES

2. I certify that the deponent has acknowledged that he/she knows and understands the contents of the declaration which was sworn to above, and that the deponent's signature thereon was placed thereon in my presence.



Kommissaris van Edele-Commissaris of Oath

NAME: SELLO NATHANIEL SELOTA
ADDRESS: 28 CHURCH SQUARE
PRETORIA (SPP)

NAME: ADMIN CLERK Peritisk en Swaer Akt
ADDRESS: PRETORIA 5, Oos-Transvaal, Republiek van Suid-Afrika
DATE: 20.02.64

**SPECIAL LITIGATION UNIT /
 SPESIALE LITIGASIE EENHEID**

11 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

1. **NATHANIEL JABULANI MBATHA**
 2. **LINDA PRECIOUS MNTAMBO**
 3. **GEORGE SONNYBOY MOGAPI**
 4. **SANDILE SHEPERD NDLUNGWANE**
- Saakdossiere: Orlando MR 411/9/88 - Poging to Moord**

1. KORT BESKRYWING VAN MISDAAD

Op 14/09/1988 om 22:00 is die woning van Dr **W M MATSIE** deur 'n groep persone aangeval. Dr **MATSIE** se seun, **JOSEPH MATSIE**, het die huis se deur na 'n geklop, oopgemaak. Hy is deur twee aanvallers oorval wat 'n AK 47 geweer op hom gerig het. Dr **MATSIE** se twee waghonde het die aanvallers bestorm waarop hulle die honde doodgeskiet en gevlug het.

Die aanval deur ANC lede hou klaarblyklik verband met 'n wegblyaksie wat nie deur Dr **MATSIE** gesteun is nie.

- (1) **N J MBATHA** is tydens die polisie ondersoek gearresteer, aangekla, is in die hof skuldig bevind en is gevonnissen.
- (2) **L P MNTAMBO** kon nie opgespoor word nie en 'n lasbrief vir sy arrestasie was uitgereik. Die lasbrief is gekanselleer nadat hy amnestie vir die daad ontvang het.
- (3) **G S MOGAPI** was 'n verdagte in die saak maar is weens onvoldoende getuieis nie vervolgt nie. Hy het egter aansoek om amnestie vir die daad gedoen, wat aan hom verleen is.
- (4) **S S NDLUNGWANE** het tydens 'n amnestie-aansoek aanspreeklikheid vir die daad aanvaar en amnestie is aan hom verleen.

2. **AMNESTIE**

Amnestie is op 2 Februarie 2000 aan laasgenoemde drie persone verleen (SK 21627 ged 13 Oktober 2000).

3. **BESLISSING**

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

11 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

- 1. **MILE BENNET PHETA**
 - 2. **KHANYISE ARTHUR MALGAS**
 - 3. **MZUKISI MICHAEL ALWYN**
 - 4. **BUYUSILE RONNIE BLANI**
- Saakdossier: Kirkwood MR 42/6/85 en 43/6/85 2x Moord**

1. KORT BESKRYWING VAN MISDAAD

Op 17/06/1985 is 'n bejaarde egpaar, mnr **KOOS DE JAGER** (72) en mev **MYRTLE LOUISA DE JAGER** op hulle plaas Enhoek, Kirkwood distrik, deur 'n groep jeugdiges aangeval. Hulle is uiters wreed aangerand en is vermoor. Die plaashuis is geplunder en geroof, waarop die aanvallers met die oorledenes se bakkie weggeroy het. Die aanvallers was betrokke by die Addo Youth Congress (AUC) wat 'n bende gevorm het en militant was.

Tydens die polisie ondersoek is 13 persone aangekla. Die aanklagtes teen 5 van hulle is teruggetrek terwyl die ander 8 in die Hooggeregshof, Port Elizabeth aan hierdie misdade skuldig bevind is.

Twee van hulle is ter dood veroordeel terwyl daar aan die ander 6 gevangenisstraf van tussen 13 en 25 jaar opgelê is.

Vier prominente verdagtes kon nie opgespoor word voor die verhoor nie en lasbriewe is vir hulle arrestasie uitgereik.

Gedurende 1996 het Speurder Inspekteur **ERASMUS** die ondersoek oorgeneem en het vasgestel dat drie van die gesoektes toe lede van die SA Weermag was. Hulle is:

(1) **MILILE BENNET PHETA**

Gebore 1965/04/25. Hy het toe die rang van majoor beklee en was te Zeerust gesetel.

(2) **KHANYISE ARTHUR MALGAS** (Mag nor 94977113 PR)

Gebore 1966/12/25. Hy het toe die rang van Luitenant gehad en was te Pietersburg gesetel.

(3) **MZUKISI MICHAEL ALWYN** (Mag nr 94681731 PR)

Gebore 62/04/24. Hy was by Oostelike Provinsie Kommandoment gesetel en het die rang van luitenant beklee.

Hy het hulle verwittig dat hulle die reg gehad het om vir amnestie aansoek te doen vir die misdade.

Die vierde verdagte **BUYUSILE RONNIE BLANI** (Gebore 65/06/14) kon steeds nie opgespoor word nie.

Die ondersoek is toe oorgedra aan die Spesiale Ondersoekspan van die Direkteur van Openbare Vervolgings, Pretoria en is opgeskort hangende die amnestieproses.

2. **AMNESTIE**

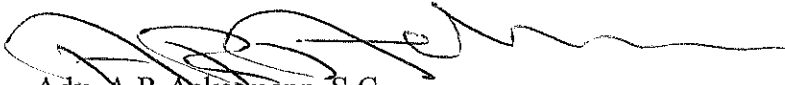
Volgens beskikbare inligting het slegs **KHANYISO ARTHUR MALGAS** vir amnestie aansoek gedoen, wat op 13 September 1999 (SK 21326 ged 30/6/2000) aan hom verleen is. Geen amnestie of vrywaring ten opsigte van die ander drie **PHETHA, ALWYN** en **BLANI** kan gevind word nie.

3. **BESLISSING**

Dit kan afgelei word dat hierdie as 'n politieke verwante saak beskou word aangesien drie van die veroordeeldes nl **Z G TANA, M C MDAYI** en **M C MAKELENI** vrygelaat is tydens politieke onderhandelinge wat plaasgevind het. (sien aanhangsel). **MALGAS** het ook amnestie ontvang.

Weens die verwarring wat met die verskillende prosesse van vrywaring en amnestie ontstaan het, sal sekerheid van die uitstaande verdagtes verkry moet word oor hulle status in die verband, voordat lasbriewe uitgevoer word.

Indien die uitstaande verdagtes geen vrywaring of amnestie vir hierdie misdade verkry het nie, moet die ondersoek voortgesit word om te bepaal of die misdade steeds teen hulle bewys kan word.



Adv A R Aekermann S C
SPESIALE DIREKTEUR
/tp

PROKLAMASIE**KOMMISSIE VIR WAARHEID EN VERSOENING: KOMITEE OOR AMNESTIE****No. R. 35, 2000****PROKLAMASIE INGEVOLGE ARTIKEL 20 VAN DIE WET OP DIE BEVORDERING VAN NASIONALE EENHEID EN VERSOENING, 1995 (WET No. 34 VAN 1995)**

Kennis word hiermee gegee dat amnestie kragtens artikel 20(1) van die Wet op die Bevordering van Nasionale Eenheid en Versoening, 1995 (Wet No. 34 van 1995), verleen is -

- (a) op 4 Augustus 1999 aan -
- (i) **THEMBINKOSI NGUBENI** (geboortedatum 19 September 1930);
 - (ii) **TREVOR MASILO** (geboortedatum 20 November 1970); en
 - (iii) **THOZAMILE EDWIN SIMELANE** (geboortedatum 17 September 1963),
- ten opsigte van -
- (aa) gewapende roof; en
 - (bb) die moord op **DAVID WILLIAMS** en **MOSES MANUEL**, gepleeg op of omstreeks 20 September 1991 in of naby Cleveland, Johannesburg; en
- (iv) **THEMBINKOSI NGUBENI** (geboortedatum 19 September 1930), ten opsigte van -
- (aa) ontsnapping uit wettige aanhouding; en
 - (bb) die diefstal van 'n gevangenisvoertuig wat in die ontsnapping gebruik is,
- gepleeg op of omstreeks 28 Julie 1993;
- (b) op 6 Augustus 1999 aan **PHILLIP JACOBUS FOUCHE** (identiteitsnommer 5210135014009), ten opsigte van regsverrydeling deurdat hy inligting verkry en aan Generaal Griebenauw verstrek het, welke inligting gebruik is om Charles Sebe onwettig uit die toenmalige Ciskei-gevangenis vry te laat, gepleeg in of omstreeks Augustus/September 1986 in of naby Middledrift, Oos-Kaap;
- (c) op 11 Augustus 1999 aan **CHARLES BONGANE ZWANE** (identiteitsnommer 6905135591083), ten opsigte van -
- (i) die moord op **NICHOLAS MASANGO TSHABALALA**;
 - (ii) die moord op **MASANGO NIMROD NKUMANDA**;
 - (iii) die moord op **JAN/BULANE MNGOMA**;
 - (iv) die poging tot moord op **MBULELO KAPU**;
 - (v) die onwettige besit van vuurwapens en ammunisie; en
 - (vi) die onwettige besit van plofstowwe.

- (iii) **NQABA DANIEL XULU** (identiteitsnommer 7004295467083), ten opsigte van die moord op **DANIEL KHOZA**, gepleeg op of omstreeks 11 Januarie 1993 by die Pholosong-hospitaal, by Tsakane in die distrik Brakpan;
- (iv) **KHANYISO ARTHUR MALGAS** (identiteitsnommer 6603025291084), ten opsigte van -
- (aa) die moord op **KOOS DE JAGER**;
 - (bb) die moord op **MARIKA LOUISA DE JAGER**;
 - (cc) huisbraak met die opset om die **DE JAGERS** te beroof;
 - (dd) die roof, met verswarende omstandighede, en diefstal van 'n voertuig en 'n verskeidenheid huishoudelike items; en
 - (ee) die kwaadwillige beskadiging van eiendom deur die aan die brand steek van 'n Datsun-bakkie met die registrasieletters en -nommers **CB 8978**, die eiendom van die **DE JAGERS**,
gepleeg op of omstreeks 17 Junie 1985 by of naby Farm Enhoek by Addo, in die distrik Kirkwood;
- (q) op 17 September 1999 aan -
- (i) **CUNNINGHAM THOZAMILE NGCUKANA** (identiteitsnommer 6008285734080), ten opsigte van die werwing van jeugdiges vir militêre opleiding en die verlening van skuilplek aan opgeleide kaders van **APLA** wat vroeër in die land geïnfiltreer is, gepleeg gedurende die tagtiger- en negentigerjare;
 - (ii) **NETSHIKWETA SUMMERSCLE NTSHENHEDZENI** (identiteitsnommer 7110106565088), ten opsigte van die onregmatige besit van drie **AK 47**-vuurwapens en een handgranaat, gepleeg op of omstreeks 27 Maart 1994 by of naby die Kruger Nasionale Park;
- (r) op 17 September 1999 aan -
- (i) **BRIAN CLIFFORD THOBEJANE** (geboortedatum 27 Desember 1976);
 - (ii) **THOMAS NGOBENI** (geboortedatum 5 Februarie 1974);
en
 - (iii) **DONALD SHIRHAMI MUKHAWANA** (geboortedatum 2 Januarie 1975), ten opsigte van -
- (aa) die moord op **SANDRA SWANEPOEL**;

| SURNAME | OFFENCE | SENTENCE | PARTY | MIN | DATE | GAZETTE |
|----------------|--|---------------|-------|-----|----------|---------|
| STOFLE, B | Murder, Attempted murder | 8 yrs | UDF | 47 | 94/08/30 | 15995 |
| STOFLE, MM | Murder, Attempted murder | 8 YRS | UDF | 47 | 94/08/30 | 15995 |
| TEFFO, PL | Murder, Attempted murder, Arson | 15 yrs | ANC | 91 | 94/11/23 | 16158 |
| TLHARESENG, BV | Attempted murder, Further charge: Malicious damage to property | 8 yrs 3 mnths | ANC | 53 | 94/08/31 | 15995 |
| ZEYO, A | Culpable homicide (x2), Murder, Arson | 31 yrs | ANC | 47 | 94/08/30 | 15995 |
| ZIKHALALA, BE | Murder | 12 yrs | UDF | 66 | 94/09/29 | 16073 |

* Person had already been released.

C. PRISONERS RELEASED IN TERMS OF THE "RECORD OF UNDERSTANDING"

| SURNAME AND INITIAL | AFF | DATE OF SENTENCE AND OFFENCE | FILE | EFFECTIVE SENTENCE |
|---------------------|-----|--|---------|--------------------|
| Aaron Setaitai S | ANC | 90-01-17 Murder. Black man set alight with petrol while sleeping because the victim supported the government. | 43/0447 | 8 years |
| August L | ANC | 87-11-24 Culpable homicide (x2) Public violence - during riots the prisoner and others stoned a house and vehicle and set it alight. A 60 year old black male and child burnt to death in the house. Related to the elimination of councillors. | 23/8728 | 12 years |
| Bambimatho Z | ANC | 91-01-28 Murder, Public Violence. Attack by mineworkers on white personnel based on industrial grievances. | 61/8926 | 7 years |
| Bennet George G | ANC | 91-03-08 Culpable homicide | 32/3077 | 6 years |
| Beta ME | ANC | 88-09-12 Murder, During riots stabbed a policeman and murdered him with necklace method. Took him from house. | 36/5594 | 16 years |
| Bhalvi M | ANC | 90-01-24 Assault with intent (x6); Culpable Homicide; Murder; Malicious damage to property. Attacked a kraal of persons believed to be informers. Inhabitants assaulted, killed and huis damaged. | 47/1099 | 9 years |
| Bleki S | ANC | 89-08-01 Murder; Public Violence. Black man hit with axe and set alight. Attack on black councillors. Houses of 2 councillors burnt and a baby and councillor burnt to death. | 36/8027 | 14 years |
| Booi Thembikile T | ANC | 90-08-24 Murder. UYCO attack on member of AZAPO. Throat cut, one eye mutilated and disembowelled. | 36/9528 | 8 years |
| Booyen TS | ANC | 88-01-18 Murder. Threw a petrol bomb at house because the deceased was regarded as a collaborator during unrest. | 41/0745 | 15 years |

| SURNAME AND INITIAL | AFF | DATE OF SENTENCE AND OFFENCE | FILE | EFFECTIVE SENTENCE |
|---------------------|-----|---|---------|--------------------|
| Madasi | Z S | ANC 87-03-23 Murder. Killed a police man with necklace method. | 36/4271 | 18 years |
| Magaba | T H | ANC 87-08-25 Escaping; 88-07-12 Murder. Ex police man murdered with necklace method. | 35/9370 | 15 years |
| Magagula | M M | ANC 88-09-19 Murder. Deceased allegedly a spy responsible for the arrest of comrades. | 31/8114 | 15 years |
| Mahlangu | P J | ANC 88-07-28 Murder (x4); Attempted murder (x4); Arson. Threw petrol in house and set alight. Argument arose at shop. Intoxicated. Went to house of mother of person with whom argument was and set alight. | 35/1321 | 10 years |
| Mahleza | E Z | ANC 88-11-23 Murder. Deceased suspected of involvement in murders. Applicant and others went to the house of the deceased and forced him to go to the railway where he was stabbed and set alight. | 35/9803 | 10 years |
| Majola | D J | ANC 85-12-12 Murder. ANC versus IFP. Member of IFP killed. | 52/0588 | 9 years |
| Majola | P | ANC 87-08-18 Murder. Black woman 32 years old killed by burning. Killed his wife after an argument - accidental? Argument about money. | 34/4179 | 12 years |
| Makaleni | M C | ANC 87-01-08 Murder (x2); Housebreaking and theft. 12 members of the Addo Youth Congress attacked an elderly couple on a farm and murdered them. Thereafter took various articles from house and fled in the deceased's vehicle. | 38/7013 | 25 years |
| Makeleni | M | ANC 86-11-04 Murder by the necklace method. A group of persons stoned, assaulted and set alight a black woman. Suspected of being an informer. | 36/2203 | 12 years |
| Malaza | L | ANC 89-04-18 Robbery; Murder; Possession of fire-arm; Possession of ammunition | 23/4945 | 16 years |
| Maledi | B Z | ANC 86-09-08 Murder - Deceased attacked in house, hit with panga and set alight in street using a tyre. Alledged police informer. | 36/1946 | 14 years |
| Mamayo | J | ANC 87-08-28 Murder; Attempted robbery | 38/7088 | 18 years |
| Mangquza | M | ANC 91-01-28 Murder; Public Violence; Assault with intent to - Fight between Xhosas and Sothos at Matla mine killing 4. | 61/8932 | 9 years |
| Manzini | N | ANC 88-09-08 Murder. Necklace murder. Claims he was instructed by his organisation to disturb law and order. | 31/8085 | 17 years |
| Maqhubela | V | ANC 90-01-24 Murder; Culpable Homicide; Assault (x6). Attacked persons suspected of being informers and hacked to death (according to applicant). Court found that the deceased was killed because he opposed applicant's political actions. | 47/1098 | 9 years |
| Mazekso | M | ANC 91-01-28 Murder; Public Violence; Assault with intent to - Fight between Xhosas and Sothos at Matla mine killing 4. | | |

