

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

HELD AT:

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

BEFORE:

COMMISSIONERS:

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

EVIDENCE LEADERS:

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

REPRESENTATIVES

Adv Gwala (SC) – NPA representative
Adv Yanela Ntloko- NPA representative
Adv KD Moroka (SC) – DoJ representative
Adv Tlotlego Tsagae (DoJ representative)
Adv Ebenezer Propy (for SAPS)
Adv Nwabisa Mtshizana (for Ex-NDPP's Officials)
Adv Bridgette Nthambeleni (for Adv Jiba)
Adv Vivian Rikhotso (for Adv Menzi Simelane)
Adv Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Ms A Thakor – The Calata Group
Mr Sipho Tlhaole – The Calata Group
Adv Irene de Vos for President Cyril Ramaphosa

16 APRIL 2026

DAY 33

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PROCEEDINGS ON 16 APRIL 2026

CHAIRPERSON: Mr Semenya?

ADV SEMENYA: Good morning Chair, and Commissioners. We have today Ms Singh who will be testifying through my learned colleague Ms Ntloko, I think it is this time.

CHAIRPERSON: Ms Ntloko?

ADV NTLOKO: I can confirm that, Commissioner, and it is Ms Ntloko.

CHAIRPERSON: Okay. Advocate Singh, are you going to take an oath or affirmation?

10 ADV SINGH: I will swear the oath, Commissioners.

CHAIRPERSON: Yes. Do you swear that the evidence you will give will be the truth, the whole truth and nothing but the truth? If so, raise your right hand and say; so help me God.

ADV SINGH: So help me, God.

CHAIRPERSON: Thank you. Ms Ntloko?

ADV NTLOKO: Thank you. Ms Singh, can you highlight your occupation and your current position at the NPA currently? For the record, if you could just state your full name.

20 ADV SINGH: My name is Shabnam Haripasadh Singh. I am employed at the National Prosecuting Authority, I am, I hold the rank of a Senior State Advocate, I am based at the NPS, which is the National Prosecution Service which is the business unit of the NPA. I currently head up the TRC component.

ADV NTLOKO: Thank you, and in your appearance here today have you ever been given a notice or a letter by this Commission?

ADV SINGH: No, I have not.

ADV NTLOKO: Do you then confirm that without those two letters you have filed two affidavits before this Commission?

ADV SINGH: That is correct.

ADV NTLOKO: Can you kindly just briefly indicate what the purpose of those affidavits is? And we will go to the affidavits shortly.

ADV SINGH: Thank you. I deposed to this affidavit in my capacity as a Senior State Advocate and head of the TRC component within the National Prosecuting Authority. I am at paragraph 5. The purpose of
10 this affidavit is to place before the Commission a full account of the NPA's measures, progress and challenges in relation to the TRC matters since the establishment of the dedicated TRC component on the 6th of September 2021.

This affidavit is intended to demonstrate the institutional commitment of the NPA to address the legacy of Apartheid-era crimes to ensure accountability and to give effect to the recommendations of the TRC. I set out both my personal involvement and the broader initiatives adopted at a national level with the aim of providing clarity, transparency and accountability
20 regarding the prosecution guided approach to these matters.

ADV NTLOKO: Thank you. Now looking... Commissioners, there are two affidavits, one affidavit that was deposed to on the 21st of October 2025 and the second one deposed to on the 31st of March 2026. Advocate Singh, do you have both of these affidavits before you?

ADV SINGH: I confirm that I do.

ADV NTLOKO: And do you confirm that the signature in that affidavit is your signature?

ADV SINGH: On both the affidavits, yes.

ADV NTLOKO: And before we actually in fact go into the affidavits, are there any corrects that you would want to make to either of the two affidavits?

ADV SINGH: Yes. On my first affidavit, the main affidavit on page 8, my arrows unfortunately are facing the incorrect direction, my
10 apologies. On page 22 ... (intervenes)

ADV NTLOKO: Paragraph 22.

ADV SINGH: Sorry, just a second. No, page 22.

ADV NTLOKO: Okay.

ADV SINGH: At paragraph 49.

ADV NTLOKO: Okay.

ADV SINGH: On the family member, on that column I mixed up the names. Where it says Robbie and Coleen it should actually be Robbie Watowitch and Coleen Williams. My apologies for that.

ADV NTLOKO: Are there any other amendments that you would
20 want to make?

ADV SINGH: No, not at this stage.

ADV NTLOKO: Okay. Then apart from those amendments, do you confirm the contents of those two affidavits?

ADV SINGH: I do.

ADV NTLOKO: Okay. You indicate in your affidavit, this is now

paragraph 2 to 3, that you are the Head of the TRC component.

What are the duties of the Head of the TRC component?

ADV SINGH: As Head of the TRC component I am tasked with overseeing all matters emanating from the TRC process, coordinating prosecutions, jointly guiding investigations together with NPA and DPCI and ensuring accountability in cases involving Apartheid-era crimes. Part of my other functions also includes developing strategies for managing TRC matters, establishing dedicated capacity for the investigation and prosecution, engaging with civil society stakeholders and victims' families and representing the NPA in oversight forums, including Parliament and before this honourable Commission.

ADV NTLOKO: Thank you, and you indicated that you did not receive any notice or letter. I think then this might be the prudent time to get the elephant out of the room and so that we can continue having the discussion and I will read to you briefly the terms of reference as they appear before this Commission and we will just be dealing with paragraphs 1 and subparagraph 1.1 and 1.2. They read as follows.

20 "The Commission must, in relation to the period since 2003, enquire into, make findings, report on and make recommendations concerning the following, guided by the Constitution, relevant legislation, policies and guidelines, whether, why and to what extent and by whom efforts or attempts were made to influence or

pressure members of the South African Police Service or the National Prosecuting Authority to stop investigating or prosecuting TRC cases.

5.2. Whether any members of the South African Police Service or the National Prosecuting Authority improperly colluded with such attempts to influence or pressure them.”

Now Advocate Singh, are you personally aware of any efforts or attempts made by any person or entity to influence or pressure
10 members of the SAPS or the NPA?

ADV SINGH: No.

ADV NTLOKO: Are you aware of any members of SAPS or the NPA who improperly colluded with such attempts to put pressure or influence on them?

ADV SINGH: No.

ADV NTLOKO: And then the final question, have, well second, have you personally been subjected to any attempts, influence or pressure, directly or indirectly, to stop investigating or prosecuting any TRC matters?

20 ADV SINGH: No.

ADV NTLOKO: Have you witnessed anyone being pressured in that regard?

ADV SINGH: No.

ADV NTLOKO: I think then that deals with the terms of reference. Can we quickly turn, we will return to the sequence of the affidavits,

can we quickly turn to a (indistinct) that you make in your affidavit in paragraph 67?

ADV SINGH: I am there.

ADV NTLOKO: Are you there?

ADV SINGH: Yes.

ADV NTLOKO: Can you explain to the Commission why it was not ideal and in fact could potentially be harmful for the NPA to publically disclose real time update investigation strategies or specific evidence in relation to matters that are under investigation?

10 ADV SINGH: Commissioners, since we begun the TRC component we have received a number of complaints. We have prosecutors and investigators where the communication via WhatsApp has been hacked. We have investigators where dogs have been set upon them by persons of interest. We have had investigators under very difficult circumstances to cases that they would not have been ordinarily invited to.

We now that we have had accountability sessions, which you know, which is just between investigators and prosecutors and then the very next day persons of interests would contact the investigators
20 and say well, if you are looking for me, this is where I am.

With the advances and the progress we feel we have made on TRC matters, I think we can never lose sight of the fact that in many cases we still have cases, persons of interest that are still alive and we had quite a few incidents where threats have been made on police officials. We have lost police officials, the motive of which still

has not been found out, so we are very wary to reveal names in particular, as well as the progress on certain matters, we do not do that. It is not in the interest of the NPA or DPCI to do that.

ADV NTLOKO: Thank you. Now for the man on the street, I think most of these rumours (indistinct), can you just take us through, what goes into a decision to prosecute, just the basics of it?

ADV SINGH: Look, any case that comes before either an investigator or prosecutor, obviously he will need a docket. In your docket...
10 Would you want me to refer to any particular paragraph or do you just want me to speak to it?

ADV NTLOKO: So you deal with that in paragraph 60 to 66 of your affidavit.

ADV SINGH: Let me go there then.

ADV NTLOKO: Which is section F. It would be ideal if we just spoke to it on a general so that everybody can follow and understand.