| SURNAME AND INITIAL | AFF | DATE OF SENTENCE AND OFFENCE | FILE | EFFECTIVE SENTENCE |
|-------------------------|-----|--|---------|--------------------|
| Mashego, Boet George | B G | 89-03-14 Murder (x2). Killed two women who practised traditional medicine. Accused of witchcraft and killed because they had bewitched and killed people. | 41/6645 | 16 years |
| Mashego, Dilai Louis | D L | 89-03-14 Murder (x2). Killed two women who practised traditional medicine. Accused of witchcraft and killed because they had bewitched and killed people. | 41/6647 | 16 years |
| Matshili W (Nkhumeleni) | W | 89-03-10 Murder (x4); Attempted murder; Kidnapping. Strike at City Deep. 5 non-strikers taken to COSATU House and assaulted. Taken to Prelecon. One tied up and stabbed. Stone dropped several times on his head and the heads of the others. Petrol poured over them and set alight. | 41/0868 | 18 years |
| Maxasa M | M | 90-11-28 Murder; Public Violence. Dissatisfied with corrupt headman. Killed him with the necklace method after the compound was attacked. | 47/1979 | 10 years |
| Mayakiswa Mbubuzi | M | 91-01-28 Murder; Public Violence | 61/8933 | 7 years |
| Mbambo | S T | 87-12-17 Murder; Culpable Homicide (x2); Arson - during riots black woman thrown with petrol, house set alight. Two children aged 7 and 3 burnt to death. | 36/0475 | 15 years |
| Mbatha | J | 88-09-30 Murder | 43/2173 | 10 years |
| Mbaza | A | 90-11-06 Murder (x4); Attempted murder (x5). At a tribe meeting 9 persons were identified as informers. The applicant and others took them to deserted spot, bound them with wire and set alight. 4 died and 5 survived. | 67/9722 | 20 years |
| Mbili | C F | 91-03-14 Murder | 52/0586 | 9 years |
| Mbotyana | M | 90-02-15 Murder; Robbery - during riots killed a black policeman and took his fire-arm. Shot dead. | 36/9311 | 10 years |
| McBride | R J | 87-04-13 Assault (x2); Murder (x3); Attempted murder, Aiding a prisoner to escape - during an attempt to assist a prisoner to escape shot two men - caused various explosions causing death and injuries - Magoo's Bar explosion - 9 charges of terrorism, harbouring terrorists. Detonated 4 limped mines at substation in Chamberlain road, placed explosives under vehicle in Pine Parade, caused two hand grenade explosions at private house, placed and detonated armotor bomb at Parade Hotel, caused a limped mine explosion at the Copper Shop, caused a limped mine explosion at oil tank and pipe line and caused two limped mine explosions at water pipe line. | 38/7043 | Life |
| Ndabangaye | S | 87-08-25 Murder. Deceased was an ex police man. Murdered with the necklace method. | 35/9367 | 15 years |
| Mdayi | N C | 87-01-08 Murder (x2); Housebreaking with intent to rob and robbery. Attack on farm killing the elderly owners and robbing possessions. Killed to put pressure on government. | 22/6436 | 16 years |
| Mdiza | M | 87-11-24 Culpable Homicide (x2); Public Violence - during riots the prisoner and others stoned a house and vehicle and set it alight. A black male and child burnt to death in the house. Applicants stated that the attack was aimed at the mayor's concubine who, together with her family were supporters of the mayor and his councillors. | 35/9477 | 12 years |

| SURNAME AND INITIAL | AFF | DATE OF SENTENCE AND OFFENCE | FILE | EFFECTIVE SENTENCE |
|---------------------|------------|--|---------|------------------------|
| Simama | M ANC | 86-09-08 Murder, 87-02-26. Culpable Homicide. House of constable attacked with stones and petrol bombs. Sat 18 year old black man alight with tyre. Member of UDF. States that offences committed to show government how they are being suppressed. | 29/1096 | 16 years and 6 months |
| Seshuba | MP ANC | 90-01-17 Murder. Killed the deceased because he supported the Government. | 43/0446 | 10 years |
| Sithembiso | M ANC | 91-01-28 Murder, Public Violence | 61/8934 | 7 years |
| Sithole | T ANC | 91-05-17 Murder | 37/2810 | 8 years |
| Skosana | George ANC | 87-06-11 Murder, Theft of fire-arm. Hit 45 year old black woman with fist, kicked her and stoned her. Allege that victim was informant. | 38/7058 | 20 years |
| Sobekwa | M ANC | 90-01-24 Murder, Culpable homicide; Assault (x6). Attacked the inhabitants of a kraal and assaulted them. Huts damaged and set alight. | 47/1095 | 9 years |
| Strydom | BH WW | 89-05-25 Murder (x6); Attempted murder (x16); Pointing a fire-arm. Indiscriminate attack on black persons in Pretoria. | 41/0884 | Life |
| Tania | ZG ANC | 87-01-08 Murder (x2); Housebreaking with intent rob and robbery. Attacked an elderly couple on farm, killed them and stole their property. | 36/3978 | 16 years |
| Tsawane | J ANC | 86-02-07 Robbery, 86-09-22 Murder, Robbery; | 29/6344 | 15 years |
| Tshabalala | M.K. ANC | 87-08-14 Culpable homicide; - Stabbed a black male 87-09-07 Assault with intent to cause grievous bodily harm - Stabbed a black female with bottle damaging her eye and hand. | 34/8190 | 9 years |
| Tshibo | M ANC | 88-07-12 Murder (x2) by the necklance method; 88-07-29 Escaping; Deceased were pro government. | 36/3599 | 12 years |
| Twala | S ANC | 90-08-17 Murder. Black female killed. S v Motaung 1990 (4) SA 485 AD. | 38/7715 | 7 years |
| Tyaliwe | F ANC | 87-03-13 Murder, Public Violence. Deceased was witch doctor accused of using witchcraft to prevent the burning down of a policeman's house. Attacked house chased the deceased, stoned him and stabbed him with knives and set him alight with petrol. | 32/2957 | 18 years |
| Tyenele | A ANC | 86-09-15 Robbery, 87-03-23 Attempted murder, 87-12-17 Assault with intent (x2). | 35/5597 | 14 years and 10 months |
| Van Staden | G ANC | 87-05-11 Failing to appear in court; 87-06-10 Murder. Killed a black man with a sharp object | 34/0168 | 15 years and 3 months |
| Watermeyer | A ANC | 89-08-01 Murder (x2); Attempted murder - with accomplices attacked the houses of two councillors. The one house was set alight and it was attempted to set alight the councillor - A baby was burnt to death. The other councillor was assaulted with sharp objects and murdered with the necklance method. | 36/8081 | 16 years |

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

11 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

1. **LINDA PRECIOUS MNTAMBO**
 2. **SANDILE SHEPERD NDLUNGWANE**
 3. **GEORGE SONNYBOY MOGAPI**
- Saakdossier: Moroka MR 360/9/88
-

1. KORT BESKRYWING VAN MISDAAD

Op 14/09/1988 is 'n handgranaat na die sitkamervenster van mev **ELIZABETH SITHOLE** se woning in Moroka gegooi. Die handgranaat het die venster gemis en het buite die huis ontplof. Mev **SITHOLE** was ten tye van die voorval 'n Direkteur van Gemeenskapsake by Soweto Stadsraad gewees. Haar gesin was in die sitkamer en sou waarskynlik dood gewees het as die handgranaat die venster getref het.

Tydens die polisie ondersoek was bovermeldes, **MNTAMBO**, **NDLUNGWANE** en **MOGAPI** as verdagtes aangehou. Daar was egter slegs getuienis om **MNTAMBO** te vervolg en 'n lasbrief vir sy arrestasie was uitgereik, nadat hy ontsnap het. Bovermelde het egter in amnestie aansoeke aanspreeklikheid vir die daad aanvaar en amnestie is aan hulle verleen.

Die lasbrief vir **MNTAMBO** se arrestasie is op grond van die amnestie wat verleen is gekanselleer.

2. **AMNESTIE**

Amnestie is op 2 Februarie 2000 aan laasgenoemdes verleen (SK 21627 ged 13/10/2000).

3. **BESLISSING**

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR
/tp

Verw : A28
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

17 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

**MZWANDILE HOLLINGWOOD GUSHU
Saakdossier: Langverwagt MR 25/11/91 - Moord**

1. KORT BESKRYWING VAN MISDAAD

Op 4/11/1991 is die oorledene, **ADVICE GWALA** (31 jaar oud) by sy woning te Emmatennte, Langverwagt, Evander deur gobenoemde, **M H GUSHU**, met 'n AK 47 geweer doodgeskiet. Die oorledene was 'n Inkhatha lid gewees. **GUSHU** is weens die misdaad skuldig bevind en is tot 25 jaar gevangenisstraf gevonniss.

Hy het egter amnestie ontvang.

2. AMNESTIE

Amnestie is op 15 Desember 1998 aan bogenoemde verleen (SK 19703 gedateer 29/1/1999).

3. BESLISSING

Hierdie saak is in die hof afgehandel en bogenoemde het amnestie ontvang. Die saak hou verband met die "Black Cats" ondersoek wat verder in totaliteit beoordeel moet word.



Adv A R Ackermann S C
SPECIALE DIREKTEUR

/tp

**SPECIAL LITIGATION UNIT /
 SPESIALE LITIGASIE EENHEID**

17 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen
MZWANDILE HOLLINGWOOD GUSHU
Saakdossier: Langverwagt MR 25/11/91 - Moord

1. KORT BESKRYWING VAN MISDAAD

Op 4/11/1991 is die oorledene, **ADVICE GWALA** (31 jaar oud) by sy woning te Emmatennte, Langverwagt, Evander deur bogenoemde, **M H GUSHU**, met 'n AK 47 geweer doodgeskiet. Die oorledene was 'n Inkhatha lid gewees. **GUSHU** is weens die misdaad skuldig bevind en is tot 25 jaar gevangenisstraf gevonniss.

Hy het egter amnestie ontvang.

2. AMNESTIE

Amnestie is op 15 Desember 1998 aan bogenoemde verleen (SK 19703 gedateer 29/1/1999).

3. BESLISSING

Hierdie saak is in die hof afgehandel en bogenoemde het amnestie ontvang. Die saak hou verband met die "Black Cats" ondersoek wat verder in totaliteit beoordeel moet word.


 Adv A R Ackermann S C
 SPECIALE DIREKTEUR

/tp

Dossier na Adv. Mc Adlam (Black Cats episode)

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

17 Julie 2003

MEMORANDUM

**ONDERWERP : DIE STAAT teen
MXOLISI EDWARD PETANE
Saakdossier: Guguletu MR 272/6/86**

1. KORT BESKRYWING VAN MISDAAD

Bogenoemde was aangekla en skuldig bevind op aanklagte van poging tot moord asook terrorisme. Hy is tot 17 jaar effektiewe gevangenisstraf gevonniss.

Hy het om amnestie aansoek gedoen.

2. AMNESTIE

Amnestie is op 30/5/2001 aan bogenoemde verleen.

3. BESLISSING

Geen ander persone word by die misdaad betrek nie en die ondersoek is afgehandel.

Die saak word as afgehandel beskou.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

17 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen
1. PHANUEL PHULE
2. ALFRED MABANDLA WULANA @ THABO
Saakdossier: Ottoshoop MR 33/11/87

1. KORT BESKRYWING VAN MISDAAD

Twee gesteld landmyne (anti-tank myne) is op 21/11/1987 op verskillende plaaspaaie in die Ottoshoop/Marico distrik gevind en is onskadelik gestel.

PHANUEL PHULE is weens die misdaad as hulpverlener gearresteer en is op 22/8/1988 tot 8 jaar gevangenisstraf gevonniss.

Gedurende Maart 1991 is die hoofverdachte **ALFRED M WULANA** gearresteer en aangekla. Hy het aansoek om vrywaring gedoen en die saak teen hom is op grond daarvan teruggetrek.

2. VRYWARING

ALFRED M WULANA het volgens inligting ingevolge SK 13202 par a, b en c(vi), vrywaring teen vervolging ontvang.

3. BESLISSING

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


Adv A R Ackermann S C
SPECIALE DIREKTEUR

/tp

Verw : A31
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

17 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

1. **ASHLEY KRIEL**
 2. **JEFFREY THEODORE BENZIEN**
- Saakdossier: Athlone MR 109/7/87

1. **KORT BESKRYWING VAN MISDAAD**

Op 9/7/1987 is **ASHLEY KRIEL** wat van terrorisme verdink is, te Hazendal, Athlone deur S/A/O **JEFFREY T BENZIEN** doodgeskiet toe hy hom na bewering wou arresteer.

S/A/O **BENZIEN** het om amnestie aansoek gedoen vir die dood van **KRIEL** sowel as regsverdeling betreffende die geregtelike doodsondersoek wat gehou is.

2. **AMNESTIE**

Amnestie is op 17/2/1999 aan **J T BENZIEN** ten aansien van hierdie saak verleen.

3. **BESLISSING**

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


Adv A R Ackermann S C
SPECIALE DIREKTEUR

/tp

Verw : A32
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

17 Julie 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

**AMOS FISH MAHLALELA
Saakdossier: Nelspruit MR 23/8/90**

1. KORT BESKRYWING VAN MISDAAD

Na bewering het bogenoemde (**AMOS FISH MAHLALELA**) vergesel van **CHIPPA**, elk twee kleefmyn, 'n groot SPM kleefmyn en 'n mini 158 kleefmyn, op of omtrent 1990/08/02, by die Mathebula Busdiens, Nelspruit gestel. **MAHLALELA** het sy kleefmyne teen 'n paal voor die werkwinkel teen mekaar geplaas. **CHIPPA** het sy kleefmyne onder 'n bus gestel wat geparkeer was. Die groot kleefmyne was met ontstekers toegerus terwyl die mini kleefmyne sonder ontstekers was.

Die kleefmyne is voordat dit ontplof het gevind en is deur die SA Polisie vernietig.

MAHLALELA is gedurende Februarie 1991 vir moord en besit van terroristewapenbuit, (Mbuzini MR 5/1/90) gearresteer. Hy het in 'n bekentenis wat hy afgelê het ook hierdie misdaad erken en het uitwysings van die toneel gedoen. **CHIPPA** is nog nie opgespoor nie.

2. AMNESTIE / VRYWARING

MAHLALELA is later vrygelaat en het vrywaring teen vervolging weens die moord ontvang. (SK 15998 gedateer 1994/09/23). Hy het ook amnestie vir die moord en besit van terroristewapentuig, wat hy gedurende Februarie 1991 besit het, ontvang. Wat hierdie saak betref kan geen vrywaring of amnestie gevind word nie. Algemene amnestie ingevolge SK 13202 gedateer 24 April 1991 mag moontlik op die saak betrekking hê.

3. **BESLISSING**

Die enigste getuieenis wat **MAHLALEKA** met hierdie misdaad verbind is 'n bekentenis en uitwysing wat hy gemaak het. Weens bewerings van aanranding mag die toelaatbaarheid daarvan probleme oplewer.

Verder is die kleefmyne gevind voordat dit ontplof het en vernietig is. Geen persoon is derhalwe gedood of beseer nie. Skade aangerig tydens die vernietiging is uiters gering.

MAHLALELA het verder vrywaring teen vervolging en amnestie verkry vir moord en wapens wat tydens sy arrestasie gevind is.

Onder omstandighede is die kans op 'n suksesvolle vervolging gerig. Vervolging op hierdie aanklagte word op hierdie stadium geweier.

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



Adv A R Ackermann S C
SPECIALE DIREKTEUR

/tp

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

5 August 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

Saakdossier: Thabazimbi MR 43/4/79 - Moord

1. KORT BESKRYWING VAN MISDAAD

Besonderhede word in 'n feiteverslag deur Dir F J P Nel gedateer 17 November 2000 verstrekk - Aanhangsel "A".