ADV SINGH: Okay, and what I will do is when I come to that paragraph I will go through it in more detail. Any investigation that starts, particularly on TRC matters, will always start with a docket. In majority of our cases we do not have a docket, a docket will be
20 reconstructed.

In the A clip of the docket, you usually find the A, B and the C clip of the docket, the A clip always contains the most important documents. In our cases, because we deal with mostly people that have passed on or people that are missing, you would always find your statements from family members, statements from similar fact

detainees. If the person has passed on and if we were fortunate enough to locate the documents that are required, you will find your crime scene photograph album, you will find your post-mortem report that is contained therein. If you are lucky enough you will get a ballistics report, but because our cases are more than five to six decades old it is very, very unlikely that we find everything in order.

In respect of a decision that has been made I will go later to the methodology that we are using in order to decide whether we can be in the A phase, the B phase or the C phase of a docket, but once
10 all that information is collated that information is then given to the prosecutor.

The difference between our cold cases, the TRC cases and the normal cases that are investigated is that prosecutors are appointed on the matter as soon as the docket has been registered, so prosecutors died on an investigation as soon as the investigative docket is opened.

Once the investigation is complete the docket will then be given to the prosecutor and should the prosecutor be of the view that look, the investigation is complete, we are now able to take a decision
20 on that docket, it can go one of four ways. Either we are going to say we have enough evidence to prosecute and we will only take a decision where we have evidence to prosecute, or we can say look, the person has died under suspicious circumstances and the evidence that is contained in the docket allows us to hold a formal inquest, or it might be that there was a formal inquest that was held,

but we have evidence that was not privy for the previous inquest court, we will apply for the reopening that goes via the, from the DPP to the NDPP to the Minister, or there are cases, because we have experienced that, for example you would find an unknown person died on an unknown date of an unknown cause.

In such cases we just do not have the evidence. The suspicion is there, but we just do not have the evidence. What we have done is as the NPA and DPCI, we are constantly updating families, high level of updates, not everything, because we do not
10 want to compromise the integrity of the investigations and when we are unable to take the case any further we will take a decision to close the matter, but we will always communicate that decision with the families and that is basically the process that we follow.

ADV NTLOKO: And in that process who is responsible for the opening of the docket?

ADV SINGH: It would depend. It has always been DPCI, because it is their docket, it is their investigation, but we have a process where NPA and DPCI we work together, particularly on TRC matters.

ADV NTLOKO: Thank you. So with this background on how
20 prosecutions generally work, is this model the same for TRC cases?

ADV SINGH: Yes.

ADV NTLOKO: And is there no... Yesterday Advocate Batohi indicated that as much as you have prosecutors, you cannot take a prosecutor randomly and bring them into TRC cases and you are a prosecutor that works on TRC cases. Would you care to just share,

what is the uniqueness of the prosecutors that work on TRC cases?

ADV SINGH: So the difference, look I will put it this way that if a person dies under certain circumstances or he is murdered the investigations normally, you would have your crime scene, you would have everybody that is there. The difference between TRC cases and normal cases is that we do not have the benefit of all those documents and it requires that we need to build our case from scratch.

10 When we talk about TRC cases we have always had this approach that TRC cases are unique because of the age of the matter and because they are unique it requires a unique approach, it requires a unique kind of understanding of these matters. It is not every day that a prosecutor or an investigator would be seized with a case that is 40 or 50 or 60 years old and the evidence that one requires is not readily available. One has to know where to get this information and that is the difference between our TRC investigators and prosecutors and your normal investigators and prosecutors.

ADV NTLOKO: Thank you. Then you just indicated there are four options when one receives a docket. What in fact would be the
20 impact of a decision where you decide to prosecute where you do not actually have evidence? What is the impact generally and what is the impact on the families?

ADV SINGH: I can confirm that has never happened during the last four years that I have been there. Decisions are taken by the DPP's offices. Every prosecutor that is seized with a TRC matter is

appointed on a Senior State Advocate rank. They are senior advocates, they have experience, the same with our investigators. Investigators have years of experience.

The difference between having a normal prosecutor and a normal investigator is just completely different with our approach. I will leave it at that, this kind of approach.

ADV NTLOKO: But hypothetically what would actually be the impact if you decide to prosecute, but there is no evidence?

ADV SINGH: No, that would be disastrous for us because you know,
10 that evidence is not even, will not even muster past a section 174. We are not going to take decisions on the suspicions or conjecture. We want actual evidence where we can get past a 174.

You know courts are, they frown upon us if prosecutors place matters on the roll and there is not enough evidence to secure a conviction and it is also painful for the families, because you cannot put them through that again. It is creating a false expectation that there is going to be a conviction and people are going to get justice, so we always ensure that cases are properly investigated if they are going to be put on the roll and DPPs together with the prosecutors,
20 you often get to engage on the matters to make sure that the cases are properly investigated before they are enrolled.

ADV NTLOKO: Thank you. Now let us return to your affidavit. Now Commissioners, we are at paragraph 7 (indistinct) TRC matters.

ADV SINGH: Can I ask, should I not read my qualifications and academic background in paragraph 2 first?

ADV NTLOKO: You may.

ADV SINGH: Thank you. I started my career in the South African Police in the year 1990. I served for a period of almost 10 years, I resigned at the end of the year 2000. During my almost 10 year service with the South African Police I obtained my National Diploma in Police Administration.

When I resigned in 2000 I was a commissioned officer, I held a rank of a Captain. In 2001 I obtained my B Proc Degree from Unisa or the University of South Africa. Between 2001 and 2002 I also
10 served my articles. In 2003 I was admitted as an attorney. In 2004 I worked as a Professional Assistant. In 2005 I joined the NPA. In 2007 I obtained my Bachelor of Laws or my LLB, also from Unisa, and in 2008 I was admitted as an advocate of the High Court.

ADV NTLOKO: I did not actually realise (indistinct). A quick question then in relation to your background. While you were at the South African Police Service did you, were you ever involved in any TRC related investigations?

ADV SINGH: No.

ADV NTLOKO: Then on a general level were you an investigator?

20 ADV SINGH: No.

ADV NTLOKO: You are not.

ADV SINGH: No.

ADV NTLOKO: Okay, and then when you joined the NPA in the early 2000s, were you involved in any TRC matters?

ADV SINGH: No.

ADV NTLOKO: Then this takes us into your affidavit on paragraph 7.

ADV SINGH: Thank you.

ADV NTLOKO: Then can you kindly then tell us then how did it come about that you became involved with TRC matters?

ADV SINGH: During 2016 I was based at the office of the DPP South Gauteng. Whilst I was at the office I was temporarily seconded together with three other colleagues to work at a separate project in Pretoria, that is at the National Office. We were based at the Priority Crimes Litigation Unit or PCLU.

10 Whilst I was based at this unit I was requested to assist on the reopening of the inquest of Mr Ahmed Timol. The evidence leader was Doctor Tony Pretorius. We also had a second Senior Deputy Director and that was Advocate JJ Molotshwa and I was the junior counsel on that matter.

Evidence was led in that matter, yes evidence was led in the matter, it was around 2017 and in October 2017 the original inquest findings into the death of Mr Ahmed Timol was overturned. Then after the inquest record was returned to the NPA a docket was compiled, the docket was also returned to South Gauteng and the
20 matter was further investigated and on the 30th of July 2018 Mr Rodrigues was charged. He appeared at the Johannesburg Magistrate Court and thereafter he, we transferred the matter shortly thereafter to the South Gauteng High Court. He was charged for murder and defeating the ends of justice. After 19 court appearances ... (intervenes)

ADV NTLOKO: Can I ... (intervenes)

ADV SINGH: Sorry, okay.

ADV NTLOKO: Who was Mr Rodrigues?

ADV SINGH: So Mr Rodrigues was the last surviving person or he was the last person in the room that was with Mr Timol in 1971. The version of Mr Rodrigues at that stage was that the other people who were involved, (indistinct) van Niekerk had stepped out of the room and it was at that stage that Mr Timol opened, ja, he jumped out of the window and Mr Rodrigues was the only person and the last
10 person to see him alive.

ADV NTLOKO: Okay, and then during this time did you work on any other matters while you were seconded?

ADV SINGH: Yes. I just want to deal with the issue of Mr Rodrigues and the full bench and the SCA matters. Mr Rodrigues, after he was charged he applied for a permanent stay of prosecution in terms of section 342(A). He alleged that the state had taken too long to charge him and therefore his rights to a fair trial had been violated.

As I said, the matter was heard by the full bench of the South Gauteng High Court and then he also applied for leave to
20 appeal to the Supreme Court of Appeal and the time that he passed away he had already appeared 19 times and we had still not led a single witness in that case.