2. AMNESTIE / VRYWARING

So ver as wat daar vasgestel kan word het nie een van die twee verdagtes amnestie of vrywaring gevra of verkry nie. Hulle is

- (1) **JOHN MSIBI** ook bekend as **FELIX GUY MOTJALE**
- (2) **MIKE MHLONGO**, ook bekend as **DENNIS RAMPHOMANE**

3. BESLISSING

Die getuienis teen die twee verdagtes is onvoldoende.

Op hierdie stadium is hulle ook nog nie opgespoor nie. Dit kan oorweeg word om 'n Artikel 204 vrywaring aan een van die verdagtes aan te bied.

Ek betwyfel egter sterk of dit enigsins iets gaan oplewer. Die moord het in 1978 plaasgevind. Stel voor dat hierdie dossier afgesluit word aangesien vooruitsigte 'n *prima facie* saak myns insiens is.



Adv A R Aekermann S C
SPECIALE DIREKTEUR

/tp

THABAZIMBI MR 43/4/79

1. FEITEVERSLAG deur die Spesiale Ondersoekspan van die Direkteur van Openbare Vervolgings onder leiding van advokaat P H H Fick Sc.
2. AARD VAN ONDERSOEK
Moord, meneer Jacob Gabriel van der Merwe op of omtrent 1 November 1978 in Thabazimbi distrik (sy liggaam is nooit gevind nie).
3. OPSOMMING VAN DIE GETUIENIS
- 3.1 OPSOMMING VAN DIE GETUIENIS SOOS OP 1997-01-31 - Aangangsel A
- 3.2 AANVULLENDE VERKLARING VAN PETER MOGOAI, onder eed
Hy identifiseer nou die verdagtes, waarvan hy eers net die skuilname geken het, soos volg :
 - a) PEDRO - as 'n persoon wat na die PAC aangeloop het en wat gedurende 1979 deur die ANC in Botswana doodgeskiet is.
 - b) MNZUREWA - as 'n persoon wat gedurende Januarie 1979 by Derdepoort deur die Veiligheidsmagte doodgeskiet is.
 - c) JOHN MSIBI - as Felix Guy Motjale wat van Potchefstroom afkomstig is.
 - d) MIKE MHLONGO - is bekend as Dennis Ramphomane, wat waarskynlik tans 'n lid van die S A Weermag is.
4. OPMERKINGS
- 4.1 DIE SAAKDOSSIER
Die saakdossier word steeds vermis maar 'n afdruk daarvan is beskikbaar.
- 4.2 DIE MISDAAD IS POLITIES VAN AARD
Meneer van der Merwe (die oorledene) was die slagoffer van 'n militêre opgeleide ANC groep wat in opdrag van die ANC op 'n sending in die RSA was.
Hoewel daar geen getuienis bestaan dat die groep spesifieke opdrag vir hierdie moord gehad het nie, kan dit beskou word as 'n aanvaarbare uitvloeiing van optredes wat gedurende sodanige operasies plaasgevind het.
In die ANC se voorlegging en getuienis voor die Waarheids en Versoeningskomitee (WVK) is daar nie spesifiek na hierdie moord verwys nie, maar soortgelyke voorvalle is as voorbeelde vermeld waar

operasionele eenhede diskresionêr geoorloof was om self oor optredes te besluit, wat hulle in belang van in sending of die ANC se gewapende vryheidstryd beskou het. Hierdie geval kan ook daaronder tuisgebring word.

Hierdie moord mag ook verband hou met amnestie aansoeke van ANC leiers, bevelvoerders en uitvoerders, waaroor daar nog nie uitsluitel van die Amnestie Komitee verkry kon word nie. (Aansoeke is gepriviligeerd en is in baie gevalle baie vaag omskryf).

Dit is bekend dat die ANC volle verantwoordelikheid vir ANC verwante voorvalle aan die grensgebiede van Transvaal aanvaar het.

As voorbeeld word na die amnestie uitspraak van generaal Siphewe Nyana, Solly Shoke en Dick Mkhonto (Amnestie verhoorsaak nr AC/2000/111) verwys. (Die saak het slegs op 'n gedeelte van hulle aansoeke betrekking.)

In die saak, wat op voorvalle aan die oosgrens van Transvaal, gedurende 1985 tot 1987, betrekking het, meld advokaat Berger, namens die applikante, onder andere die volgende :

"... S A government encouraged white farmers to stay and farm along the borders by providing loans to them; the farms were managed according to SADF directives and farmers were to always avail themselves to the SADF to carry out reconnaissance and intelligence. Thus they were incorporated into the SADF and were regarded as legitimate targets by MK."

Die Amnestie Komitee het in hierdie geval amnestie verleen vir alle aktiwiteite van operasie "Cetshwayo", of voorvalle wat daarmee verband hou, insluitende verskeie landmynontploffings.

5. AARD VAN DIE GETUIENIS

5.1 Getuienis oor die ANC groep se betrokkenheid by hierdie moord berus primêr op hoorsê getuienis wat die beweerde moordenaar van die groep, bekend as Pedro of Alex, aan twee getuies (A1 en A2) sou vertel het. Hoewel die weergawes die groep se betrokkenheid by die moord staaf, is daar ook wesenlike verskille van mekaar en teenstrydighede met sekere feitlike bevindings van die ondersoek, byvoorbeeld die hoeveelheid skote wat geskiet is en die bewering dat die voertuig se bande stukkend gestek is, wat onwaar is. ?

5.2 Volgens getuienis is Pedro (of Alex) reeds oorlede, wat hierdie getuienis teen die oorblywende verdagtes waardeloos maak.

5.3 Die liggaam van meneer van der Merwe (die oorledene) is nooit gevind nie. Omstandighedsgetuienis van die voertuig en artikels wat gevind is, bevestig die hoorsê getuienis dat meneer van der Merwe inderdaad vermoor is.

6. UITSTAANDE VERDAGTES

Inligting betreffende die twee oorlewende verdagtes dui daarop dat :

- a) Felix Guy Motjale (John Msibi) hom tans by 'n bekende adres in Australië bevind.*
- b) Dennis Ramphomane (Mike Mhlongo) is waarskynlik 'n amptelike lyfwag van 'n uitvoerende lid van die Noord-Wes Regeringsdiens.*

7. AANBEVELINGS

- 7.1 Dit word aanbeveel dat die amnestie status van moontlike verdagtes en opdraggewers eers uitgeklaar moet word.*
- 7.2 Afgesien van moontlike amnestie aansoeke, is die getuienis teen die twee verdagtes onvoldoende om aansoek om lasbriewe te doen.*

8. BESOEK AAN MEVROU VAN DER MERWE

Mevrou van der Merwe (eggenote van die oorledene) is op 13 September 2000 deur die ondersoekspan (Direkteur Nel en Senior Superintendent Brittz), vergesel van oud-brigadier Loots, besoek. Brigadier Loots ken mevrou van der Merwe en was voorheen by die ondersoek betrokke.

Sy is oor die stand van die ondersoek ingelig, sowel as die problematiek rondom bewyslewering en die onafgehandelde amnestieproses.

Sy het groot waardering vir die besoek, vir vordering wat deur die ondersoek gemaak is, en besef die politieke verwantskap van haar man se dood. In die lig daarvan het sy ook reeds om vergoeding by die WVK aansoek gedoen.

9. VOORSTEL VAN DIE ONDERSOEKSPAN

Daar word voorgestel dat hierdie ondersoek, in die lig van die politieke aard daarvan, die onafgehandelde amnestieproses, sowel as onvoldoende getuienis, voorlopig opgeskort word.

Verwikkelinge sal egter deurlopend deur die ondersoekspan gemonitor word.

_____DIREKTEUR

F J P NEL

Datum : 17 November 2000

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

5 August 2003

MEMORANDUM

**ONDERWERP : DIE STAAT teen GEORGE MATSIE MBAJANE (MK JABU
MKIZE)
Saakdossier: Moroka MR 644/8/90 - Moord en Poging tot moord**

1. KORT BESKRYWING VAN MISDAAD

Op 22/08/1990 het 'n persoon 'n handgranaat by die venster van 'n SA Polisie patrolliewa ingegooi, wat by 'n verkeerslig in Moroka, Soweto stilgehou het. Daar was drie polisiebeamptes wat voor in die bakkie gesit het. Die bestuurder, Sers **DIRE** en die passasier in die middel, Sers **NTSILA** het uit die bakkie gespring voordat die handgranaat ontplof het. Konstabel **MNCUNU**, wat lonks voor gesit het, is in die ontploffing gedood.

Tydens die polisie-ondersoek is bogenoemde, **GEORGE MATSIE MBAJANE** met die aanval verbind, gearresteer, aangekla en sou in die Hooggeregshof, Johannesburg tereg staan weens hierdie misdade. Hy het egter voor sy verhoor ontsnap.


2. AMNESTIE / VRYWARING

Bogenoemde het vrywaring teen vervolging ten opsigte van hierdie misdade ontvang. (Verw 2717/91 SP MIN 78/94 SK 16072 ged 03/11/1994).

3. BESLISSING

Die ondersoek is volledig en afgehandel. Weens die vrywaring wat verleen is kan geen vervolging ingestel word nie.

Die saak word as afgehandel beskou. 'n Besluit moet geneem word ten aansien van die hou van 'n geregtelike doodsondersoek.



Adv A R Ackermann S C
SPECIALE DIREKTEUR

/tp

JHB
GO Afgehandel No 2595/90

PG JGO 92/1991 god. 10/7/92.

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

5 August 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

- 1. NKAMONA PAUL ANDREW MATHABATHE**
- 2. GEORGE SONNYBOY MOGAPI**
- 3. SANDILE SHEPERD NDLUNGWANE**
- 4. LINDA PRECIOUS MNTAMBO**
- 5. SAZI RONNIE NDLOVU**

Saakdossier: Orlando MR 278/10/88

1. KORT BESKRYWING VAN MISDAAD

Op 1988/10/09 het 'n gewapende aanval by die woning van T/Sers **P HLOMANE** te Dube 2124, Soweto plaasgevind.

Konstabel **M E MOLEFE**, wat ook daar gewoon het, is by sy voertuig voor die huis doodgeskiet en sy vriendin is beseer.

Tydens die ondersoek is 'n ANC groep, wat uit bogenoemde persone bestaan het, verdink dat hulle by 'n hele reeks politieke geweldsmisdade betrokke was. Hierdie aanval was daarby ingesluit.


MNTAMBO, wat in polisie aanhouding was en ontsnap het, wat egter die enigste een teen wie 'n *prima facie* saak bewys kon word en 'n lasbrief vir sy arrestasie was uitgereik. Die lasbrief is egter gekanselleer nadat hy amnestie vir die saak ontvang het.

2. AMNESTIE / VRYWARING

Bovermeldes het op 2 Februarie 2000 amnestie vir die aanval en moord ontvang (SK 21627 gedateer 13 Oktober 2000).

3. **BESLISSING**

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



Adv A R Ackermann S C
SPECIALE DIREKTEUR

/tp

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

11 August 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

MPASA JACOB RAPHOLO (SENZENI) MK THABO

Saakdossiere:

1. Ellisras MR A28/8/88
2. Roedtan MR 17/12/89
3. Pretoria-Wes MR 126/1/90
4. Pietersburg MR 261/1/90

1. KORT BESKRYWING VAN MISDAAD

(1) Ellisras MR A28/8/88 – Moord en Poging tot Moord

JACOB RAPHOLO MK Thabo (bovermelde) infiltreer op 1988/08/08 saam met 6 ander ANC lede vanaf Botswana in die distrik van Ellisras, waar die veiligheidsmagte van hulle bewus word. 'n Opvolg aksie deur die SAP en SAW word geloods. Die Rapholo groep lê 'n hinderlaag vir die spoorsnyers waartydens **Konst N C CLAASEN** gedood en Sers **W J VAN ROOYEN** ernstig verwond word in die skietgeveg. Een van die ANC lede is ook gedood. Die ANC lede het terug gevlug na Botswana maar het 'n groot hoeveelheid wapentuig en toerusting agter gelaat. (Rapholo het amnestie ontvang)

(2) Roedtan MR 17/12/89

Op 1989/12/26 is die BP Garage, Roedtan deur twee gewapende mans van R1 887,00 beroof. Twee ANC lede **JACOB RAPHOLO** en **WILLIE MADITSI** (oorlede) word met die gewapende roof verbind. **RAPHOLO** word deur 'n bekentenis voor 'n landdros afgelê, uitwysing wat hy aan Lt **DE LANGE** gedoen het asook omstandighedsgetuienis met die misdaad verbind.

(Vir hierdie saak het **RAPHOLO** vrywaring ontvang).

(3) **Pretoria-Wes MR 126/1/90 – Poging tot moord en roof**

Op 1990/01/09 het twee mans met handwapens in hulle hande, die SAVD kantoor, Cordelfos Spoorwegstasie, Pretoria-Wes ingestorm. Hulle het die wapens op Mnr **O B VAN DYK** en **C J GILALI** gerig wat in die kantoor was. Hulle het die voertuig se sleutel geeis wat **VAN DYK** geweier het. Twee skote is daarop deur die aanvallers afgevuur waarvan een **VAN DYK** in die skouer getref het. Die aanvallers het daarop gevlug.

WILLIE MADITSI (oorlede) en **JACOB RAPHOLO** word deur verskeie getuies met die misdaad verbind.

(Vir die misdaad het **RAPHOLO** amnestie ontvang).

(4) **Pietersburg MR 216/1/90 – Poging tot moord, ontsnapping en die onwettige besit van wapentuig**

Op 1990/01/12 het Konst **F P VORSTER** saam met die onluseenheid misdaadvoorkomingsdienste in Pietersburg gedoen. Konst **VORSTER**, wat die bestuurder van 'n SA Polisie opruktrok was, het twee verdagtes wat gearresteer was, in die opruktrok toegesluit. Hulle is later as **JACOB RAPHOLO** en **WILLIE MADITSI** (oorlede) uitgeken.

Terwyl hy die opruktrok se deur weer oopgemaak het om nog persone in te laai het **RAPHOLO** twee skote met 'n vuurwapen op hom geskiet wat hom in die bors en bo-been getref het. **VORSTER** het gevlug terwyl **RAPHOLO** hom gevolg en nog skote op hom geskiet het. Nog twee skote het hom in die boude getref. Beide **RAPHOLO** en **MADITSI** het toe gevlug.

Tydens die ondersoek is 'n huis in Boyne, Pietersburg geïdentifiseer waar die verdagtes (**MADITSI** en **RAPHOLO**) gewoon het.

WILLIE MADITSI is op 1990/01/13 doodgeskiet toe hy hom teen arrestasie verset het. Op 1990/01/15 is **JACOB RAPHOLO** gewond en gearresteer toe hy hom ook teen arrestasie verset het.

RAPHOLO het na sy arrestasie sy samewerking gegee, 'n bekentenis voor 'n landdroos afgelê, uitwysings van tonele, wapentuig en getuies gedoen, asook inligting verskaf wat opgevolg is. Handgranate, AK 47 gewere en pistole is tydens die verdere ondersoek gevind.

(**RAPHOLO** het amnestie vir hierdie misdade ontvang).

2. **AMNESTIE / VRYWARING**


Op 30 Mei 2000 het bovermelde amnestie ontvang op al hierdie sake, uitgesonderd die gewapende roof te Roedtan.

Hy het egter vrywaring teen vervolging ontvang wat die roof te Roedtan insluit (SK 13405 gedateer 10 Julie 1991).

3. **BESLISSING**

Die ondersoek in die sake is volledig. Bogenoemde het amnestie en vrywaring teen vervolging ontvang wat al die klagtes dek.

'n Geregtelike doodsondersoek sal gehou moet word.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

Verw : A37
 Navraag: Adv A R Ackermann S C
 Tel : 845 6432

**SPECIAL LITIGATION UNIT /
 SPESIALE LITIGASIE EENHEID**

11 August 2003

MEMORANDUM

**ONDERWERP : DIE STAAT teen
 SIFISO SIPHIWE KUNENE**
Saakdossier: CR Swartplein MR 384/10/88

1. KORT BESKRYWING VAN MISDAAD

Op 1988/10/07 om 14:50 het 'n ploftoestel in die ^{CNA}CAN Boekwinkel se Wesstraat tak afgegaan wat 'n brand en geringe skade aangerig het. Niemand is beseer nie.

Die polisie-ondersoek het geen positiewe inligting opgelewer nie. **SIFISO S KUNENE** het aanspreeklikheid vir die ontploffing aanvaar en het om amnestie aansoek gedoen, wat aan hom verleen is.

2. AMNESTIE / VRYWARING

Amnestie is op 4 Oktober 2000 aan bovermelde verleen.

3. BESLISSING

Hoewel "Chamane" in die amnestie aansoek as die uitvoerder van die misdaad genoem word bestaan daar geen ander inligting om hom op te spoor of met die misdaad te verbind nie. Geen verdere ondersoek is nodig nie. Die saak word as afgehandel beskou.