Whilst I was there, which goes to your question, whilst I was still there with, at PCLU I also dealt with several other matters, some more informal, in a more informal way and more, and many other

matters more extensively. In particular in October of 2017 there were quite a few family members that had stepped forward and asked for assistance. I know the matter of Mr Mabelane was one and then the matter of Doctor Hussein Haffejee also came up during the evidence of Mr Kajee, but we subsequently also received an e-mail around November asking for that matter to be reopened and Doctor Pretorius assigned me to that matter.

I was allocated an investigating officer and I also worked on the matter of Chief Albert Ntuli. In Chief Ntuli's matter we had
10 already made contact with the families, we had obtained witness statements, we had already obtained the photo album from the LCRC where a number of points had already been pointed out.

ADV NTLOKO: I am sorry.

ADV SINGH: Yes.

ADV NTLOKO: What is the LCRC?

ADV SINGH: It is the Local Criminal Record Centre, I am sorry, it is the photo album. Then in Doctor Haffejee's matter we commenced and concluded the entire investigation, it took us less than three months, the same investigating officer was involved in the matter of
20 Chief Albert Ntuli. That request came from the Premier of KZN and at the time that the matters were handed ... (intervenes)

ADV NTLOKO: Who was the Premier at the time?

ADV SINGH: I think it was Mr Senzo Ncunu, if my memory serves me correct. When we investigated the Haffejee matter we had already traced several witnesses from America, from India, from

Australia, we had already obtained our pathologist report, we had done the trajectory and we had done the reconstruction on the scenes. We had gone back to Brighton Beach and performed all these experiments and submitted an expert report that needed to be done.

Both the Chief Albert Ntuli and the matter of Doctor Hussein Haffejee extensive evidence was led by prosecutors in KwaZulu-Natal, in fact in the Chief Albert Ntuli matter the prosecutors also guided extensively, taking that matter to a point where we would be
10 able to enrol that matter. The findings in both the matters of Doctor Haffejee and Chief Albert Ntuli were subsequently overturned in 2023 and in 2025 respectively.

ADV NTLOKO: Now if we could then go to, this is when you were seconded to the PCLU, you then leave the DPCI according to your evidence and this is now at paragraph 12.

ADV SINGH: Yes.

ADV NTLOKO: Can you take us through that period and whether or not, even when you returned to the Johannesburg office, you were involved in any TRC related matters?

20 ADV SINGH: So from May 2019 I was back at the office of the DPP in South Gauteng. Whilst I was at the office I was then allocated the matter of Doctor Neil Hudson Aggot and we worked together with an investigator in that matter, evidence was led and the findings, the original findings were also overturned.

I also worked, to a limited extent, on the matter of Mr Ernest

Mohabe Dipale. I assisted the prosecution team with the preparation in those matters. Whilst I was based at the office of South Gauteng I did not deal with any matters and I do not know what happened to those matters that were being dealt with at PCLU, so I cannot comment on what was happening during that time period. I can just add that during my time in PCLU, I am sorry, during the time that I was there, there was significant progress that was being made on TRC matters.

ADV NTLOKO: Thank you. Now if you can then move to post 2020, 10
sometime in June 2021. You indicate in your evidence that you received a call from the late Advocate de Kock. Can you run us through what that call was about and what was the reason behind it?

ADV SINGH: So in July 2021 I was contacted by the late Deputy National Director of Public Prosecutions, Advocate de Kock, and he was the Head of the NPS at that time, he requested a meeting with me.

With the consent of our DPP I met with him and he made a request to me, he requested that I come and assist the NPS and deal with this, or let me just put it this way, I put it in my affidavit, he 20
wanted me to revive the work that I have done when I was still with the PCLU component, including the plan that had been developed with investigators and other stakeholders in 2018. This was largely based on recommendations that came out of the Timol inquest. Do you want me to expand on that?

ADV NTLOKO: Yes, can you please just expand on what was that

plan?

ADV SINGH: So in early January 2018 I recall that there was a meeting that was held with members from the Foundation for Human Rights. If I recall correctly, it was Ms Sooka, there might have been other people that were also present, but Vigile Xaba from DPCI was there, General Ledwaba was also available, and Doctor Tony Pretorius and myself.

The purpose of this meeting was, I workstation actually informed half an hour before the meeting took place that I needed to
10 be at this meeting and the purpose of the meeting was that the late investigator from the Foundation for Human Rights, Mr Frank Dutton, they had identified 11 matters that they selected with the view to having the NPA and DPCI take a look at these matters.

At a point Doctor Pretorius had to leave and he had to go and see the NDPP, at that time it was Advocate Shawn Abrahams, and he asked me to continue with the meeting. I heard the Foundation for Human Rights, I think it was (indistinct) at that time that said look, these matters need to be investigated. I made a request to General Ledwaba, I asked her why can you not give us
20 investigators.

Now this was a simple, but an impactful request, because at the Timol inquest this was one of the recommendations that were made to put a team of investigators and prosecutors together. General Ledwaba, the meeting was completed and I think it was within a short period of time we were allocated 14 investigators. We

had a number of meetings. We had already begun to develop a guide.

Because TRC matters were so unique at that stage our investigators were not used to that kind of investigation, so what we did was with my limited knowledge and experience we started to put together, I remember it was by Mr Frank Dutton and Mr Kajee, we invited the stakeholders because we felt there was something that you could learn from them. We wanted to know where did you get the information from, how did you go and approach the various
10 stakeholders, where did you go and together we started to develop a manual for prosecutors and investigators.

We also put a quick *proforma* together on how to refer matters. So it was this that Advocate de Kock was interested in. He requested that I assist temporarily, I agreed, but I took a firm view that in order to prioritise TRC matters and manage the progress on the matters they needed to be dealt with separately.

ADV NTLOKO: And following that when did you then take up the post?

ADV SINGH: On the 6th of September 2021, on the very day that I
20 was appointed as the National Coordinator the separate component was formed and I was appointed the National Coordinator on TRC matters and I reported directly to Advocate de Kock.

ADV NTLOKO: Can you then take us, you were not at paragraph 15, can you then take us to paragraphs 16, 17 and 18 of your affidavit?

ADV SINGH: May I just, just for completeness' sake on paragraph 15

give an overview of the mandate of the unit?

ADV NTLOKO: Yes.

ADV SINGH: So the mandate of this unit was to give a special focus and prioritise the management of TRC matters. My duty was to specifically oversee TRC matters, guide and deal with all related issues, challenges and coordinate the progress of TRC matters in all divisions. From there on the NPA and DPCI we focused on reopening and pursuing priority crimes or priority cases, enhancing our internal capacity and prioritising and driving progress on TRC matters. In respect of capacity I am going to deal with paragraphs 17 to 19.

ADV NTLOKO: I think we can pause on that, we will get to that shortly.

ADV SINGH: Okay.

ADV NTLOKO: And then you deal in paragraph 16 with the Special Director to assist with strategic oversight of this unit.

ADV SINGH: Yes. In 2022 the TRC component was expanded. Advocate Trish Matske was appointed as a Special Director and she had, she was appointed to assist with the strategic oversight on the work that was being done.

ADV NTLOKO: Okay. Now I want us to, before we even deal with the capacity issues, to deal with the organogram that appears on page 8, paginated page 8 of your statement.

ADV SINGH: In dealing with this organogram I am going to start from where I am at the bottom. On the left hand side is the National

Coordinator, that is me. I also have a colleague, he is also a Senior State Advocate, Advocate Makaga, and we have a post for the SBB that has been advertised and I have administrative support. So when I made the correction I said the arrows were up and down, it should actually move up.

I report to a Deputy Director of Public Prosecutions, Advocate Mxolisi. He also oversees the TRC component as well as the tax component. Then we report to the Acting Deputy National Director of Public Prosecutions who is the NPS Head, this is
10 Advocate Sibongile Mzinyathi, the TRC component falls under him, he is the Head of the NPS. He replaced the late Advocate de Kock. Then we report to the Office of the National Director of Public Prosecutions.

On the right hand side we have all our DPPs and I will speak to paragraph 31 to 33 shortly together with paragraph 22. Then you have within the DPP's offices in the Provincial Divisions, you had your DDPPs who are your Deputy Directors of Public Prosecutions. We have 10 DDPPs in the country who are seized with the TRC portfolios, they are all DPP offices. Then I put our dedicated TRC
20 prosecutors, dedicated TRC investigators and then I will speak to the creation of the 19 permanent posts and together with the personnel from DPCI we have a National Coordinator, Colonel Nkuna, and we have 29 dedicated investigators. On the, speaking to the component itself I just want to set it out in paragraph 31.

"The NPA were within a legal framework in terms of

section 179 of the Constitution, there is a single National Prosecuting Authority in the Republic, it consists of the NDPP, the DPPs and prosecutors which have the power to institute criminal proceedings on behalf of the state and to carry out any necessary functions incidental thereto in instigating criminal proceedings.

10 In terms of the NPA Act all prosecutions are instituted in the name of the state. The NPPP, in accordance with section 179(5)(b) of the Republic of South Africa, and section 21(1)(b) of the NPA Act issued policy directives which must be observed during the prosecution process.

Policy directives first came into operation on the 1st of November 1999. The Prosecution Policy directives are binding on all members of the NPA. The Directors are intended to set a uniform set of norms and standards in the prosecutorial practice. They deal with the professional duties of the prosecutors.

20 Part 2 of the Prosecution Policy provides that the primary responsibility for instigating and conducting prosecutions vest in the DPPs in respect of the offences committed under their areas of jurisdiction. All crimes are investigated within the areas of jurisdiction where they occurred.”

On paragraph 22 I say:

"Within every division there are senior managers which hold the rank of Deputy Directors of Public Prosecutions. 10 DDPPs have been appointed, within all the DPPs in the country they oversee the TRC portfolio. Within every division all TRC prosecutors hold the ranks of Senior State Advocates.

10 The dedicated prosecutor is accountable to the DDPP seized with the TRC portfolios, who in turn are accountable to the DPP. All decisions are taken by the office of the DPP and the DPP is accountable to the DNDPP NPS and ultimately the National Director of Public Prosecutions."

ADV NTLOKO: Thank you. Now again going back to the organogram.

ADV SINGH: Yes.

20 ADV NTLOKO: Looking at where you sit in the organogram and where the DPPs in the various provinces sit, can you take this Commission through what that relationship is, considering they are seniors but you are also the TRC component Head, how that relationship works?

ADV SINGH: When I was appointed as the National Coordinator I held the rank of a Junior State Advocate. My view is that the ranks are there, but we all are prosecutors, that is our first, we are prosecutors. All DPPs on the TRC matters, and perhaps I should

take you back to that, when Advocate de Kock took on the portfolio of the TRC matters, the TRC matters became a standing agenda item on the NOMM. Now NOMM stands for the National Operation Managements Meeting. This is a meeting that is held once a month or once every two months, it is attended by all DPPs in the country.

In as much as I was a junior at the time, presentations were done to every DPP. DPPs have never said that by virtue of their rank that they were DPPs or we had Special Directors that were dealing with matters that as a junior we could not engage on matters, so I do
10 not think rank has anything to do with it. I think it is about us and moving progress on TRC matters, which was largely welcomed by both the DPPs and DPCI. Thank you.

ADV NTLOKO: And so since you are the Head at national level, how did the DPPs then inform you of what is occurring in their various provinces and how do you in turn also inform them of the progress that you are receiving from other DPPs?

ADV SINGH: So apart from the standing agenda items of NOMM where I present once a month we have a number of accountability sessions. The relationship is a really professional one, but a very
20 respectful one. We engage regularly with DPPs, DPPs also engage regularly with us. All decisions are taken by the DPPs offices and we are aware when decisions are taken, have been taken. We do not interfere. We can never interfere with the powers and functions of the DPPs.

So I must say that from my point of view in the four years

that I have worked the DPPs never had any problems. When we are, I would not say not in agreement, when we defer on something we engage and DPPs have always been willing to engage and the same, the Section Heads with the DPCI. We may not see things in the same direction, but ultimately we take the decision that is best with the evidence that we have collated.

ADV NTLOKO: Now having then dealt with this organogram and having the understanding that there is this component, can you then take us through the issues that you encountered in relation to capacity? Commissioners, she covers this in paragraphs 17 to 19 and paragraph 22 of her statement.

ADV SINGH: So when I was appointed in September 2021 capacity had already been provided, both for NPA and DPCI. I was aware that Advocate de Kock had already engaged with General Ledwaba from the DPCI and the NPA had approached the Minister of Public Service and Administration of the DPSA to obtain a deviation from the normal recruitment process to appoint dedicated TRC prosecutors on a three year contract.

So dedicated prosecutors mean they would be dedicated to TRC matters only, they do not do any other matter. This was a, this was different the usual contracts, because prosecutors would normally be appointed on a one year contract. DPCI followed a similar process and they also appointed investigators to deal with TRC matters, they too were only dedicated on TRC matters and the purpose of this was to ensure continuity in the investigations and

where appropriate, prosecution on TRC matters.

DPCI also appointed a National Coordinator, as I said Colonel Nkuna. Colonel Nkuna's role at DPCI is parallel to the role that I play at NPA, so whatever I am doing at NPA, we have accountability sessions or there is going to be an orientation session or we have to be in court for whatever reason, all our dates are set a year in advance, so our diaries are very, they always ... (intervenes)

ADV NTLOKO: Sync.

ADV SINGH: They are always in sync with each other, yes. Then to
10 deal with the capacity issues, so by the time that I had arrived at the NPA component at least one and a half years had already passed from the contracts. I found that there was a drastic exodus of prosecutors, because when you appoint people on a three year contract it does not provide stability, so naturally when the opportunity arose for prosecutors for permanent employment they left the employ of the NPA, and the same with the investigators.

Prosecutors will remain on the three year contract. We
reapplied for the extension of another three years. Unfortunately it is
against our policy and the contracts were extended only for an
20 additional year. So in the interim, because my job is to, my purpose there is to make sure that all challenges that could affect the progress on TRC matters to foresee that, we applied for 19 permanent posts and these posts were, the application was granted and as we stand the appointments are being made, but we still have prosecutors on contract that are serving out the last year for those contracts.

I know that DPCI, and I presume they will deal with their issues, but their contracts are coming to an end in 2027, but I think that will be dealt with by DPCI. The purpose always is to ensure that families know that we are serious about TRC matters, it was not going to be a short-term thing, but we were going to deal with as many matters as we could. You wanted me to deal with paragraph 22 as well.

ADV NTLOKO: I think you have.

ADV SINGH: I have dealt with it, yes.

10 ADV NTLOKO: You have dealt with it.

ADV SINGH: Thank you.

ADV NTLOKO: I think we can then just go back a paragraph in your statement where you speak about migration of matters. Can you just run us through that? Because you said that happened in 2019, understandably this is the time you were now back in Johannesburg.

ADV SINGH: Yes. So in 2019, if my memory serves me correct it was on April 2019, the NDPP took a decision that all TRC matters must be migrated back to the divisions. Ideally that would have been the correct thing in 2003 when the Presidential Proclamation was
20 made, because crimes are usually investigated in the jurisdiction where they occurred, but moreover there is personnel in the DPPs' offices to deal with these matters.

Moreover one would find that the similar fact detainees, witnesses, family member of the person that has passed on who is missing also live in that area or live more or less in that area, so I

think I deal with the migration of those cases and can I deal then with what happened in 2021?

ADV NTLOKO: Let us just pause there for a second. Then they are referred to the various DPPs' offices.

ADV SINGH: Yes.

ADV NTLOKO: This is now in 2019.

ADV SINGH: Correct.

ADV NTLOKO: Did you at that time when you then joined the TRC component, were there any other (indistinct) that you received from these various DPPs' offices about what has happened in the cases that were migrated?

ADV SINGH: Yes, I did. There was, that was our first point of call, we needed to know what matters were under investigation and we were aware, I was aware that the divisions were still accounting, if I can use that word, they were still reporting to PCLU, monthly reports were given to PCLU as to what had occurred in the matters that were sent in the different jurisdictions, but when I arrived there the first thing I did was ask for a list of matters under investigation and I was provided with a list of matters under investigation from PCLU.

20 Speaking of lists, there is, there has been very many witnesses have that spoken about a list that was provided to the NPA of, I am not even sure how many of these letters were there, in about 1998, in fact none of us are sure at this point. Have you ever seen this list?

ADV SINGH: No.

ADV NTLOKO: Have you ever asked about it?

ADV SINGH: Yes. In paragraph 28 say:

"I also sought the original list of matters that was said to be handed over to the NPA. PCLU was created by Presidential Proclamation on the 23rd of March 2003 and is located in the office of the NDPP. Its mandate is to mandate and direct investigations and prosecutions relating to, amongst others, matters emanating from the TRC process, prosecutions and missing persons.