Adv A R Ackermann S C
 SPESIALE DIREKTEUR

/tp

Verw : A38
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

12 August 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

Saakdossier: Davel MR 25/5/86

1. KORT BESKRYWING VAN MISDAAD

Op 1986/05/26 om 16:40 het 'n landmyn onder 'n trekker op die plaas Graspan in die Davel distrik ontplof. Die trekker, wat 'n sleepwa met arbeiders op, getrek het, is tydens die ontploffing beskadig. Die trekker-bestuurder is tydens die ontploffing beseer.

Hoewel die amnestie wat op 22 Junie 2000 aan **SIPHIWE NYANDA** en 2 ander verleen is betreffende die stel van landmyne en landmynontploffings in Oos-Transvaal, kan dit nie bewys word dat dit ook op hierdie saak betrekking het nie.

2. BESLISSING

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


Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

Verw : A39
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

12 August 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

Saakdossier: Davel MR 24/5/86


1. KORT BESKRYWING VAN MISDAAD

Op 1986/05/25 is 'n gestelde landmyn op 'n plaaspad, op die plaas Nooitgedacht in die Davel distrik opgespoor en is onskadelik gestel.

Hoewel die amnestie wat op 22 Junie 2000 aan **SIPHIWE NYANDA** en 2 ander verleen is betreffende die lê van landmyne en landmynontploffings in Oos-Transvaal, moontlik ook met hierdie saak verband mag hou, kan dit nie bewys word nie.

2. BESLISSING

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


Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

Verw : A40
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

12 August 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

1. **CHARLES BONGANI ZWANE**
2. **WINNIE MANDELA SOKKERKLUB (JEUGKLUB)**

Saakdossiere:

1. **Orlando MR 839/12/88 – 5 x Moord**
2. **Meadowlands MR 309/1/89 – 3 x Moord**
3. **Orlando MR 29/4/89**

1. KORT BESKRYWING VAN MISDAAD

Die ondersoek het op die volgende sake betrekking:

- (1) Op 1988/12/26 om 22:30 het twee gewapende mans 'n groep persone wat by 'n woonhuis te Orlando-Oos 1674 gesit en drink het, met AK 47 gewere aangeval. Tydens die aanval is 5 persone doodgeskiet en 5 ander persone het skietwonde opgedoen (Orlando MR 839/12/88).
- (2) Op 1989/01/20 om ongeveer 21:15 het twee gewapende mans met 'n voertuig in die omgewing van die Meadowlands hostel rondgery op soek na polisiebeamptes om te skiet. Hulle het drie munisipale polisiebeamptes opgemerk en het met 'n AK 47 geweer op hulle geskiet. Twee polisiebeamptes is doodgeskiet terwyl die derde ernstige skietwonde opgedoen het. 'n Lid van die publiek wat in die omgewing was is ook doodgeskiet. (Meadowlands MR 309/1/89).

- (3) Op 1989/02/22 om 21:00 het gewapende mans 'n woonhuis te Orlando-Wes 7556 uit weerwraak met AJ 47 en petrolbomme aangeval. Die aanval was teen die eienaar se seun gemik, was nie tuis was nie. Skote is deur die slaapkamervenster geskiet en die huis is aan die brand gesteek met die petrolbomme wat deur die venster gegooi is. 'n Jong meisie is doodgeskiet en 2 persons het brandwonde opgedoen. (Orlando MR 29/4/89)

Uit die ondersoek het dit geblyk dat **CHARLES BONGANI ZWANE** saam met **SODWABA** (oorlede) en **GAYBON** (gearresteer vir die moord op **STOMPIE MOKETZI**) by die aanvalle betrokke was. Hulle was lede van die Winnie Mandela Sokkerklub gewees en het na bewering gereeld aan Winnie Mandela verslag gedoen betreffende geweldsmisdade waarby hulle betrokke was.

Lede van hierdie sokkerklub was by verskeie ander misdade betrokke en het klaarblyklik die wapens onder mekaar uitgeruil vir gebruik (Sie onder andere MR 443/10/88).

ZWANE is weens bogenoemde klagtes skuldig bevind en is op 1990/09/17 soos volg gevonniss :

- 9 aanklagtes van Moord – doodstraf op elke klagte
- 8 aanklagtes van poging to Moord – 8 jaar gevangenisstraf op elke klagte, wat samelopend is .
- Brandstigting – 2 jaar gevangenisstraf
- Besit van AK 47 geweer – 10 jaar gevangenisstraf.
- Besit van ammunisie – 1 jaar gevangenisstraf

2. AMNESTIE

C B ZWANE het op 11 Augustus 1999 amnestie ontvang vir die aanval te Meadowlands op polisiebeamptes, sowel as vir die onwettige besit van vuurwapens. Ammunisie en plofstof. Amnestie ten opsigte van die ander sake is aan hom geweier.

3. BESLISSING

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

Verw : A41
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

15 Augustus 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

- 1. ISAAC MOKGORO**
- 2. SIZWE SITHOLE**

Saakdossier : Orlando MR 443/10/88 - Moord

1. KORT BESKRYWING VAN MISDAAD

Op 1988/10/15 is die oorledene, **KENNETH DLAMINI**, (21 jaar oud) in 'n straat te Orlando-Wes met 'n AK 47 geweer doodgeskiet.

Volgens verskeie getuies wou **SIZWE SITHOLE** (oorlede) die oorledene doodskiet uit weerwraak oor 'n messtekery wat maande vroeër plaasgevind het. **SITHOLE** het die betrokke aand die oorledene met die AK 47 gejaag. **ISAAC MOKGORO** het die oorledene voorgekeer, op die grond vasgedruk terwyl **SITHOLE** die oorledene met die AK 47 deur die kop geskiet het. Die AK 47 het outomaties gevuur en 10 patroondoppies is op die toneel gevind.

SITHOLE is tydens die ondersoek gearresteer maar is weens selfmoord in die sel oorlede. (Die Goldstone Kommissie het die sterfgeval ondersoek).

MOKGORO kon nie opgespoor word nie en 'n lasbrief vir sy arrestasie is uitgereik.

Beide verdagtes was lede van die Winnie Mandela sokkerklub gewees.

'n Geregtelike Doodsondersoek was op 1989/12/21 gehou waartydens bevind is dat **SIZWE SITHOLE @ VIC MORO** en **ISAAC MOKGORO @ BUTILE** vir die oorledene se dood verantwoordelik gehou kan word.

Gedurende 1995 was inligting ontvang dat **ISAAC MOKGORO** toe 'n lid van die SANW was. Weens die amnestieproses is die ondersoek toe voorlopig opgeskort. Geen record kan egter gevind word dat **MOKGORO** vrywaring of amnestie ontvang het nie.

Dieselfde AK 47 geweer word ook ballisties met die volgende misdade verbind:

- (a) Orlando MR 576/2/89 – Moord (kind)
- (b) Jubalani MR 168/3/89 – Poging tot Moord (Munisipale Polisieman)
- (c) Orlando MR 839/12/88 – 5x Moord (5 persone)

3. **BESLISSING**

Sekerheid moet verkry word dat **ISAAC MOKGORO** nie amnestie of vrywaring ontvang het nie. Indien nie, moet vasgestel word of getuies nog beskikbaar is, waarna pogings aangewend moet word om **MOKGORO** op te spoor.

Hierdie saak hou waarskynlik verband met verskeie ondersoeke waarby die Winnie Mandela Sokkerklub na bewering by betrokke is.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

Verw : A42
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

18 Augustus 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen

1. SELLO SIMON MNISI
2. JOHANNES MNISI
3. 'N ONBEKENDE PERSOON

Saakdossier : Swartruggens MR 33/3/85

1. KORT BESKRYWING VAN MISDAAD

Op 1985/03/13 om ongeveer 15:20 het drie gewapende aanvallers 'n plaaswinkel te Kafferskraal, Swartruggens met AK 47 gewere aangeval. Die aanvallers het verby verskeie persone gestap wat by die winkel was en het toe AK 47 gewere uit 'n sak gehaal, waarmee hulle mnr en mev **JOUBERT** wat in die winkel was, doodgeskiet het. Die aanvallers het toe die winkel aan die brand gesteek, vermoedelik deur van 'n ploftoestel gebruik te maak. Die inhoud van die winkel en die lyke het verbrand.

Die aanvallers het daarop na die woonhuis gegaan, het onderweg daarheen op die honed geskiet, en het die huis geplunder. Hulle het met mnr **JOUBERT** se bakkie van die toneel gevlug. Die bakkie is later naby Botswana grens verlate gevind.

Getuies (A9 – A12) wat die aanvallers gesien en met hulle gepraat het toe hulle in die rigting van die winkel gestap het, ken twee van hulle op foto's in 'n foto album uit as **SELLO SIMON MNISI** en **JOHANNES MNISI**.

Die uitkenning van die verdagtes voldoen nie aan die vereistes wat gestel word om getuieniswaarde daaraan te heg nie. Die foto album waarvan gebruik gemaak is, is nie beskikbaar nie en die uitkenning word nie in die ondersoekdagboek gestaaf nie en daar is geen verklaring deur die ondersoekbeampte oor die uitkenning nie (Maj **PELSER** is reeds oorlede).

2. **BESLISSING**

Volgens inskrywing in die ondersoekdagboek is geregtelike doodsondersoeke afsonderlik hanteer en reeds afgehandel.

Geen verdere ondersoek is nodig nie.

Tot tyd en wyl nuwe inligting na vore kom, word die saak as afgehandel beskou.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

Verw : A43
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

13 Augustus 2003

MEMORANDUM

**ONDERWERP : GEWAPENDE AANVAL : KING WILLIAM'S TOWN GOLF
KLUB : 28 NOVEMBER 1992**

Saakdossier : King William's Town MR 397/11/92

1. KORT BESKRYWING VAN MISDAAD

Op 28 November 1992 om 22:00 is 'n gewapende aanval met handgranate, AK 47, R4 en R5 ligte outomatiese gewere op gaste in die kroeg sowel as die eetkamer van die King Williams' Town Golf Club gedoen.

Tydens die aanval was ongeveer sestig lede van die King William's Town Wine Circle in die eetkamer besig met hul Kersfeesete funksie, terwyl ander gaste in die kroeg besig was.

In die eetsaak is vier persone deur handgranaatskrapnel gedood terwyl vyf-entwintig beseer is.

2. ARRESTASIES

Drie lede van die AZANIAN PEOPLE'S LIBERATION ARMY (APLA) die militêre vleuel van die PAN AFRICANIST CONGRESS (PAC) is gearresteer en het op aanklagte van Moord en Poging tot Moord in die hof verskyn. Een van die beskuldigdes is intussen in 'n motorongeluk dood.

Die saak is laas op versoek van die verdediging tot 1997/02/13 uitgestel omrede die beskuldigdes om amnestie aansoek gedoen het. Dit is onduidelik wat daarna van die hof verrigtinge geword het. Adv **NICO HENNING** van die DOV Oos-Kaap het laas die saak hanteer.

3. **AMNESTIE**

Op 21 Mei 2001 is amnestie op al die aanklagte wat met die aanval verband hou aan die volgende APLA lede toegestaan :

- (i) **THEMBELANI TANDEKILE XUNDU** (AM3840/96)
- (ii) **MALUSI MORRISON** (AM5953/97)
- (iii) **LUNGIS'UMZIWONKE NTINTILI** (AM6539/97)
- (iv) **TOBELA MLAMBISA** (AM7596/97)

4. **BESLISSING**

Alle betrokkenes het amnestie verkry. Geen uitstaande verdagtes is bekend nie.

Geregtelike nadoodsondersoeke ten opsigte van die volgende persone word voorberei en moet gehou word:

- (i) **GILLIAN DAVIS** (Dr 823/92)
- (ii) **RHODA MACDONALD** (Dr 824/92)
- (iii) **DAVID ANDRE THERESA DAVIS** (Dr 825/92)
- (iv) **IAN WHEELWRIGHT MACDONALD** (Dr 827/92)



Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

- | | | |
|-------|----------------------------------|-------------|
| (i) | NKOPANE DIAHO-MONEHANG | (AM3828/96) |
| (ii) | VUYISILE BRIAN MADASI | (AM6077/97) |
| (iii) | LUNGISA MZIWONKE NTINTILI | (AM6539/97) |
| (iv) | ZUKO CAMAGU | (AM5962/97) |

Amnestie is vir die volgende oortredings toegestaan:

- (a) Moord op **JOHANNES FREDERICK JERLING**.
- (b) Poging tot moord op gaste in die kroeg.
- (c) Kwaadwillige saakbeskadiging.
- (d) Onwettige besit van vuurwapens en ammunisie.
- (e) Diefstal en Roof van drie voertuie.
- (f) Sameswering om Yellowwood Hotel aan te val (**CAMAGU AM5932/97**)

Tydens die amnestie verhoor het ene **THEMBINKOSI DIESEL SIYONI (AM5933/97)** sy aansoek om amnestie teruggetrek omdat hy nie aan enige van bogenoemde misdrywe deelgeneem het nie.

3. **BESLISSING**

Alle betrokkenes het amnestie verkry. Geen uitstaande verdagtes is bekend nie.

Geregtelike nadoodsondersoeke ten opsigte van **J F JERLING** word voorberei en moet gehou word:



Adv A R Ackermann S C
SPESIALE DIREKTEUR

/tp

Verw : A44
Navraag: Adv A R Ackermann S C
Tel : 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

13 Augustus 2003

MEMORANDUM

**ONDERWERP : GEWAPENDE AANVAL : YELLOWWOOD HOTEL, FORT
BEAUFORT : 20 MAART 1993**

Saakdossier : Fort Beaufort MR 156/03/1993

1. KORT BESKRYWING VAN MISDAAD

Op 20 Maart 1993 om 20:50 is 'n gewapende aanval met R4 en R5 ligte outomatiese gewere op gaste in die kroeggedeelte van die Yellowwood Hotel te Kroomy, Fort Beaufort gedoen.

Tydens die aanval was daar vyf (wit) mans in die kroeg.

Meneer **JOHANNES FREDERICK JERLING** wat by die kroegtoonbank gesit het, is in die aanval doodgeskiet.

Die aanvallers is nie in hierdie saak aangekla nie.

2. AMNESTIE

Op 7 Desember 2000 is amnestie aan die volgende lede van die Azanian People's Liberation Army (APLA), die militêre vleuel van die Pan Africanist Congress (PAC) toegestaan:

er/mafa

Verw: A47
Navraag: Adv A R Ackermann SC
Tel: 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

4 September 2003

MEMORANDUM

ONDERWERP: DIE STAAT teen

1. **MICHAEL NDLOVU**
2. **WILLIAM MAFA**
3. **BEN BANI**

Saakdossier: Diepkloof MR 228/8/89 - Moord en ontsnapping

1. KORT BESKRYWING VAN DIE SAAK

Op 1989/08/19 is twee Munisipale Polisiebeamptes, Konstabel **M MAYEMBELA** en Konstabel **B XULU**, by Diepkloof Kliniek aangeval, geskiet en van hulle dienspistole beroof. Konstabel **MAYEMBELA** is gedood terwyl Konstabel **XULU** ernstige skietwonde opgedoen het.

Tydens die ondersoek is twee persone vir die misdaad gearresteer en aangekla. Hulle is **MICHAEL NDLOVU** en **WILLIAM MAFA**. Beide van hulle het bekentnisse afgelê en word ook deur ander getuïenis met die aanval verbind. Hulle is weens moord, poging tot moord en roof met verswarende omstandighede aangekla.

MICHAEL NDLOVU het egter op 1990/06/04 ontsnap. 'n Lasbrief vir sy arrestasie is uitgereik.

Die verhoor van **MAFA** is gestaak toe hy om vrywaring aansoek gedoen het. Vrywaring op hierdie aanklagte is aan hom verleen.

'n Derde verdagte **BEN BANI** word deur **NDLOVU** in sy bekentenis by die misdaad betrek. **BEN BANI** is moontlik 'n skuilnaam en 'n *prima facie* saak kan nie teen hom bewys word nie.

'n Geregtelike Doodsondersoek is op 1994/10/06 gehou waartydens bevind is bovermelde persone vir die oorledene se dood verantwoordelik gehou kan word.

2. VRYWARING/AMNESTIE

Vrywaring teen vervolging op hierdie aanklagte is op 29 September 1994 aan **WILLIAM MAFA** verleen. (SK 16072 ged 3 November 1994).

'n Persoon met die naam van **MICHAEL NDLOVU** het om amnestie aansoek gedoen, waarvan die uitslag onbekend is. AM3135/96 ged. 1996/08/18 het betrekking.