10 As PCLU oversaw progress on TRC matters until September 2021, I sought the list of matters handed over to the NPA by the TRC from Advocate Susan Bokawu who was also based at PCLU. She could not provide me with the information I needed. I also contacted the NPA's Missing Persons Task Team, Ms Fullhard, because she had been based at the TRC, who advised that FHR often referred to a list of TRC cases, a list of 300 cases handed over to the NPA, but she had never seen the list.

20 In fact, no one seemed to have the list, including FHR, this was according to her. Further, that while she worked at the TRC she and other TRC researchers were asked to compile a list of potential cases for TRC Commissioner Yasmine Sooka and that both she and Nicky Rossouw was also there at the

TRC, were part of the process of drafting lists, along with TRC researchers.

Brief lists of possible cases were prepared and put together by researchers, not lawyers, for the Western Cape, the Northern Cape, KZN, Eastern Cape and a report to the NDPP and that she had never seen a list for any Transvaal cases or any final consolidated list and that she doubted that the list put together could have reached 300 and that all her efforts to find a consolidated document of 300 cases to date was unsuccessful.

I also made enquiries (at paragraph 29) from those who were part of the TRC, no one could provide the actual or the original list of matters handed over to the NPA. I also enquired from the Department of Justice's TRC Unit and was informed telephonically on the 31st of May 2022 that they did not have a list of matters handed over to the NPA for investigation."

ADV NTLOKO: Have you ever asked FHR for this, well, the list?

20 ADV SINGH: Yes I did, but I think I see in the papers that they handed over the list to NPA.

ADV NTLOKO: FHR?

ADV SINGH: Yes.

ADV NTLOKO: The original list?

ADV SINGH: The original list. That is what is in the papers, that the

list was handed over to the NPA.

ADV NTLOKO: Well, the papers indicate that Ms Sooka and Advocate Ntsebeza SC handed over a list, but no one can locate that list.

ADV SINGH: Yes, that is what I read. At the time in 2018 I was only aware of the 11 matters and an addition nine matters that had been prioritised. I was not aware at that stage that there was 300 matters to be investigated.

10 ADV NTLOKO: Okay, and now then moving to lists, can we go to paragraph 23 of your affidavit?

ADV SINGH: Yes. So the list that I have, sorry, the column that I have put together is actually the list of, this is the information that was obtained from the list that I have obtained from Ms Bokawu, so these cases were depicted there on the left hand side.

I put the division, the volume of matters that were under investigation in 2021 and the right hand side I think the volume of matters under investigation in 2025, but I think also I will speak to paragraph 26 on page 12, the column where I say TRC cases that is in detention identified for investigation.

20 So when I perused the list of the matters that were given to me I noted that at that stage as of September 2021 there were 59 matters that were under investigation within all the divisions throughout the country. I also noted that there were a further 55 matters that were identified by PCLU for further investigation which related to deaths and detention.

So these 55 matters of deaths and detention were identified by PCLU. They had been identified, but they had not been registered for investigation at that stage and I will speak to the referrals on paragraph 24.

ADV NTLOKO: Yes.

ADV SINGH: So just to go through this, the division as I say on page 10, the volume of matters that were under investigation in 2021 in the Eastern Cape were seven, Free State two, KwaZulu-Natal 18, Johannesburg seven, Limpopo two, Mpumalanga three, DPP Umtata
10 two, North West four, Northern Cape one, Pretoria seven and Western Cape six, that gives us a total of 59 matters.

As of 2025 that would be the time that my affidavit was filed, this would be October 2025, in the Eastern Cape we had 14 matters under investigation, in the Free State we had five, KwaZulu-Natal 46, Johannesburg 22, Limpopo we had 12, in Mpumalanga we had nine, DPP Umtata we had two, North West eight, Northern Cape five, Pretoria 21, Western Cape eight and together at that stage in October we had 150 matters that were under investigation and I will come to how we got to that number.

20 ADV NTLOKO: Quickly can we first deal with the first numbers, the 59?

ADV SINGH: Yes.

ADV NTLOKO: Of the 59 matters that appear on this table 2021, how many of those were FHR related matters?

ADV SINGH: I went back and I checked the list and 17 of those

matters were that of FHR.

ADV NTLOKO: And can you take the Commission through? What cases were those?

ADV SINGH: I can mention them. So within the Eastern Cape Division we had the Cradock Four matter and we also had the High Gate Hotel matter, we also had PACO 3. In Johannesburg we had the Mathews Mabelane matter and we also had the Doctor Neil Hudson- Agate matter, we had (indistinct) matter. We had the Iggy, Mr Iggy Mthebule matter and we had the Timol matter.

10 In KZN we had the Doctor Haffejee matter, we had the matter of Ms Nthombi Khubeka (indistinct) and Doctor Ritana. In the North West we had Sergeant Richard and Irene Motase and we had Mr Boontjie Hlape. In Pretoria we had the matter of Mr Kaifas Mnoka and we also had the matter of Ms Nokotule Simelane. In Western Cape we had the matter of Imma Maron and that gave us a list of 17 matters of the 59 matters.

ADV NTLOKO: And can you briefly inform this Commission what is the update on those matters?

ADV SINGH: Yes, I can do that quickly, but I think we can go more
20 in-depth when I call the matters, but I can just do it quickly. Cradock Four, the third inquest into the deaths of the Cradock Four was reopened, the matter is on the inquest court roll. (Indistinct) matter a formal inquest was held in that matter, there were five people that were killed. The inquest judgment was delivered on the 1st of December 2025, it is finalised.

The PEBCO 3 we applied to the Minister for the holding of a joint inquest that has been granted, the matter is on the court roll. Then the matter of Mr Mathews Mabelane, in this matter a majority of the work was done by Foundation for Human Rights. The application was made directly to the Minister and we supported the reopening of the matter. The matter was enrolled in January this year.

The matter of Doctor Aggot, we have led evidence, the findings were overturned. The matter of COSTA 4, there had been multiple applications in this matter, as it stands the accused have now
10 taken the decision of the Judge where the issue of crimes against humanity, the decision was taken by the NPA to charge them, by the DPP's office. They are clearly aggrieved and they have appealed to the SCA. They also have applied for the recusal of Judge Dosio who is overseeing this matter. I believe this matter is at the SCA and waiting for a date, but a date has been set down for July. I think it is a provisional date for trial.

In the matter of Doctor Hussein Haffejee the evidence was led, it is overturned. The DPP took a decision to decline to prosecute anyone in this matter. In the matter of Ms Kubeka and Mr Pewa, this
20 is a matter that is being dealt with, it is on the criminal court roll, I will deal with that when we get to the updates.

The matter of Ritana, the matter is at the National Office, we are in the process of communicating with the Minister. I will leave it at that. In the matter of Sergeant Richard and Irene Motase this matter is still under investigation. We had an issue with the

demarcation, the matter is being now transferred to a different division.

The matter of Mr Bootjie Hlape, this matter is on the inquest court roll in the North West. I will give an update on that matter. Then the matter of Kaifas Mnoka, we have already secured a conviction in this matter. Mr Marais was sentenced to 15 years' direct imprisonment. The matter was, the trial was separated in respect of the three accused. We received judgment, evidence was led in that matter, judgment was given, accused 1 and accused 2 were
10 convicted, we are waiting for sentencing in July. In respect of the third accused who was acquitted we have filed leave to appeal in that matter, we are appealing the acquittal.

In respect of the Haroon matter the inquest was heard, the original findings were overturned and a decision was taken to decline to prosecute anyone, the family was informed of the decision.

ADV NTLOKO: I do not want to be on the bad side of the Chairperson. I think right now it is 11:00 and we will be moving to the next topic.

CHAIRPERSON: Yes.

20 ADV NTLOKO: Yes.

CHAIRPERSON: Thank you, Ms Ntloko. We will adjourn for tea and reconvene at 11:15.

ADV NTLOKO: Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Ntloko.

ADV NTLOKO: Thank you Ma'am Chair. We are returning to page 10 at the table there. Advocate Singh, you have gone through the numbers, the totals at the bottom, which was 59 as of 2021 and 150 as of 2025, when you deposed to your statement. Can you inform the Commission how these numbers increased from 59 to 150?

ADV SINGH: So when the TRC component was created, as I said, there were 59 matters under investigation. The 55 matters that needed to be referred, we reopened those investigations. We have
10 also received a number of requests from families to reopen investigations into disappearance or deaths of their loved ones. Massim Hassan's task team has also referred matters. When I look at the TRC report, we see that there was more than 20 000 human rights, gross human rights violations. We know that there were more than 7 000 applications for amnesty, and I think just about 898 were granted. In my view, it could not have only been 300 matters.