3. BESKIKKING

Verdere navorsing is nodig om te bepaal of **MICHAEL NDLOVU** vrywaring of amnestie verkry het.

'n Lasbrief vir **NDLOVU** is steeds uitstaande en indien hy steeds vervolgbaar is al 'n *prima facie* saak teen hom bewys kan word.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

er/ottoshoop

Verw: A48
Navraag: Adv A R Ackermann SC
Tel: 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

5 September 2003

MEMORANDUM

DIE STAAT TEEN:

1. **Gideon Ngomane**
2. **Velaphi Sazi Flavious Msane**

Saakdossier: Ottoshoop MR 6/5/89

1. KORT BESKRYWING VAN DIE SAAK

Op 1989/5/03 om 03:20 het daar 'n mortier aanval op die SA Weermag radarstasie, Klippan plaasgevind. 'n Mortier het 'n wooneenheid getref en het skade aan die gebou en 'n voertuig aangerig. Niemand is beseer nie.

'n SA Polisie Casspir waarmee SA Polisie lede na die radarstasie gery het om hulp te gaan verleen, het 'n landmyn wat op die pad na die radarstasie gestel was, afgetrap. Die Casspir is beskadig dog die insittendes is nie beseer nie

Die aanvallers het na die aanval per voertuig gevlug. Een van hulle voertuie is verlate lang die pad gevind met 'n gebreekte as. 'n Groot aantal terroriste wapentuig waaronder 'n RPG vuurpyllanseerder, projektiële, handgranate, AK 47 ammunisie ens is by die voertuig gevind. Een van die aanvallers, Gideon Ngomane, wat beseer was toe die beskadigde voertuig van die pad geloop het, is gearresteer. Hy was 'n passasier agterop die voertuig gewees toe hulle

van die toneel an Botswana wou gevlug het. Hy het later uitwysings gedoen en het 'n bekentenis voor 'n landdros afgelê. Volgens hom was hulle 'n groep van 21 ANC - MK lede gewees wat deur ANC leiers gestuur was om 'n aanval op die radarstasie te loods. Hulle is van ANC wapentuig, waaronder 3 RPG 7 vuurpyl lanseerders projektele, AK 47 gewere, landmyne en hangranate voorsien en het van 3 voertuie gebruik gemaak. Hulle het onwettig die grens van Botswana na die RSA oorgesteek, deur die grensdraad te knip. Hulle het eers landmyne op die pad na die radarstasie gestel en het toe die aanval met mortiere op die radarstasie geloods. Hulle het na die aanval met die voertuie terug vertrek na Botswana. Hy was 'n passasier op die agterste voertuig waarop daar ook wapentuig was. Die voertuig het van die pad geloop en die drie van hulle wat agterop was is van die voertuig geslinger. Hy het sy voet beseer en kan na 'n ent se stap nie verder vlug nie. Die ander 4 persone wat ook met die voertuig gereis het, het hom agter gelaat en het te voet gevlug. Hy meld slegs dat die bevelvoerder as Abe (MK naam) bekend is. Ngomane was weens die aanval vervolgd en is op 1990/07/12 tot 11 jaar effektiewe gevangenisstraf gevonniss.

So vêr vasgestel kan word het slegs een van die aanvalsgroep nl. V S F Mssane vir die aanval om amnestie aansoek gedoen wat op 29 Maart 2001 aan hom verleen is. Die ANC het tydens hulle voorlegging aan die WVK amptelik aanspreeklikheid vir die aanval aanvaar. Tydens die polisie ondersoek kon die ander betrokkenes by die aanval nie geïdentifiseer word nie.

2. BESLISSING

Geen verdere ondersoek is nodig nie. Tot tyd en wyl verdere inligting bekend raak word die saak as afgehandel beskou.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

er/benoni

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**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

4 September 2003

MEMORANDUM

ONDERWERP:

Saakdossier: Benoni MR 532/9/88 - Motorbomontploffing

1. KORT BESKRYWING VAN DIE SAAK

'n Motorbom het op 1988/09/19 om 03:26 in die parkeerterrein van die Athol Brook Woonstelle, Kimbolstraat, Benoni ontplof. Van die inwoners van die woonstelle het skok en geringe beserings opgedoen, hoofsaaklik weens ruite wat gebreek het. Groot skade is egter aan voertuie, geboue en eiendom aangerig.

Die woonstelle is naby Benoni polisiestasie en is skuins oorkant die brandweerstasie geleë.

Tydens die polisieondersoek kon die persone wat vir die ontploffing verantwoordelik was nie opgespoor of positief geïdentifiseer word nie. Omstandighede het deurgaans geen twyfel gelaat dat ANC lede, met die ondersteuning van ANC leiers in die buiteland, vir die ontploffing verantwoordelik was nie.

Aanduidings en *modus operandi* dui daarop dat hierdie ontploffing verband hou met 'n soortgelyke ontploffing wat op 1988/10/24 in Witbank plaasgevind het waartydens 3 persone gedood en 48 beseer is. (Witbank MR 601/10/88 verwys. Die saakdossier kon nog nie opgespoor word nie).

Die ANC het tydens hulle voorlegging aan die WVK vir beide ontploffing (Benoni en Witbank) onder andere aanspreeklikheid aanvaar. Sover vasgestel kan word het ANC lede egter slegs vir die Witbank ontploffing amnestie gevra en ontvang. (**P M NYALUNGA** en **J I DUBE** - saak AC 2000/055).

In die Witbank bomondersoek was daar 10 verdagtes geïdentifiseer, waarvan 2 klaarblyklik amnestie ontvang het. 3 Verdagtes was gearrester en 1 is doodgeskiet tydens 'n polisieoptrede. Daar word soms na verdagtes se MK name verwys wat navorsing bemoeilik.

2. **BESLISSING**

Verdere navorsing is nodig om te bepaal of enige amnestie spesifiek of in die algemeen op hierdie ontploffing betrekking het. Verdere ondersoek is nodig.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

er/mamba

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**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

4 September 2003

MEMORANDUM

**ONDERWERP: DIE STAAT teen
ALLEN NDODOMZI MAMBA
Saakdossier: Wynberg MR 107/6/88 - Terrorisme**

1. KORT BESKRYWING VAN DIE SAAK

Op 1988/06/16 het 'n handgranaat in die hand van 'n ANC lid, **MPHATHI KETELO**, ontplof, wat hom gedood het. Nog wapentuig, waaronder 'n geaktiveerde kleefmyn is op die toneel gevind.

Uit die ondersoek het dit geblyk dat die oorledene, saam met **ALLEN N MAMBA**, met die stel van ploftoestelle besig was toe die handgranaat voortydig ontplof het.

ALLEN MAMBA is op 1989/05/11 weens moord en terrorisme skuldig bevind en is tot 18 jaar effektiewe gevangenisstraf gevonniss. (Guguletu MR 22/7/88 het ook betrekking, wat nie beskikbaar is nie).

JEFFREY T BENZIEN het egter later erken dat hy via **ALLEN MAMBA** tydens sy aanhouding ernstig aangerand het. Hy het op 17 Februarie 1999 vir die aanranding amnestie ontvang. (SK 20664 gedateer 26 November 1999).

2. BESKIKKING

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



Adv A R Ackermann S C
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**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

3 Oktober 2003

MEMORANDUM

ONDERWERP : ONDERSOEK teen
1. **STEVEN MKULISI @ STEVEN XULU**
2. **MOSES MKIZE**
3. **SAKHILE TIMOTHY NZAMA @ SIPHO MTHEMBU**
Saakdossier: Umbumbulu MR 35/4/87 - Moord

KORT BESKRYWING VAN DIE SAAK

Op 1987-04-12 was twee lede van die SA Polisie Veiligheidstak, Port Natal nl. A/o **B LEMBEDE** en A/o **V I MYEZA** in die Nkomyisweni Reserwaat, Umbumbulu distrik, met ondersoek besig gewees. Hulle het ANC bedrywighede by die kraal van Pikanini Maphumulo ondersoek waar hulle in die omgewing navrae en observasie gedoen het.

Met hulle terugkeer het hulle met 'n voetpad deur bosse gestap. 'n Man met 'n AK47 geweer het skielik uit die bosse gespring en het op hulle begin skiet. Die aanvallers was baie naby aan hulle gewees. **LEMBEDE** is dadelik getref, het geval en het beswyk. **MYEZA** het gevlug en het die vuur op hom beantwoord deur met sy dienspistool op die aanvallers te skiet. Nog twee persone het by die aanvallers aangesluit. **MYEZA** is in die been gewond waarna die aanvallers gevlug het.

Tydens die ondersoek is daarin geslaag om die drie aanvallers, wat ANC lede is, te identifiseer en om voldoende getuienis teen hulle in te win.

Hulle is:

1. **STEVEN MKULISI** ook bekend as **STEVEN XULU** (Hy het die AK47 gehad en het die skietwerk gedoen)
2. **MOSES MKIZE**
3. **SAKHILE TIMOTHY NZAMA**, ook bekend as **SIPHO MTHEMBU** (oorlede)

Eersgenoemde 2, **MKULISI** en **MKIZE** het na die buiteland gevlug en dit is onbekend waar hulle hulle tans bevind.

NZAMA, sowel as 'n hulpverlener wat na die aanval skuiling aan die aanvallers verskaf het nl. **VUSIMUSI A MUTHWA**, was gearresteer. **NZAMA** het sy samewerking verleen deur 'n bekentenis af te lê, inligting te verskaf en uitwysings te doen. Hy was egter ernstig siek aan kanker gewees. die Prokureur-Generaal, Pietermaritzburg het op 1987/08/31 geweier om die twee verdagtes te vervolg totdat die ander verdagtes opgespoor word (Sien A25). **NZAMA** is toe ook op 1987/11/12 aan kanker oorlede.

Die verdagte **PIKANINI MAPHUMULO**, na wie die slagoffers gaan soek het toe hulle aangeval is, was op 1991/04/26 gearresteer toe hy na die RSA teruggekeer het. Hy is egter vrygelaat omdat daar geen getuienis teen hom was om hom te vervolg nie (Sien A31).

Die ANC het tydens hulle voorlegging aan die WVK aanspreeklikheid vir hierdie aanval aanvaar "15/4/87 SAP personnel: Umbumbulu. SB officer killed by snyder, another SB injured".

AMNESTIE / VRYWARING

Geen amnestie of vrywaring wat op hierdie saak betrekking het kon gevind word nie.

BESLISSING

Ondersoek na die uitstaande verdagtes moet voortgaan.

Daar moet egter rekening gehou word met die feit dat **NZAMA** die hoofbron was van wie 'n bekentenis, inligting, getuienis en uitwysings bekom is en dat hy oorlede is. Daar bestaan egter nog voldoende getuienis om met die ondersoek na die uitstaande verdagtes voort te gaan.

Indien die verdagtes steeds nie opgespoor kan word nie sal 'n geregtelike doodsondersoek gehou moet word aangesien dit klaarblyklik nog nie gehou is nie.



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SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

3 Oktober 2003

MEMORANDUM

ONDERWERP : **Saakdossiere:**

1. **Messina MR 18/5/87 - Landmynontploffing**
2. **Messina MR 22/5/87 - Landmyn gestel**
3. **Alldays MR 5/5/87 - Landmyn gestel**

KORT BESKRYWING VAN DIE MISDADE

Op 1987/05/04 het 'n privaat vragmotor, wat werkers vervoer het, 'n landmyn op die plaas Altyddroog naby Beitbrug in Messina distrik afgetrap. In die ontploffing is die bestuurder van die vragmotor gedood terwyl die nege passasiers op die vragmotor beseer is. Een passasier is as gevolg van die ontploffing blind en 'n ander een gedeeltelik blind. Naby die plek waar die ontploffing plaasgevind het is daar twee gestelde anti-personeelmyne gevind, wat onskadelik gestel is (Messina MR 18/5/87).

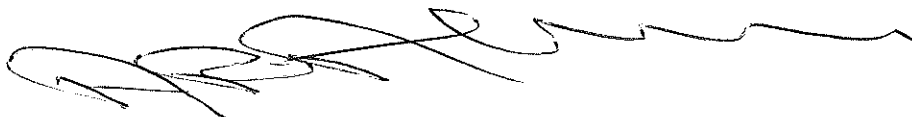
Op 1987/05/05 is 'n gestelde landmyn, met 'n gestelde anti-personeelmyne naby die landmyn, op die Weipe grondpad opgespoor en onskadelik gestel. By die landmyn was daar ook 'n Demolisie Lading SZ3 (3 kg militêre springstof) wat 'n dubbele sterkte ontploffing sou veroorsaak (Messina MR 22/5/87).

Op 1987/05/05 is 'n gestelde landmyn, ook met 'n Demolisie Lading daarby, op die plaas Samaria in die Alldays distrik, opgespoor en onskadelik gestel. 'n Weermaglid het 'n anti-personeelmyne wat naby die landmyn gestel was afgetrap en is ernstig beseer in die ontploffing. Sy regterbeen moes geamputeer word (Alldays MR 5/5/87).

Die ANC het in hulle voorlegging aan die WVK erken dat hulle vir die landmynaanslag, wat veral op die grensgebiede toegespits was, verantwoordelik was. Amnestie is ook aan verskeie ANC lede verleen vir landmynvoorvalle waarby hulle betrokke was. Geen amnestie wat spesifiek op hierdie voorval betrekking het, kan egter gevind word nie.

BESLISSING

Geen verdere ondersoek is nodig nie. Die saak word as afgehandel beskou totdat verdere inligting bekend raak.



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SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

3 Oktober 2003

MEMORANDUM

ONDERWERP : Saakdossier: Maroka MR 579/12/82

KORT BESKRYWING VAN DIE SAAK

'n Opspraakwekkende moord het op 1982/12/16 om 20:30 plaasgevind toe **BARHLOMEW H LAPANE** en sy vrou **MATILDA H LAPANE** in hulle woning te 3037 Rockville, Soweto deur 'n aanvaller met 'n AK47 geweer doodgeskiet is. Hulle 14 jarige dogter **BRENDA H LAPANE** is in die nek gewond en is tans 'n parapleeg.

BARHLOMEW H LAPANE was 'n lid van die ANC se Uitvoerende Komitee (NEC) asook 'n lid van die SAKP se hoogste gesagsliggaam, die Sentrale Komitee, gewees. Na die Rivonia klopjagte was hy aangehou en het die berugste polisie-kollaborateur geword. Hy het in verskeie ANC terroriste verhore vir die Staat getuig. Hy was ook 'n sleutelgetuie wat gedurende 1981 voor die Amerikaanse Senaat se Denron-Komitee getuig het wat ondersoek ingestel het na die invloed van Kommunistiese ondermyning in die SA bevrydingsstryd.

Tydens die polisieondersoek was die name van verskeie verdagtes verstrek deur gearresterde ANC lede en informante van persone wat hulle van die moorde verdink. Geen getuienis kon enige verdagte egter met die moorde verbind nie.

Kort voor die dood van meneer **JOE SLOVO** het hy in sy boek "The Unfinished Autobiography" erken hy dat **H LAPANE** deur 'n eenheid van Umkhonto we Sizwe (MK) tereggestel is vir sy verraad.

Ook in die ANC se voorlegging aan die WVK, Aangangsel 4 "**List of MK OPERATIONS: DATE: TARGET CATEGORY**" word die moord erken "December 1982 Personnel actively assisting SAP" B Hlapane"

Uit navorsing blyk dit dat geen amnestie aansoek op hierdie moorde betrekking het nie.

BESLISSING

Die erkenning van ANC aanspreeklikheid vir die moorde deur meneer **JOE SLOVO** (oorlede) en die ANC aan die WVK, het geen getuienis waarde nie.

Geregtelike doodsondersoek is reeds afgehandel waartydens bevind is dat 'n onbekende persoon of persone vir die moorde verantwoordelik is.

Die saak word as afgehandel beskou totdat verdere inligting ingewin word.



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SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

3 Oktober 2003

MEMORANDUM

ONDERWERP : **ONDERSOEK teen:**
SIPHINIE NYANDA (GEBUZA)
Saakdossier: Silverton MR445/1/80

KORT BESKRYWING VAN DIE SAAK

Op 1980/01/25 het drie swaar gewapende ANC - MK lede die Volkskasbank in Silverton aangeval. Hulle het bankpersoneel en persone in die bank as gyselaars aangehou en het politieke eise gestel, waaronder die ontbanning van die ANC en die vrylating van Mandela.

Onderhandelinge met die aanvallers was onsuksesvol en 'n oor en weer skietery tussen die aanvallers en die polisie het plaasgevind, toe die polisie tot optrede oorgegaan het. As gevolg van die skietery en 'n handgranaat wat ontplof het, is die drie aanvallers en twee gyselaars gedood terwyl 19 persone gewond is.