And when one peruses the final report of the TRC, we see that the TRC also made recommendations there. A number of prosecutors and investigators throughout the country, they have taken
20 that sort of initiative, and where family members have approached, they have reopened, they have registered dockets and reconstructed dockets, and that is where our total of 150 comes from. This is as we stand. That was in October. We have also taken decisions on 43 other matters, which would give us roughly a total of about 190, 195 that initially were under investigation. So that is where the totals

come from.

ADV NTLOKO: And so when you say they take the initiative, do they now go through the TRC final reports to see what they can find?

ADV SINGH: Yes, and much of the information can be found on the TRC website. We also go to South African National Archives, where it was said that the shelves would be filled to the brim with documents, so we do go to archives. We go to the various universities, we go to police stations, we go to all areas where we can source documents from to investigate the matters. But many of the
10 matters are requested on families.

ADV NTLOKO: Okay. Now, then dealing with the paragraph just below that, which is paragraphs 24, 25, and 26.

ADV SINGH: Yes.

ADV NTLOKO: You set out how new matters are referred and handled. Can you take us through that process?

ADV SINGH: Yes. So these 55 deaths were identified by PCLU, I believe it was during the time of COVID. And by September 2021, they were still reflected on the list as needing to be reopened. So Caroline Nkuna and I sat together and we worked on the previous
20 referral form that we had. We took it up a few notches, if I can say. We made it much more simplified, and we began referring these matters.

So I will deal with the challenges of us being unable to find documents. What we do is on these matters in particular, or if the matters refer to us, we do the initial investigation. It will probably be

looking at old records and trying to see whether we can recover documents. So we try and put as much information on this referral form as we can. The referral form itself, we always make sure that what I have, he has, so that our investigations and prosecutions are always in sync.

ADV NTLOKO: Sorry, can I then disturb you?

ADV SINGH: Yes.

ADV NTLOKO: When you say, "We", you mean yourself and Colonel Nkuna from the DPCI?

10 ADV SINGH: Yes. And in our component, like I said, we also have Advocate Makhaga, and this is the way that we do things. This referral form itself will always have a TRC reference number. So we want to know whether the families went to the TRC or not. We want to know, of course, his TRC, his investigative inquiry number, the NPA reference number. Then we would have the name of the victim, how he passed away, he or she passed away, or the circumstances under which he disappeared or she disappeared. Then we would have all the information that can help an investigator. Is there a family, is there a contact number where we can go and we can get
20 further information? What other documents are there? Is there a docket? Was there an inquest held? Would we have a pathologist report? Any information that can help us.

So when it comes to me, I register it in my register. I will then send it to Colonel Nkuna. He will register it. He will register it and give me an investigating officer, and he will give me the contact

details. Once it comes back to me, I will then forward it to the DPP's offices. I will then ask the DPP. I will advise him or her that this matter is now under investigation in your division. Kindly allocate a prosecutor to deal with the matter. And then, of course, we share the contact details. That process is now complete for Colonel Nkuna and myself. And thereafter, every month, those matters must now appear on the monthly report that we are receiving.

ADV NTLOKO: And then in paragraph 26, you speak about the challenges in relation to the dockets.

10 ADV SINGH: Yes.

ADV NTLOKO: Can you just take us through what are those challenges and how have yourselves and the DPCI sought to overcome them?

ADV SINGH: The lack of dockets created the biggest challenge for investigations and in all matters. Dockets had to be reconstructed. It requires good old-fashioned policing techniques with prosecutors guiding on investigations. Once the debt was registered, it was referred to Colonel Nkuna to allocate an investigating officer. I think I have testified to that where it then goes to the DPP's offices for
20 referral for an investigator or a prosecutor. But I think I do cover the issue about the TRC finding that there was, I will deal with it right now if I can.

ADV NTLOKO: Yes.

ADV SINGH: At paragraph 38, the TRC dealt with matters that occurred between 1960 and 1994. And these were core cases, some

of which were six decades old. The TRC found that there was a mass destruction of documents in its final report, Volume 1, Chapter 6. It acknowledged the deliberate and systematic destruction of state records and documentation to attempt to remove incriminating evidence and sanitise the history of the oppressive rule.

The biggest challenge then, and would still inhibit investigations, are the destruction, loss, misplacement of police dockets, post-mortem records, inquest records, witness and perpetrators who are aged or deceased. In some matters, it would be reflected, for example, that an unknown person died on an unknown date of an unknown cause. Apart from other challenges, the lack of a docket makes it difficult to investigate the matter as all the records are destroyed.

ADV NTLOKO: Now, just after that particular paragraph, which is the paragraph 26 that links to the paragraph 38, you speak of the TRC dates in detention identified for investigations, and that is the number with the total number of 55 divided within the particular provinces. At paragraph 27, you then state the majority of these matters are at the C phase, medium of investigation. Can you kindly just elaborate for this Commission, what are the phases?

ADV SINGH: So, when we took over, when this component was created, the monthly reporting was still happening from the DPP's offices to the head office, PCLU. We noted on the report, monthly returns, that on a specific matter, for example, it would be stated investigations are ongoing, or the division did not submit a report.

The DPCI, we sat with senior management, we were of the view that this was unacceptable. We could not be having investigations that continued until infinity. We needed to have some way to gauge progress on the matters that were being made. So, ordinarily, when one looks at the docket, usually you would have your original docket, you would have your witness statements, you would have your, if the person passed away on the scene, you would have your crime scene album, you would usually have photographs that can assist you, you would have your post-mortem records, if there was an inquest held,
10 you would have your inquest record in the A clip of the docket.

We came up with a methodology in which we could gauge progress. So, if you had your original docket, or you were reconstructing your docket, and you had witness statements, and you had at least the most basics to get your docket started, we put you in the medium A phase, that is not 33 percent of your investigation is complete. You would get to a point, and I must say this, that all our matters, nearly all of the matters, or I would say 90 percent of the matters, the evidence will only turn on an expert opinion.

So, in the B phase, we give you a 34 to a 65 percent. We
20 say, look, we have now reached the stage where it is, for example, alleged that Mr X was taken, for example, to, I do not want to cast aspersions on John Foster Square, but just say he was taken to John Foster Square, and whilst he was under interrogation, he jumped to his death. It is at this point now we start looking at, what is suspicious in this matter? Do we need to get an additional pathologist expert

opinion? Do we need to get aeronautics involved, in other words, to judge whether if this person jumped, or this person pushed, would he land in the same place? We can also get the pathologist to look at the original post-mortem report to say, were the injuries anti-mortem or were they post-mortem? Anti-mortem or post-mortem? But this is the stage when you get to your B phase, where we say, look, we now need to take a decision on the matter. This is the way that things are looking, and we need to head in this particular direction. We will then ask, we will guide the investigator to get us expert opinions.

10 In your C phase, or your C medium, what we normally would do is, this is your 65 to 100 percent of your docket is now complete. We are nearing the end of the investigation, where we had enough evidence where we can take a decision. In other words, your experts have now provided you with a report, and you are able to take a decision as to whether we are going to reopen, we are going to prosecute, are we going to hold a formal inquest, or is it at this point where we have exhausted our investigative leads. We can now take a decision, close the matter, and account to the family. That is the methodology that was put in place.

20 ADV NTLOKO: And how do you then ensure that the divisions keep one to this methodology, but equally report on the progress on a monthly basis?

ADV SINGH: Yes.

ADV NTLOKO: So we can gauge this?

ADV SINGH: So all DPPs are aware that we must get monthly

progress reports. They must be sent to me, our office, the component, by the 5th of every month. And every one of the matters that is reflected there, it does not get allocated in A, B or C. It gets allocated by us. Because then on each one of the matters we are able to say there are three matters in the A phase, there are two matters in the B phase, and three matters in the C phase. So then we are able to see, sorry, we are able to see, gauge progress in that way. And when we have accountability sessions, which I will speak to later, we share this with the different divisions. When we appear at
10 NOM, we share this with the DPPs. To say DPPs, you have 17 matters under your investigation. There are five matters that are in your A phase. We have X amount in your B phase and X amount in your C phase. But we are able to see, we are able to monitor and see just how investigation is going. So that gives us a better idea as to how to monitor progress.

I think in that way also we started to encourage divisions to be more specific about what investigation took place. Like I said, it was no longer acceptable for us to be told investigations were on-going. We want to know what investigations took place, what
20 guidance was given by your particular prosecutor to your investigator. And one can see the progress, because you monitor it every month, and I would usually keep that kind of record for a year, because otherwise your system crashes. But you are able to gauge and see how far you are. So which division and which matter is not being progressed on, that can easily be pinpointed.

ADV NTLOKO: And when you do realise that there are certain matters that are not progressing, what are some of the steps that are taken?

ADV SINGH: So we have accountability sessions, and maybe I should just go to that paragraph.

ADV NTLOKO: Yes.

ADV SINGH: Because I think that is very, very important. As I testified, we cannot at the National Office just go into a division and demand to see what is going on.

10 ADV NTLOKO: Yes.

ADV SINGH: We had to have the buying of all DPPs, and that is exactly what we did. We approached each of the DPPs, and when we started doing the presentations, we said to them, look, this model that we implemented in 2018, where investigators and prosecutors sat together, can we come to your division and implement it? And in June of 2022, but before we get there. We had already engaged with DPPs' offices. We said to prosecutors and investigators, give us your plan, what is your action plan to move progress on these TRC matters? We took into account what matters were under
20 investigation, how old were these matters, the duration of the investigation, age of witnesses, age of suspects, et cetera.

We also asked the prosecutors and investigators to give us self-imposed timeframes, because in that way, we now can hold you accountable. We also asked you to identify the challenges, and when you identify the challenges, we want your solutions as well. In June

of 2022, can I just take a sip of water, please?

ADV NTLOKO: Yes.

ADV SINGH: Thank you. In June of 2022, the DPP of Kwa Zulu Natal, Advocate Elaine Harrison, invited us. She provided the platform, and for the first time, investigators and prosecutors, apart from 2018, sat in the same room across the desk from each other, with the DPP, section heads, all your dedicated investigators, your TRC nodal points, your investigators, dedicated investigators, and both the coordinators. And every matter that was under investigation
10 was discussed. And we found that that was a very fruitful engagement, because for the first time, investigators and prosecutors were talking to each other.

But apart from that, you spoke to each other in the presence of your commanders and your DPPs. So there was no time for NPA to blame DPCI, and no time for DPCI to blame NPA. And the one thing we have always impressed upon, that investigators and prosecutors are going to move progress on TRC matters together. It was important for investigators to understand why prosecutors wanted certain information, and it was important for prosecutors to
20 know where they needed to guide an investigator to get that kind of evidence that we needed.

ADV NTLOKO: Chair, this is from Paragraph 40 of her statement. This is what she is currently dealing with. You may continue.

ADV SINGH: What paragraph is that?

ADV NTLOKO: It is from Paragraph 40, which is, during 2022, a

platform was created for joint accountability sessions.

ADV SINGH: Yes.

ADV NTLOKO: That is where it starts.

ADV SINGH: Yes. So I just want to say that the primary purpose of these accountability sessions was to critically analyse the progress on every matter, which is under investigation within every specific division. This was a dual-pronged approach that we followed. It was important to target purposeful, prosecution-guided investigation. Both investigators and prosecutors accounted. I think I have spoken to
10 that.

ADV NTLOKO: Yes.

ADV SINGH: But what we also did is performance in every division was shared with all the other divisions, so that divisions could see what progress was being made in other matters. We were also able to identify commonalities, modus operandi. So one would find often that the same names come up, or the same method of operation of a particular unit that would come up. We were able to do that.

And what we would do as a result of that, we started to put divisions in touch with each other. But we also began to engage in
20 special projects, because we were able to say that, look, for example, in Mpumalanga, you have a matter which is identical to a matter that is in Johannesburg. You need to talk to the prosecutors. But it did not stop there. We engaged. We put them in touch with each other. We engaged for special projects at our office. And the kind of commonalities and modus operandi were shared. And this allowed,

and we encouraged investigators and prosecutors to speak to each other within the divisions.

This became so successful that other DPPs also began to invite us. And this is where accountability sessions became included in all our annual operational plans. This was unprecedented. We never had this kind of engagement before. And I am not certain if other components within the NPO, DPCI do this, but I have seen now that people have started. People are talking to each other. And that is important. We were talking past each other. If you look at the
10 TRC, they completed the work in 2003. We are now in 2026, 23 years later. And we had to put everybody in touch with each other. I know that DPCI even has their own, within their own department, WhatsApp, where commonalities are also shared between modus operandi and names of suspects. And the same with NPA.

ADV NTLOKO: And following that 2022, you then confirmed that there was one in 2023, 2024, and 2025.

ADV SINGH: That is correct. If I can just talk about these accountability sessions.

ADV NTLOKO: Yes.

20 ADV SINGH: We have increased joint accountability sessions between NPA and DPCI. And in the time period 2022 to 2025, this has contributed to an increase in the level of engagement, progress, and joint accountability. The focus is always on how best to conduct quality investigations into TRC matters. Decisions are informed by thoroughly investigated matters. The success of the sessions

informed the decision to include accountability sessions between the NPA and DPCI as part of an annual operational plan to expedite investigations into TRC matters.

I would like to then, I am just going to jump quickly to paragraph 45.

ADV NTLOKO: Yes.

ADV SINGH: Before I come back and I talk a little bit more of how we do that. During 2022, we only had five accountability sessions throughout the country. In 2023, we had 11 accountability sessions.

10 In 2024, we had 11 accountability sessions. In 2025, we had 11 accountability sessions and eight skill transfer sessions, one pre-planning project for a session for a special project, and an update session. I will come back to that now. I just want to cover up on paragraph 42, 43, and 44.

ADV NTLOKO: Yes.

ADV SINGH: The volume of matters under investigation will always inform us how many days an accountability session must be held. For example, in Kwa-Zulu Natal, if we have 45 matters, we definitely are not going to discuss 45 matters over three days.

20 ADV NTLOKO: Yes.

ADV SINGH: So what we do is we split it over a period of five days and it also depends on whether we are going to do training. We do training on inquests. We also use the session to inform the divisions, bring them up to speed about what is happening on legal challenges in other matters. And if there is a particular challenge that is

identified in that division, then we advise on best practise, followed in other divisions, as to how a particular division would deal with it.

For example, we had a matter recently that has been enrolled and the court has to deal with a copy of an inquest. So we do not have an original. This was dealt with in the Kampus Niyoka matter, that is the matter in Pretoria. So what we did was we engaged and we put both the divisions in touch with each other and we invited those divisions that were interested to see this is how the prosecutors and investigators were able to have this evidence
10 admitted. What arguments did they use?

So we use these sessions to, of course, advise them on what is happening in the country, but we also, at the same time, we get prosecutors and investigators to identify matters for fast tracking. Now, what do we take into account? We take into account, again, the age of the matter. I know that FHR-specific matters, we have always fast tracked them, but all matters are important. We need to give them equal attention.

So what we do is we identify matters for fast tracking and then we pool our resources to get that matter to point to Medium C.
20 In that way, we are not concentrating on all the matters at the same time. We will do the investigations, but we are able to take our resources, put them into one particular matter, get them onto the court roll or get them to a point where we can take a decision and then we can concentrate on the next matter. We also give, we always give consideration to the age of matter, the seriousness of the

offence, age of the accused, and the persons of interest as well as the interests of the victims.

I said, spoken about best practise. And I say that ultimately, our joint accountability sessions is exactly about that, accountability. We give you, we share, we agree on timeframes. And if it cannot be met within that time, we have our section heads on hand, we have our DPPs on hand. Then we intervene. We have what is called a survival guide. We will put a strategy in place, we will say take you from point A to point B to point C. We are very aware, alive to the
10 fact that TRC matters are difficult to investigate, but we try our best. We understand that time is not on our side and we will not get to every matter, but we try and get those matters to a point where we can take a decision. I have spoken about that.

ADV NTLOKO: And before you move on to that, you indicate that certain matters are fast-tracked.

ADV SINGH: Yes.

ADV NTLOKO: Does that mean when certain matters are not fast-tracked that no one is working on it?

ADV SINGH: No. There's always work that is being done on matters.
20 We make sure of that because we have investigators that will, for example, present their documents for inspection. And their section heads, it is their responsibility. We hold section heads responsible. We hold prosecutors responsible because it does happen that we drop the ball. We are not perfect. The most important thing was to get that circle as long as we could. And then we started knocking

things into shape. We have made mistakes as we have gone along.

But the most important thing is that we need to be able to be held accountable for that. We started late. If you think we started with a lump, we started with a lump. I mean, we were 23 years too late. But we do not lose heart. TRC cases, it requires a different type of personality. And you need to be passionate about what we are doing. We encourage people that if your heart is not in TRC matters, you are more than welcome to go somewhere else. So we are constantly pushing investigators and prosecutors.