Tydens die ondersoek het dit aan die lig gekom dat die aanvallers wat gedood is deel was van 'n groot groep ANC - MK lede wat die RSA in opdrag van ANC leiers in die buiteland geïnfiltreer het. Nege (9) lede van die groep is gearresteer en is weens 'n aanklag van hoogverraad en verbandhoudende aanklagte aangekla.

Uit hulle ondervraging het dit geblyk dat hulle opgeleide MK lede was wat onder die direkte bevel van **GEBUZA (SIPHIWE NYANDA)** was. Hulle het veilige basisse (ondergronds) uitgewys en beslag is gelê op 'n groot hoeveelheid terroriste wapentuig, dokumente en nota's.

Uit die bewysstukke en inligting bekom het dit onteenseglik geblyk dat die groep spesifieke militêre opleiding, wapens en opdragte gehad het om terreurdade in die RSA

te pleeg as deel van die ANC se strategie om die eertydse Nasionale Party Regering omver te werp.

Daar is bewys dat die groep die betrokke aanval na hulle infiltrasie in die RSA deeglik beplan en bespreek het. Dit het ook die verkenning en observasie van die teiken ingesluit.

Tydens die verhoor is drie van die beskuldigdes ter dood veroordeel, wat later tydens appèl na lewenslange gevangenisstraf gewysig is. Aan die ander beskuldigdes is gevangenisstraf van 10 en 20 jaar opgelê.

Die ANC leiers, insluitende **GEBUZA (SIPHIWE NYANDA)** was tydens die misdaad in die buiteland en die moontlikheid was derhalwe toe uitgesluit om hulle te vervolg.

Dit kan egter nie bewys word dat die aanval op Volskasbank 'n ANC opdrag was nie en ook nie dat dit gedurende daardie tydperk 'n aanvaarbare teiken van die ANC was nie. Daar is ook geen getuienis dat **GEBUZA (SIBHIWE NYANDA)** opdrag vir die aanval gegee het of vooraf daarvan kennis gedra het nie.

AMNESTIE / VRYWARING

Geen amnestie of vrywaring wat spesifiek op hierdie saak betrekking het kan gevind word nie.

BESLISSING

Die saak is reeds in die hof afgehandel. Daar bestaan geen getuienis om enige ander persoon, insluitende **SIPHIWE NYANDA (GEBUZA)** en ANC leiers, weens hierdie misdaad te vervolg nie. Die saak word as afgehandel beskou.



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SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

3 Oktober 2003

MEMORANDUM

ONDERWERP : **DIE STAAT teen:**
 1. **ABOObAKER ISMAIL (AM7109/97)**
 2. **ROBERT JOHN MCBRIDE (AM7032/97)**

1. KORT BESKRYWING VAN MISDAAD

1.1 TERRORISME: MOBIL RAFFINADERY, WENTWORTH, DURBAN: WENTWORTH MR 230/05/1984

Gedurende die nag van 13-14 Mei 1984 is 'n aanval met RPG 7 vuurpyle op die Mobil Raffinadery, Wentworth, Durban geloods. Die aanval is deur 4 lede van "Special Operations Unit" (SOU) van die African National Congress (ANC) uitgevoer.

In die aanval en ontvlugtingsproses is al vier aanvallers doodgeskiet.

ABOObAKER ISMAIL het as bevelvoerder van SOU en as opdraggewer van die groep amnestie ontvang.

1.2 MOORD: TERRORISME: ELEKTRIESE SUBKRAGSTASIE: JACOBS, DURBAN: WENTWORTH MR 53/01/1986

Gedurende die nag van 9 Januarie 1986 is twee kleefmyne by die elektriese subkragstasie Jacobs, geplaas. 'n Tydvertraging van 20 minute is tussen die 1ste en die 2de ontploffing geplaas. Die eerste ontploffing het skade aan die elektriese toerusting veroorsaak terwyl die 2de ontploffing skade sowel as die dood van 1 persoon (**LT KOL WELMAN**) van die Veiligheidstak, Durban veroorsaak het. Twee

lede van die Veiligheistak, Durban en twee werkers van EVKOM is ook ernstig beseer.

GORDON CHRISTOPHER WEBSTER is op hierdie aanklag skuldig bevind en tot 16 jaar gevangenisstraf gevonniss.

Die volgende lede van SOU van die ANC het vir hierdie ontploffings amnestie ontvang:

- (a) **ABOObAKER ISMAIL** as opdraggewer
- (b) **ROBERT JOHN MCBRIDE** as medepligtige.

1.3 **TERRORISME: ELEKTRIESE SUBKRAGSTASIE HUNTLEY HILL, WESTVILLE, DURBAN: WESTVILLE MR 85/01/1986**

Op 18 Januarie 1986 is Huntley Hill elektriese substasie deur twee kleefmynontploffings beskadig. Niemand is gedood of beseer nie.

GORDON CHRISTOPHER WEBSTER is vir hierdie ontploffings skuldig bevind en tot 10 jaar gevangenisstraf gevonniss.

Die volgende lede van SOU van die ANC het vir hierdie ontploffings amnestie ontvang.

- (a) **ABOObAKER ISMAIL** as opdraggewer
- (b) **ROBERT JOHN MCBRIDE** as uitvoerder

1.4 **TERRORISME EN POGING TOT MOORD: ELEKTRIESE HOOGSPANNINGSTORING, CARRINGTON HEIGHTS, DURBAN: UBILO MR 189/01/1986**

Op 20 Januarie 1986 is 'n kleefmyn, deur **ROBERT MCBRIDE** en **GORDON WEBSTER** teen elkeen van die vier bene van die hoogspanningstoring te Carrington Heights geplaas om gelyktydig te ontplof. 'n Verdere kleefmyn is met 'n tydsvertraging gestel om te ontplof wanneer lede van die SA Polisie op die toneel is.

Die ontploffings het skade aan die hoogspanningstoring veroorsaak maar niemand is gedood of beseer nie.

GORDON CHRISTOPHER WEBSTER is vir hierdie ontploffings skuldig bevind en tot 9 jaar gevangenisstraf gevonniss.

Die volgende lede van SOU van die ANC het vir hierdie ontploffings amnestie ontvang:

- (a) **ABOBAKER ISMAIL** as opdraggewer
 (b) **ROBERT JOHN MCBRIDE** as uitvoerder

1.5 **TERRORISME: WATERTOEVOPYPLEIDING TUSSEN
 PIETERMARITZBURG EN DURBAN: CAMPERDOWN MR 74/01/1986**

Op 19 Januarie 1986 is die watertoevoerpypleiding tussen Pietermaritzburg en Durban met 'n kleefmyn beskadig. Niemand is gedood of beseer nie.

Die volgende lede van SOU van die ANC het vir die ontploffing amnestie ontvang:

- (1) **ABOBAKER ISMAIL** as opdraggewer
 (2) **ROBERT JOHN MCBRIDE** as uitvoerder

1.6 **TERRORISME: ELEKTRIESE SUBKRASTASIE: CHAMBERLAINWEG,
 JACOBS, DURBAN: WENTWORTH MR 137/03/1986**

Op 21 Maart 1986 is die elektriese substasie te Jacobs, Durban deur vier landmynontploffings beskadig. Niemand is gedood of beseer nie.

ROBERT JOHN MCBRIDE en **GORDON CHRISTOPHER WEBSTER** is op hierdie saak aangekla en skuldig bevind. (**MCBRIDE** 5 jaar en **WEBSTER** 11 jaar gevangenisstraf).

2. **OPMERKINGS**

Die Nasionale Uitvoerende Komitee (NUK) van die ANC het gedurende 1979 goedkeuring verleen tot die stigting van SOU.

Dit was 'n militêre eenheid wat gespesialiseerd was om meer vertroulike opdragte uit te voer.

Bevelvoerders van SOU het aanvanklik direk aan die president van die ANC meneer O Tambo verslag gedoen en later aan die ANC Hoofkantoor. Tydens die pleeg van hierdie daad was **ABOBAKER ISMAIL** die buitelandse bevelvoerder van die eenheid.

Een van die SOU groepe in Natal was aanvanklik onder die bevel van **GORDON WEBSTER**. Hy het vir **ROBERT MCBRIDE** gewerf, wie later die bevelvoerder van sy eie groep geword het en direk met **ISMAIL** gekommunikeer het.

3. **AMNESTIE**

- 3.1 Op 19 April 2001 het die amnestie komitee aan die volgende persone amnestie verleen:

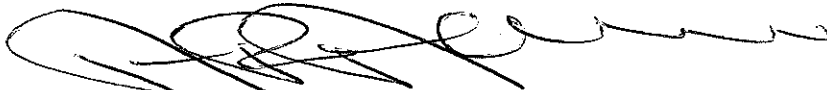
- (a) **ABOBAKER ISMAIL**
- (b) **ROBERT JOHN MCBRID**

3.2 **GORDON WEBSTER** is op al hierdie sake skuldig bevind en gevonnis. Geen rekord kan gevind word dat hy vir amnestie aansoek gedoen het nie.

4. **AANBEVELING**

Volgens beskikbare dossiere is daar geen uitstaande verdagtes nie. Dit word aanbeveel dat hierdie sake volgens voorskrifte afgesluit word.

Die aangeleentheid word as afgehandel beskou.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

er/59

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SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

3 Oktober 2003

MEMORANDUM

ONDERWERP : Saakdossier: ALEXANDRA MR 219/2/94

KORT BESKRYWING VAN DIE SAAK

Gedurende die aand van 1994/02/18 het 'n ANC Straatkomiteevergadering op die hoek van 17de Laan en Londonstraat, Alexandra, Johannesburg plaasgevind

Vier onbekende mans het daar opgedaag en het met 9mm en 7.65mm wapens op die mense by die vergadering, persone in die omtrek en op voertuie in die omgewing begin skiet. 'n Bestuurder van 'n voertuig Karee Michael Dhlamini (70 jaar oud) is gedood en 8 ander persone is tydens die aanval gewond.

Die aanvallers het daarna na 8ste Laan, Alexandra gegaan waar hulle ook op persone in die straat geskiet het.

Dit blyk dat gebied deur die ANC toegeëien was en dat politiek verwante wraak en weerwraak aanvalle hoofsaaklik tussen ANC en IVP ondersteuners voorgekom het.

Die polisieondersoek was onsuksesvol en geen verdagtes kon geïdentifiseer word nie.

Geen amnestie aansoek of vrywaring wat verleen is kan met die aanklagte in verband gebring word nie.

BESLISSING

Geen verdere ondersoek is tans nodig nie. 'n Geregtelike doodsondersoek was klaarblyklik gehou dog die uitslag is nog uitstaande. Die ondersoek word as afgehandel beskou totdat verdere inligting bekend word.


Adv A R Ackermann S C
SPESIALE DIREKTEUR

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SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

3 Oktober 2003

MEMORANDUM

ONDERWERP : **DIE STAAT teen:**

1. **RONALD KASRILS**
2. **DAMIAN MICHAEL DE LANGE**
3. **IAN HUGH ROBERTSON**
4. **SUSAN CATHARINE DE LANGE**
5. **HUGH MURDOCK LUGG**

Saakdossier: Brits MR 183/7/88

KORT BESKRYWING VAN DIE SAAK

Die saak het op 'n ANC - MK eenheid, bekend as die "Broederstroom Unit" wat gedurende 1986 tot 1988 operasioneel was, betrekking.

Die eenheid was van plofstof en wapentuig voorsien om terreurdade te pleeg op spesifieke teikens wat hulle moes identifiseer en gaan verken. Die eenheid was sodoende ook betrokke by 'n aanval op 'n kommunikasietoring by Linksfield, Johannesburg, gedurende November 1987 en 'n aanval op 'n SA Lugmagbus op 1988/03/01, wat naby Benoni plaasgevind het.

Eersgenoemde, **RONALD KASRILS**, was gedurende daardie tyd deel van die ANC leierskap in die buiteland sowel as by die ANC se militêre vleuel (MK), waar hy opdragte gegee en beheer geneem het van operasionele eenhede wat die RSA geïnfiltreer het.

In opdrag van **KASRILS** het laasgenoemde 4 persone Damian de Lange, Robertson, Susan de Lange en Lugg geïnfiltreer het en het die "Broederstroom Unit" tot stand gebring, vanwaar hulle aanvalle beplan en uitgevoer het. Hulle is gedurende Julie 1988 gearresteer en was weens terrorisme vervolgt. **LUGG** het as Staatsgetuie vrywaring te vervolging ontvang, terwyl die ander drie, **DAMIAN DE LANGE**, **ROBERTSON** en

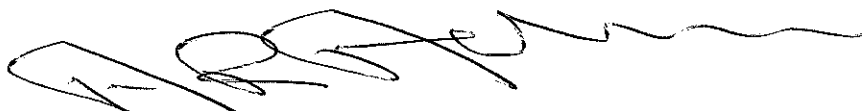
SUSAN DE LANGE, lang gevangenisstrawwe opgelê is. Hulle is egter gedurende 1990 vrygelaat tydens die politieke onderhandelingsproses wat plaasgevind het.

KASRILS was destyds in die buiteland en kon nie krimineel vervolgd word nie.

Vermeldes 1 tot 4 het om amnestie aansoek gedoen wat op 13 September 2000 aan hulle toegestaan is.

BESLISSING

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR

Verw: A61
Navraag Adv A R Ackermann S C
Tel: 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

3 Oktober 2003

MEMORANDUM

**ONDERWERP : DIE STAAT teen:
RONALD DESMOND BEZUIDENHOUT
Saakdossier: Louis le Grangeplein MR 422/4/89**

KORT BESKRYWING VAN DIE SAAK

Bovermelde, R D Bezuidenhout, het die RSA gedurende Maart 198 onwettig verlaat en het by die ANC aangesluit. Hy is militêr opgelei, het verskeie dienste verrig en was getaak om die RSA te infiltrer. Hy was gedurende April 1989 gearresteer en het sy samewerking verleen. Weens die inligting wat hy aan die Veiligheidstak verstrek het, is hy nooit aangekla nie, ongeag 'n bekentenis wat hy afgelê het en uitwysings wat hy gedoen het.

AMNESTIE / VRYWARING

Geen

BESLISSING

BEZUIDENHOUT se betrokkenheid by die ANC kan hoogstens beskou word dat hy die ANC doelstellings bevorder het en die RSA onwettig verlaat het. Kwytstelling van hierdie aanklagte is aan ANC lede verleen. Geen verdere ondersoek is nodig nie. Die saak word as afgehandel beskou.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

er/62

Verw: A62
Navraag Adv A R Ackermann S C
Tel: 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

3 Oktober 2003

MEMORANDUM

ONDERWERP : Saakdossier: Ellisras MR 5/1/86

KORT BESKRYWING VAN DIE SAAK

Op 1986/01/04 het 'n landmyn onder 'n privaat bakkie ontplof wat in 'n wildkamp op 'n plaas te Stockpoort, Ellisras gery het.

Meneer De Beer en sy skoondogter is in die ontploffing dood terwyl sy seun en 'n vriend, **DANIE VENTER** beseer is.

Nog 'n landmyn is op 'n plaaspad in die weikamp gevind wat onskadelik gestel is.

Die polisieondersoek het aan die lig gebring dat die persone wat die landmyne gestel het na Botswana gevlug het. Die daade kan ook sonder twyfel met die ANC aanslag verbind word. Geen persoon kon egter met die pleeg van die misdaad verbind word nie.

AMNESTIE / VRYWARING

Hoewel verskeie ANC lede aanspreeklikheid vir die stel van landmyne naby die RSA grens aanvaar en amnestie daarvoor ontvang het, word daar nie regstreeks na hierdie voorval verwys nie.

BESLISSING

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR

er/63

Verw: A63
Navraag Adv A R Ackdermann S C
Tel: 845 6432

SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

3 Oktober 2003

MEMORANDUM

ONDERWERP : **ONDERSOEK teen**
1. **MICHAEL PATRICK BAND (OORLEDE)**
2. **ERIC MANDAL DUBE**
Saakdossier: Moroka MR 7/7/88

KORT BESKRYWING VAN DIE SAAK

Op 1988/7/01 het bovermelde 2 ANC lede, **BANDA** en **DUBE**, na die huis van 'n polisiebeampte by Jabulani huis 28 gegaan om 'n kleefmyn aan 'n polisievoertuig te stel wat daar geparkeer was.

'n Loodstaffie was klaarblyklik nie in die tyd meganisme van die kleefmyn geplaas nie, wat veroorsaak het dat die kleefmyn in **BANDA** se hande ontplof het, net nadat hy dit geaktiveer het. (Die loodstafies is later in **BANDA** se huis gevind)

BANDA is in die ontploffing gedood terwyl **DUBE** gering beseer is, maar gevlug het. 'n Handgranaat is ook op die toneel gevind wat vernietig is.

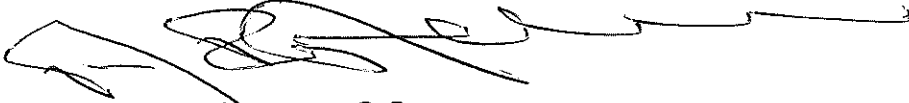
In **BANDA** se woning is 'n ongelisensieerde 22 pistool en die kleefmyn se loodstafies gevind. **DUBE** het na die voorval, met ander wapentuig wat hy uit **BANDA** se woning verwyder het, gevlug en kon nie opgespoor word nie 'n lasbrief vir sy arrestasie is uitgereik

AMNESTIE/VRYWARING

Volgens rekords het **DUBE** nie vir amnestie of vrywaring gedoen nie

BESLISSING

Die lasbrief wat uitstaande is moet gesirkuleer word. Die saak word as afgehandel beskou.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

er/64

Verw: A64
Navraag Adv A R Ackdermann S C
Tel: 845 6432

SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

3 Oktober 2003

MEMORANDUM

ONDERWERP : **DIE STAAT teen:**
LINDA PRECIOUS MNTAMBO
Saakdossier: Jabulani MR 287/9/88

KORT BESKRYWING VAN DIE SAAK

Op 1988/09/14 is daar 'n handgranaat deur die sitkamervenster van meneer **BUTHELEZI** se huis te Emdeni 1010, Soweto gegooi. Die handgranaat het ontplof en het skade aangerig en twee persone is beseer.

In 'n omvattende ondersoek was bovermelde, **L P MNTAMBO**, gearresteer en is met 'n reeks soortgelyke aanvalle verbind, wat hierdie een insluit. Hy het egter ontsnap en 'n lasbrief wat op die reeks sake betrekking het, is uitgereik.

MNTAMBO het egter op 2 Februarie 2000 amnestie vir verskeie geïdentifiseerde en ongeïdentifiseerde sake ontvang. Hoewel aanval nie direk vermeld word nie, vorm hierdie saak deel van die reeks sake waarvan, Orlando MR 135/11/88 die sleuteldossier is. (Die dossier is nie beskikbaar nie).

Op grond van die amnestie wat verleen is, is die lasbrief, waarvan afdrukke in onderskeie dossiere is, gekanselleer.

BESLISSING

Geen verdere ondersoek is nodig nie. Alhoewel dit onseker is of hierdie saak spesifiek tydens die amnestieproses vermeld was, is dit 'n onlosmaaklike deel daarvan. Die saak word derhalwe as afgehandel beskou en die lasbrief (afdruk) word gekanselleer.



Adv A R Ackermann S C
SPESIALE DIREKTEUR



Verw: A65
Navraag Adv A R Ackdermann S C
Tel: 845 6432

SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

3 Oktober 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen:
1. **AGGIE SHOKE**
2. **HAROLD MATSHIDIDI**
3. **LESTER DUMAKUDE**
4. **JOHN ITUMELENG DUBE**
Saakdossier: Jeppe MR 47/7/88

KORT BESKRYWING VAN DIE MISDAAD

Op 1988/07/02 om ongeveer 17:10 het 'n kragtige motorbom by Ellispark stadium, tydens 'n rugbywedstryd plaasgevind. Die ontploffing het die dood van 2 persone tot gevolg gehad terwyl 37 persone beseer is.

Groot skade aan voertuie en eiendom is aangerig. Die slagoffers is almal burgerlikes.

Hoewel die polisieondersoek geen arrestasies opgelewer het nie, het dit onteenseglik op ANC betrokkenheid gedui, wat hulle in die buiteland bevind het.

Vier MK lede nl. **SHOKE, MATSHIDIDI, DUMAKUDE** en **DUBE** het aanspreeklikheid vir die ontploffing aanvaar en het om amnestie aansoek gedoen.

BESLISSING

Amnestie is op 9 Mei 2001 aan bovermelde persone (**SHOKE, MATSHIDIDI, DUMAKUDE** en **DUBE**) verleen. Die ondersoek teen hulle kan nie verder gevoer word nie en word as afgehandel beskou

Volgens getuienis en die Amnestiekomitee se bevinding was **DUMAKUDE** die bevelvoerder van die ANC se "Special Operations" eenheid en was **DUBE** tweede in bevel gewees. **DUMAKUDE** het deurlopend kontak met die ANC leierskap in die buiteland gehad waartydens hy op hoogte gebring is van opdragte, geïdentifiseerde teikens, ens. terwyl hy verslag gedoen het oor operasionele eenhede wat in die RSA ontplooi was. Geïdentifiseerde teikens, wat Ellispark motorbom inskiet, was met die ANC leierskap uitgeklaar en die verloop en sukses van die operasies was gerapporteer.

Die Amnestiekomitee het, in ooreenstemming met die ANC voorlegging aan die WVK, bevind dat die ANC leierskap aanspreeklikheid vir Ellispark motorbomontploffing aanvaar het.

Die ANC leierskap, wat destyds in die buiteland was, het nie amnestie ontvang nie.

'n Besluit oor hulle betrokkenheid by hierdie aanklagte, sowel as ander voorvalle, sal tegelegener tyd geneem word, nadat al die relevant partye gesprek is.

Die ondersoek na die ANC leierskap, en in besonder individue se kriminele verantwoordbaarheid vir politieke gewelddadige in die RSA, wat met die ANC se stryd om die eertydse NP Regering omver te werp, word omvattend ondersoek en sal ook op hierdie aanklagte betrekking hê.



Adv A R Askermann S C
SPESIALE DIREKTEUR

The Amnesty Committee, in accordance with the ANC submission to the TRC, found that the ANC leadership had accepted responsibility for the Ellis Park car bomb explosion.

The ANC leadership, which was abroad at the time, did not receive amnesty.

A decision on their involvement in these charges, as well as other incidents, will be taken at an opportune time once all relevant parties have been consulted.

The investigation into the ANC leadership and specifically individuals criminal responsibility for political violence in the RSA, which relates to the ANC's struggle to overthrow the then National Party Government, is being thoroughly investigated and will be relevant to these charges.

er/66

Verw: A66
Navraag Adv A R Ackdermann S C
Tel: 845 6432

SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

10 Oktober 2003

MEMORANDUM

ONDERWERP : Saakdossier: New Castle MR 314/1/85 (Terrorisme)

ONDERSOEK UITSTAANDE TEEN:

1. **MANDLA KUNENE**
 2. **MATTHEUS MAPHUMULO**
 3. **FANO MAGAGULA**
-

KORT BESKRYWING VAN DIE SAAK

Bovermeldes (1) **MANDLA KUNENE** (2) **MATTHEUS MAPHUMULO** en (3) **FANO MAGAGULA** was, na bewering ANC - MK leiers wat gedurende die tydperk waarop hierdie saak betrekking het, in Swaziland gewees het. Hulle het opdrag gegee dat 'n MK eenheid in Nongoma gevestig woes word, waar hulle plaaslike inwoners vir die ANC moes werf om hulle in die gebruik van terroriste wapentuig op te lei, ten einde die eertydse NP regering met wapengeweld omvêr te werp.

Twee opgeleide MK lede ni:

1. **THEMBA ZONDI**
2. **MPUMELELO MBATHA**

is deur Corneluis Zulu by hoofman **ZONDO** in Nongoma distrik gevestig. Zulu was die skakelpersoon tussen ANC leiers in Swaziland en die binnelandse groep gewees. Hy het ook wapens, kos en fondse aan die Nongoma-groep verskaf. Die groep het daarin geslaag om van die plaaslike bevolking te werf en om hulle in die hantering van wapentuig op te lei.

Die Veiligheidstak, Newcastle het egter inligting oor die groep se teenwoordigheid ontvang.

Op 1985/01/13 het lede van die SA Polisie, onder leiding van Lt **JHGDJ VAN VUUREN** 'n optrede gelei om die ANC groep te gaan arresteer. Tydens die optrede het daar 'n skietgeveg tussen die SAP lede en die ANC groep, wat in 'n huis geskuil het, en 'n plaaslike inwoner, **ERNEST G MAGOPHA** gedood. Twee ANC lede is ook gedood nl:

1. **THEMBA ALBERT ZONDI** (regte naam **K A KOALI**)
2. **MPUMELO MBATHA**

(GO's is afgehandel).

Die volgende persone is weens terrorisme en hulpverlening gearresteer en aangekla:

1. **CORNELUIS MZAMO ZULU** (9 jaar g/s waarvan 4 jaar g/s opgeskort is vir 5 jaar)
2. **SALUSHA MALINGA ZONDO** (6 jaar g/s waarvan 3 jaar g/s opgeskort is vir 4 jaar)
3. **KATHAZILE MAPHUMULO** (3 jaar g/s wat in geheel opgeskort is vir 3 jaar)
4. **BAFANA WILLINGTON ZONDO** (Art 204 - staatsgetuie)

CORNELUIS ZULU (beskuldigde 1), het in 'n bekentenis wat hy afgelê het (wat in die hof aanvaar is) sowel as inligting wat hy verstrekket, bogenoemdes (**KUNENE, MAPHUMULO** en **MAGAGULA**) geïdentifiseer as ANC leiers wat in Swaziland was en wat opdrag gegee het vir die vestiging van die Nongoma-groep. Hulle het ook na bewering die wapens, fondse en toerusting aan die groep verskaf.

AMNESTIE / VRYWARING

Geen

BESLISSING

Die bewering teen die vermelde ANC leiers is slegs gegrond op inligting en 'n bekentenis wat **ZULU** afgelê het en kan op geen ander wyse bewys of gestaaf word nie.

Daar is derhalwe geen toelaatbare getuienis teen enige ander persoon as diegene wat reeds aangekla en verhoor is nie. Daar bestaan ook geen moontlikheid om dit deur verdere ondersoek te bekom nie.

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


Adv A R Ackermann S C
SPESIALE DIREKTEUR

er/67

Verw: A67
Navraag Adv A R Ackermann S C
Tel: 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

10 Oktober 2003

MEMORANDUM

ONDERWERP : Saakdossier: New Brighton MR 175/12/88

KORT BESKRYWING VAN DIE SAAK

Op 1988/12/08 het 'n kleefmyn by die Busstasie se kaartjieskantoor, New Brighton, Port Elizabeth plaasgevind. Groot skade is aan die gebou aangerig maar niemand is beseer nie.

Die ondersoek het geen inligting opgelewer nie, maar het in alle opsigte op ANC betrokkenheid gedui.

Geen amnestie aansoek kan positief met hierdie voorval in verband gebring word nie.

BESLISSING

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR

er/68

Verw: A68
Navraag Adv A R Ackdermann S C
Tel: 845 6432

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

10 Oktober 2003

MEMORANDUM

ONDERWERP : Saakdossier: Vryheid MR 178/6/86 en MR 179/6/86

KORT BESKRYWING VAN SAKE

Op 1986/06/22 het 'n landmyn gedeeltelik onder 'n EVKOM vragmotor ontplof wat op die pad te Smaldeel, Vryburg distrik gery het. Niemand is beseer nie.

Op dieselfde dag is daar ook 'n gestelde landmyn op 'n plaaspad te Nooitgedacht, Vryburg gevind. Dit is later vernietig. Die sake hou sonder twyfel met mekaar verband.

Die polisieondersoek was onsuksesvol gewees.

AMNESTIE

Geen aansoek om amnestie kan sonder twyfel met hierdie sake verbind word nie.

BESLISSING

Daar bestaan geen getuienis om verdagtes wat in die ondersoekdagboeke vermeld word met hierdie sake te verbind nie.

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



Adv A R Ackermann S C
SPESIALE DIREKTEUR

Verw: A69
Navraag Adv A R Ackdermann S C
Tel: 845 6474

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

10 Oktober 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen:
1. **ABOBAKER ISMAIL (AM 7109/97)**
2. **ROBERT JOHN MCBRIDE (AM 7032/97)**
3. **MATTHEW LECORDIER (AM 4026/97)**
4. **ANTONIO DU PREEZ**

1. KORT BESKRYWING VAN MISDAAD

1.1 Terrorisme: Kleefmynontploffing: CR Swartplein MR 972/06/1986

Op 21 Junie 1986 het **MCBRIDE, LECORDIER** en **DU PREEZ** saam in die motor wat deur **DU PREEZ** bestuur is gery. Hulle was van voorneme om 'n kleefmyn in of aan 'n polisievoertuig te laat ontplof. Die kleefmyn is aan **LECORDIER** gegee, hy kry koue voete en plaas dit in 'n vullishouer voor "THE COPPER SHOP" op die hoek van Weststraat en Brickhillweg, Durban. Niemand is in die ontploffing gedood of beseer nie en geringe skade aan die geboue in die omgewing is aangerig.

MCBRIDE, LECORDIER en **DU PREEZ** is aangekla en skuldig bevind.

2. OPMERKINGS

Die amnestiekomitee het bevind dat hierdie ontploffing in terme van die SOU van die ANC se algemene opdragte soos deur **ABOBAKER ISMAIL** aan **MCBRIDE** oorgedra is, plaasgevind het. Die motief vir die ontploffing was om die apartheidsregering van Suid-Afrika ekonomies te frustreer.

3. AMNESTIE

Die amnestiekomitee het op 19 April 2001 aan die volgende persone amnestie verleen:

3.1 ABOOBAKER ISMAIL

3.2 ROBERT MCBRIDE

3.3 MATTHEW LECORDIER

3.4 ANTONIO DU PREEZ het nie om amnestie aansoek gedoen nie.

4. AANBEVELING

Daar is geen verdere verdagtes uitstaande nie. Volgens beskikbare inligting is daar geen verdere verdagtes uitstaande nie. Dit word aanbeveel dat hierdie dossier volgens voorskrifte afgesluit word.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

Verw: A70
Navraag Adv A R Ackdermann S C
Tel: 845 6474

**SPECIAL LITIGATION UNIT /
SPESIALE LITIGASIE EENHEID**

10 Oktober 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen:
1. **ABOBAKER ISMAIL (AM 7109/97)**
2. **ROBERT JOHN MCBRIDE (AM 7032/97)**

1. KORT BESKRYWING VAN MISDAAD

1.1 Op 21 Maart 1986 is die elektriesekraginstallasie op die hoek van Chamberlainweg en Austervillerylaan, Jacobs, Durban met vier kleefmynontploffings beskadig. Niemand is beseer of gedood nie. Ernstige skade is aangerig. (Wentworth MR 137/3/1986)

1.2 **ROBERT MCBRIDE** en **GORDON WEBSTER** is vir hierdie saak aangekla en as volg skuldig bevind.

1.2.1 **ROBERT MCBRIDE: 5 jaar gevangenisstraf,**

1.2.2 **GORDON WEBSTER: 11 jaar gevangenisstraf.**

2. OPMERKINGS

ROBERT MCBRIDE was in beheer van die kleefmyne en het dit aan **GORDON WEBSTER** oorhandig, wie dit aan die kraginstallasie gaan plaas en laat ontplof het.

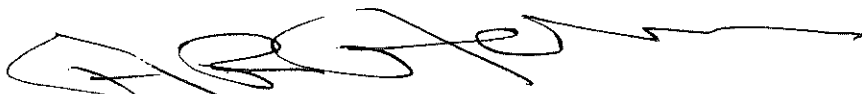
As bevelvoerder van SOU in Natal het **WEBSTER** sy opdragte van **ABOBAKER ISMAIL** ontvang.

3. **AMNESTIE**

Op 19 April 2001 het die amnestiekomitee aan **ABOObAKER ISMAIL** en **ROBERT MCBRIDE** op hierdie saak amnestie verleen. **GORDON WEBSTER** het nie om amnestie aansoek gedoen nie.

4. **AANBEVELING**

Volgens beskikbare inligting is daar geen verdere verdagtes uitstaande nie. Dit word aanbeveel dat hierdie dossier volgens voorskrifte afgesluit word.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

Verw: A71
Navraag Adv A R Ackdermann S C
Tel: 845 6474

SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

10 Oktober 2003

MEMORANDUM

ONDERWERP : **DIE STAAT teen:**

1. **ABOObAKER ISMAIL (AM 7109/97)**
2. **ROBERT JOHN MCBRIDE (AM 7032/97)**
3. **ZAHRAH NARKEDIAN (AM 4028/96)**
4. **MATTHEW LECORDIER (AM 4026/97)**

1. KORT BESKRYWING VAN MISDAAD

1.1 Terrorisme, Poging tot Moord: Wentworth MR 3/05/1986

Op 1 Mei 1986 om 02:30 is 'n handgranaat deur die slaapkamervenster van meneer en mevrou **KLEIN**, die prinsipaal van Wentworth Laerskool, se woonhuis gegooi. In die ontploffing is hulle albei beseer.

Die handgranaat aanval is deur **MATTHEW LECORDIER** en ene **ANTONIO DU PREEZ** uitgevoer, terwyl die goedkeuring en verskaffing van die handgranate deur **ABOObAKER ISMAIL** as algehele bevelvoerder in die buiteland en **ROBERT MCBRIDE** as bevelvoerder van SOU Natal gegee is.

Die beweerde motief vir die aanval is die vermoede dat meneer **KLEIN** 'n polisie-reservis was.

Hulle het voorsien dat mevrou **KLEIN** wie 'n onskuldige inwoner is, beseer of gedood kon word, maar het in die lig van die ANC se beweerde onverskillige beleid, nogtans met die aanval voortgegaan.

1.2 Ontsetting van GORDON WEBSTER uit Edendale Hospitaal, Pietermaritzburg: Plessislaer MR 56/05/1986

Op 4 Mei 1986 om 20:20 is **GORDON WEBSTER**, wie tydens arrestasie op 'n aanklag van Terrorisme deur die SA Polisie verwond is en in Edendale Hospitaal, Pietermaritzburg aangehou is, ontset.

Die ontsetting is deur **ROBERT MCBRIDE** beplan en deur **ABOObAKER ISMAIL** goedgekeur. **MCBRIDE** is in die uitvoering deur **DERRIK MCBRIDE** (sy vader) **ZARAH NARKEDIEN** (Greta Apelgren) en **MATTHEW LECORDIER** bygestaan.

Tydens die ontsetting is een burgerlike persoon doodgeskiet, twee burgerlike persone is verwond, twee polisiebeamptes is verwond.

Die volgende persone is aangekla:

1. **ROBERT MCBRIDE** - 2 aanklagtes van aanranding: 4 jaar gevangenisstraf. Hulp verlening aan 'n gevangene om te ontsnap - 3 jaar gevangenisstraf.
2. **ZARAH NARKEDIAN** - 2 aanklagtes van aanranding: 2 jaar gevangenisstraf. Hulp verlening aan 'n gevangene om te ontsnap - 3 jaar gevangenisstraf.
3. **ANTONIO DU PREEZ** - Moord 9 jaar gevangenisstraf. 4 Aanklagtes van poging tot moord: 3 jaar gevangenisstraf. Hulp verlening aan 'n gevangene om te ontsnap - 2 jaar gevangenisstraf.
4. **DERRIK MCBRIDE** - Onskuldig bevind.

2. OPMERKINGS

GORDON WEBSTER was die bevelvoerder van "SPECIAL OPERATIONS UNIT" (SOU) van Natal. Hy het vir **ROBERT MCBRIDE** vir sy eenheid gewerf. **MCBRIDE** het later sy eie eenheid gewerf waarvan hy bevelvoerder geword het en met **WEBSTER** se arrestasie was hy in bevel van albei eenhede.

MCBRIDE het **WEBSTER** se ontsetting beplan en van **ISMAIL** goedkeuring ontvang.

3. AMNESTIE

Die amnestiekomitee het op 19 April 2001 aan die volgende persone amnestie verleen:

- 3.1 ABOOBAKER ISMAIL
- 3.2 ROBERT MCBRIDE
- 3.3 ZARAH NARKEDIAN (Greta Apelgren)
- 3.4 MATTHEW LECORDIER

Die volgende persone het nie om amnestie aansoek gedoen nie:

- 3.5 ANTONIO DU PREEZ
- 3.6 DERRIK MCBRIDE

Dit word aanbeveel dat hierdie dossier volgens voorskrifte afgesluit word.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

Verw: A72
Navraag Adv A R Ackdermann S C
Tel: 845 6474

SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

10 Oktober 2003

MEMORANDUM

ONDERWERP : DIE STAAT teen:

1. VEJAYNAND RAMLAKAN (AM 4012/96)
2. DEREK NAIDOO (AM 4017/96)
3. DHANPAL NAIDOO (AM 4007/96)
4. JUDE FRANCIS (AM 4011/96)
5. DAVID MADURAI (AM 4013/96)
6. RICHARD VALLIHU (AM4010/96)

1. KORT BESKRYWING VAN MISDAAD

1.1 Terrorisme: Ontploffing by Huis van Minister RAJBANSI: Chatsworth MR 123/08/1985

Op 4 Augustus 1985 om 22:35 het 'n ontploffing op die sygaardjie voor die huis van minister **RAJBANSI** te Chatsworth, Durban voorgekom.

Minister **RAJBANSI** was nie tuis nie. Niemand is beseer nie. Geringe skade het voorgekom.

1.2 Terrorisme: Ontploffing by Chatsworth Landdroshof, Durban: Chatsworth MR 273/12/1985

Op 13 Desember 1985 om 18:30 is 'n gedeelte van die Chatsworth Landdroshof, Durban deur 'n ontploffing beskadig. Die plofstof was teen 'n buitemuur van die hoofgebou geplaas. Geringe skade is aangerig. Niemand is gedood of beseer nie.

2. OPMERKINGS

- 2.1 Bogenoemde ontploffings is deur lede van "OPERATION BUTTERFLY" veroorsaak. Hulle is 'n binne groep van "UMKHONTO - WE-SIZWE" (MK) die militêre vleuel van die ANC wie se opdrag was om in die omgewing van Durban ondergrondse strukture tot stand te bring en ontploffings te veroorsaak.
- 2.2 Tydens hierdie ontploffings was **ABOObAKER ISMAIL** (AM 7109/97) die bevelvoerder van MK in die buiteland en **RAYMOND LALA** (AM 2756/97) die Hoof van Intelligensie oor Natal in Lusaka.
- 2.3 **DAVID MADURA** is vir hierdie ontploffings aangekla, maar die saak is weens sy amnestie teruggetrek.

3. AMNESTIE

- 3.1 Op 3 Mei 2001 het die Amnestiekomitee aan die volgende persone vir hierdie sake, amnestie toegestaan:

- 3.1.1 **VEJAYNAND RAMLAKAN**
- 3.1.2 **DEREK NAIDOO**
- 3.1.3 **DHANPAL NAIDOO**
- 3.1.4 **JUDE FRANCIS**
- 3.1.5 **DAVID MADURAI**
- 3.1.6 **RICHARD VALLIHU (slegs RAJBANSI se huis)**

- 3.2 Dit dien gemeld te word dat **ABOObAKER ISMAIL** en **RAYMOND LALA** nie vir hierdie sake aansoek gedoen het nie, maar 'n algemene amnestie vir dae duer "OPERATION BUTTERFLY" is aan hulle toegestaan.

4. AANBEVELING

- 4.1 Volgens getuienis in die betrokke dossiere is daar geen uitstaande verdagtes nie.
- 4.2 Die Amnestiekomitee het bevind dat die applikante binne die beleid en opdragte van die ANC opgetree het.
- 4.3 Dit word aanbeveel dat hierdie dossiere volgens voorskrifte afgesluit word.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

er/73

Verw: A73
 Navraag Adv A R Ackdermann S C
 Tel: 845 6474

SPECIAL LITIGATION UNIT / SPESIALE LITIGASIE EENHEID

10 Oktober 2003

MEMORANDUM

ONDERWERP : **DIE STAAT teen:**

1. **MOHAMMED RAFIQ ROHAN**
2. **RIAZ SALOOJEE**
3. **ABOObAKER ISMAIL**

Saakdossiere:

1. **Mayville MR A188/1/89**
 2. **C R Swartplein MR A567/3/89**
 3. **C R Swartplein MR A425/4/89**
-

1. KORT BESKRYWING VAN SAKE

Op 1989/01/28 het die SA Polisie twee mini 158 kleefmyne met 2 x SZ3 demolisieladings (6kg TNT) langs 'n elektriese transformator in Ridgeweg, Durban gevind. Die SA Polisie het dit verwyder en het dit in die straat geplaas, waar dit ontplof het. Skade is aan omliggende geboue aangerig. Niemand is beseer nie (Mayville MR A188/1/89).

Op 1989/03/10 het 2 mini 158 kleefmyne en 2 SZ-3 (6kg TNT) demolisie-ladings teen die buitemuur van die Natal Kommandement gebou, Snell Parade, Durban ontplof, terwyl 'n SA Weermag funksie daar plaasgevind het. 15 Persone is beseer en groot skade is aan geboue en eiendom aangerig (CR Swartplein MR A567/3/89).

Op 1989/04/07 het 2 mini kleefmyne met 2 SZ-3 demolisieladings (6kg TNT) teen die buitemuur van die enkelkwartiere by die CR Swartplein SA Polisiestasie, Durban ontplof. 3 Persone is in die ontploffing beseer en groot skade is aan geboue en eiendom aangerig.

Eersgenoemde, **M R ROHAN** is kort na die ontploffing gearresteer en is met hierdie ontploffing, sowel as met eersgenoemde twee ontploffings verbind. Beslag is by sy woonstel gelê op 'n groot hoeveelheid terroriste wapens, ploftoestelle asook toerusting om afstandbeheerde bomme (motor bomme) mee te vervaardig. (C R Swartplein MR A425/4/89).

ROHAN is vir bogenoemde aanklagte vervolg en is weens terrorisme tot 15 jaar effektiewe gevangenisstraf gevonniss. Hy is egter op 1991/05/20, op grond van vrywaring wat aan hom verleen is, vrygelaat.

Tydens die ondersoek het dit geblyk dat **ROHAN** gehandel het ooreenkomstig die opdragte, riglyne, ondersteuning en met wapentuig wat ANC leiers vanaf die buiteland aan hom verskaf het.

ROHAN het saam met die ander twee vermeldes, **R SALOOJEE** en **A ISMAIL** vir hierdie aanklagte om amnestie aansoek gedoen, wat op 26 September 2000 aan hulle verleen is.

ROHAN het opdragte en opleiding in die buiteland van **SALOOJEE** ontvang, wat op sy beurt weer opdragte van **A ISMAIL** ontvang het. **ISMAIL** was die ANC-MK "CHIEF OF ORDINANCE" wat die opdragte en riglyne wat deur die MK Leierskap uitgereik is, aan operasionele eenhede vir uitvoering deurgegee het. Hy het ook gesorg dat die nodige wapentuig en toerusting aan operasionele eenhede verskaf word om die opdragte mee uit te voer. Hierdie opdragte was in ooreenstemming met ANC beleid en riglyne gewees (om die eertydse NP Regering tot 'n val te bring).

Ongeag die amnestie wat ten opsigte van hierdie aanklagte aan **RIAZ SALJOOJEE** en **ABOOBAKER ISMAIL** verleen is, is daar ook verdere amnestie aan hulle verleen wat alle misdade dek gedurende die tydperk 1987 tot 1994. Hierdie amnestie het betrekking op wapentuig wat deur 15 genoemde persone in die RSA versprei het, waarvan slegs een van hulle om amnestie aansoek gedoen het nl. **FELICITY BARBARA ANDERSSON**. **ANDERSSON** het amnestie ontvang ten opsigte van die storig en verspreiding van wapens aan die ANC en MK in KwaZulu-Natal, die Wes-Kaap en die Oos-Kaap gedurende die tydperk 1991 tot 27 April 1994.

Hierdie amnestie kan derhalwe van toepassing wees op enige saak wat enige plek in die RSA plaasgevind het gedurende die gemelde tydperk van 1987 tot 1994.

By die verlening van amnestie aan **A ISMAIL** het die Amnestiekomitee daarop gewys en bevind dat sy omstandighede en aansoek van ander leiersfigure en persone wat leiersposisies bekleë verskil. Dit volg derhalwe dat ANC en MK leiers wat opdragte aan **A ISMAIL** uitgereik het, steeds vervolgbaar behoort te wees.

BESLISSING

Wat hierdie vermelde aanklagte betref het die vermelde persone **ROHAN SALOOJEE** en **ISMAIL** amnestie ontvang en word die ondersoek as afgehandel beskou.

Die amnestie wat verleen is vir die verspreiing van ANC wapentuig gedurende 1987 tot 1994 en alle sake wat daaruit voortspruit, kan betrekking hê op alle ANC sake wat gedurende daardie tydperk plaasgevind het. Die omvang daarvan is onberekenbaar, veral as daar gelet word op die hoeveelheid politieke geweldsmisdade daar in aanloop tot die 1994 wapentuig is klaarblyklik deur **ISMAIL** gekanaliseer.

Die uitwerking van hierdie amnestie strek dus baie wyer as die aanklagte waarop hierdie saakdossiere betrekking het en sal voortdurend by ander ondersoeke in gedagte gehou moet word.

Alhoewel die name van die verspreiders van die wapens in die amnestie uitspraak genoem word, is daar sover bekend, geen getuienis om enige bewerings teen hulle te bewys nie.

'n Beslissing oor die betrokkenheid van die ANC leierskap by hierdie en ander misdade, sal afsonderlik geneem word.



Adv A R Ackermann S C
SPESIALE DIREKTEUR

er/britz



The National Prosecuting Authority of South Africa
Igunya Jikelele Labeshutshisi Bo Mzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

**Kantoor van die Spesiale
Litigasie Eenheid
PRETORIA**

Ref: DPP/1/03 TRC

27 May 2003

Senior Superintendent H J Britz
Kantoor van die Direkteur van Vervolging
PRETORIA

**STAAT TEEN N D SAMBO EN TWEE ANDER: NELSPRUIT MR
251/8/86**

1. My gesprek met u op 22 en 23 Mei 2003 het betrekking.
2. 'n Bestudering van die polisdossier toon aan dat ten einde die bovermelde beskuldigdes suksesvol te vervolg die getuienis van Jeffrey Madonsella noodsaaklik sal wees.
3. Die verklaring van Madonsella is egter in die vorm van 'n bekentenis ingevolge artikel 217 van Wet 51 van 1977 en nie 'n beëdigde verklaring nie.
4. Madonsella moet opgespoor word en 'n beëdigde verklaring moet van hom verkry word.
5. Indien Madonsella sou beweer dat die bekentenis onder dwang gemaak is moet geen verklaring van hom geneem word nie.



6. 'n Verklaring van die polisiebeampte wat met hom gekonsulteer het moet in die dossier geliasseer word wat die bewerings van Madonsella ten aansien van ide onvrywilligheid uiteensit.
7. Daar behoort ook twee ander polisiedossiere te wees wat betrekking het op die relevant tydperk, te wete:
- (i) Nelspruit MR 247/8/86;
 - (ii) Nelspruit Mr 32/9/86.
8. Indien Madonsella bereid sou wees om 'n verklaring af te lê moet die twee bogenoemde dossiere verkry word.
9. Ek sal dit waardeer indien ek mondeling op hoogte gehou kan word van hierdie ondersoek.
10. Intussen kan daar ook vasgestel word of die beskuldigdes beskikbaar is.



**ADV A R ACKERMAN SC
SPESIALE DIREKTEUR
LITIGASIE EENHEID**

MEMORANDUM

STATE VERSUS AMOS FISH MAHLALELA (MBUZIN: MR 5/1/90)

INCIDENT

On 10/1/90 one Thomas Mangane was assassinated by A F Mahlalela who was a member of MK.

Mangane was a police informer. Mahlalela applied for amnesty and it was granted. The amnesty committee was satisfied that full disclosure was made. The evidence, in the police docket, however, disclosed that more than one person was involved in the actual killing of the deceased.

It is unknown who the other perpetrators were and I am of the view that further investigations will not take the matter any further.

CONCLUSION

Regard this matter as closed.



A R ACKERMANN
SPECIAL DIRECTOR
10/6/03

Kantoor van die Spesiale
Litigasie Eenheid
PRETORIA

10/6/05

MEMORANDUM

Posbus 752,
PRETORIA
0001

VGM Gebou
Hartley St.
Weavind Park
0001
Pretoria
Suid-Afrika

Tel: (012) 845 6431

1. **Die Staat teen:**

- (i) Sphiwe Nyanda
- (ii) Obed Masine
- (iii) Frans Ting-Ting Masango

2. **Saakdossier**

- (i) Mamelodi MR 118/2/86 - Landmynontploffing.

3. **Kort beskrywing van die Misdad**

'n Landmyn het op 1986/02/16 om 06:55 onder 'n SA Polisie Casspir in Mamelodi, Pretoria ontplof. Die Casspir is beskadig. Geen persoon is gedood of beseer nie. Nyanda, Masine en Masango het aanspreeklikheid vir die ontploffing aanvaar. Daar is aansoek gedoen vir amnestie.

4. **Amnestie**

Amnestie is onderskeidelik op 8 September 1999 aan die eerste twee gemelde persone verleen en op 7 November 2000 aan die derde persoon (Nyanda).

5. **Beslissing**

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


A R ACKERMANN, SC 