10 And I must talk about the section heads and DPPs. If it was not for section heads and DPPs, then we would never be in the position. I know that we come in for flack because we are not moving at the pace that is expected. But DPPs and section heads have put their heart and soul into getting all our resources for us as quickly as they could to make sure that we could get to the point where we are. And really, it is their hard work that goes into these matters.

ADV NTLOKO: Thank you. And then in those particular paragraphs, you were at paragraph 45. Can you just briefly talk about what exactly the skills transfers that happened in, you say there are eight
20 skills transfer sessions that happened. What skills transfer occurred in those particular sessions?

ADV SINGH: Okay, let me just go to that particular... (intervenes)

ADV NTLOKO: Paragraph 45.

ADV SINGH: Okay, but I just want to deal with the actual work done. Just bear with me.

ADV NTLOKO: Okay.

ADV SINGH: Okay, I want to start at paragraph 37. During the assessment of the monthly reports and our joint accountability sessions, we picked up that, and especially as early as 2018 when we had our investigators, that was the whole idea, that we are not going to find your docket that is fully investigated. We know that many of the inquest records were destroyed. There is a D10 from Department of Justice that says after a period of 10 years it needs to be destroyed. These were never preserved.

10 And what we did was we, for example, on the reconstruction of a docket, we learned very valuable lessons from the Timol matter. We learned about things I would never heard of before, detainee security legislation files, why personnel files were so important, because they tell a story. We learned about reconstruction and why a reconstruction of a scene was so important. But as we started to work with prosecutors, prosecutors are skilled in what they are doing, as are investigators, but TRC matters are a little bit different. We needed to bring everyone on the same page. As I said, we are moving forward together.

20 When we say bring everyone on the same page, for example, we identified that sometimes we pick up too late that we need some sort of expert. For example, if it was alleged that Mr X hung himself with a blanket, a prison blanket, in his cell. For some other reason, there would be a blade in the cell, or the strips would be cut in perfectly straight lines, and we know that is impossible because

you do not have a scissor with you, you do not have a knife with you, you are not allowed to have those with you.

What we would do is, and it would be said that, for example, a person hung himself with two pairs of jeans. You are not allowed to have anything in your cell that would allow you to hurt yourself. But what we would do is the most basic of reconstructions. Take two pairs of jeans, tie it together, and let us see if you can make that noose. But it is not for us as investigators and prosecutors to do that. That is for your experts to do it. And we needed to point our
10 prosecutors and investigators in a particular direction. The same with a pathologist.

If you looked at the post-mortem report, this post-mortem report is too scant. We need an expert to come and tell us why this fell short of international standards back in 1977. If you needed to do a reconstruction, a person, it was alleged that a person hung himself in his cell, we would have to approach the Department of Public Works. And the reason we do this is because we want to know that the cell that is alleged to be where the victim hung himself is the same cell that it is now. So these were the things that we needed to
20 bring prosecutors on board for and investigators. Where would you go? We know that we have a forensic science laboratory. They give us a number of, there are a number of things that they can do for us. We needed to put prosecutors and investigators in touch with experts that would talk about unique documents.

For example, it would be alleged that Mr X hung himself and

he wrote a suicide note on a piece of toilet paper. Now we need to compare that original handwriting with letters that he has previously written to his family. It is those kinds of things that we needed to bring everyone in touch with. We needed to say why a particular scene would be suspicious. We needed to advise our prosecutors and investigators that just because the TRC completed its work in 2003, it does not mean that witnesses are safe. It does not mean that there's no harm that may come to witnesses. We put them in touch with witnesses from Office of Witness Protection, colleagues from
10 OWP. We also engaged with in-house training on MLAs.

MLAs are mutual legal assistance and extraditions where you needed to obtain information from another country. What would happen is the plans would always be exchanged in South Africa, for example, by the security branch or the technical support unit, where there would be a bomb that would be manufactured, placed into an envelope, and then posted to Zimbabwe. The person would be killed in Zimbabwe, but everything that took place would happen here. Then that information, where it was investigated, in, for example, Zimbabwe, where the person died, we would need that kind of
20 information.

We needed our prosecutors and investigators to know that these were the avenues. So what we started to do is, because we saw that these were the things that were lacking, we up skilled them. Not skilled, up skilled. We up skilled prosecutors and we up skilled investigators. We are still far because we need experts, and experts

are expensive. Experts are scarce skill in this country, and they do not come cheap. And that is the portion of investigations that need to cover this.

But these were the things, in order to try and alleviate the situation, we approached experts. We said to them, look, we have got forensic science experts. Can you please do a skills transfer session with them? And indeed, we arranged it. They made available five or six experts in the country. The person that was able to transfer that kind of skills did it for us for free. He was able to point
10 them in which directions we needed to go. The idea is that, even with pathologists, pathologists are expensive. We use state pathologists, but state pathologists are overworked. They do not get to do our cases. Our cases take a backseat.

And I must say that in a majority of our cases, we are in the C phases of investigation. And that work is being done by NPA and DPCI. When you see cases on the roll, whether it is on the criminal court roll or on the inquest court roll, they do not get on these roles simply on say-so. There's a lot of hard work that goes into that. Investigation must be done by an investigator. A prosecutor can only
20 take a decision on the investigation when he or she is thoroughly informed. So these are the things that we put people in touch with in order to move us all forward to achieve progress on TRC matters.

ADV NTLOKO: Continuing on engagements, in Paragraph 47 of your statement, you now speak about engagements that the NPA has had with FHR. Can you please take us through those engagements?

ADV SINGH: So stakeholder engagement is very important, specifically for the NPA. We have met with Foundation for Human Rights. We did it in 2023, 2024, and again in 2025. Much of the matters, and we must say that the hard work is also done by Foundation for Human Rights. It is them that initially, with the work of Mr [indistinct] was able to bring the Timol matter, and that matter opened up a can of worms.

We must engage in structured engagements with all stakeholders, but we are very wary of the fact that, look, even if we
10 engage, the engagements must be respectful. They must not prejudice an accused person or a person of interest, because those things do come into play. So we always make sure that there are healthy boundaries. It does not stop there. We also engage with apartheid are [indistinct] Victims Family Group.

ADV NTLOKO: That is paragraph 48.

ADV SINGH: Yes, when we engage even with FHR, we explain the protocol. This is how we work. If there are issues, because we are going to have issues, there are going to be things that you are going to be unhappy about, you engage with the offices of the DPP. You
20 engage with the TRC, [indistinct] Points, because this is how we work in the NPA. We function within a legislative framework. And then you escalate if you have an issue. But the idea is that we always say that family members are important, victims are important in these matters. The same with Apartheid for the Victims Family Group.

So the AVFG is also a family group that we are all family

members that were affected by these atrocities. They are part of it. And I believe it was in 2022 that AVFG approached the late Deputy National Director of Public Prosecutions, Advocate de Kock. I want to take that moment to say that TRC matters started to move when Advocate de Kock took an interest in that. He offered the support, and right until his death, he was committed to TRC matters.

He met with AVFG, before he met with AVFG, he introduced the plan to them. He said, you need to go and meet with all the DPPs in the country, because that is the protocol that we have. You will
10 come as a last resort to the National Office. And eventually we had our meeting with them, but this too was unprecedented, because TRC cases, prior to a certain period of time, it was dealt with in my view, sort of in a silo. Families did not know who an investigator was. They did not know who the prosecutor was. There was no engagements that were taking place between prosecutors and investigators. Families were not aware as to what was happening on the matters.

And I must also say that because of this type of engagements, I know that they have expressed the appreciation, because when they met with the DPPs, again, I must praise DPPs
20 and the prosecutors and investigators and the section heads, because they listened to what families had to say. And this was very rare, because often the family's voice got lost in the process. They listened to what the families had to say. And therefore, I always say that the commitment comes from them. There were a number of meetings that took place and I have depicted it on page 22. I will

read it into the record.

But I wanted to say that as a result of these meetings, families were introduced to prosecutors and investigators seized on the matter. In accessing DPPs, I am reading at paragraph 48:

"In accessing DPPs, prosecutors and investigators, families were able to identify the investigator and prosecutor seized with those matters, provide leads and information to investigators."

Again, we need to make sure that there is a healthy
10 boundary between what prosecutors and investigators can do with families that are giving us information. We do not want our functions and powers and duties to be interfered with. We say that all leads and information must be provided to investigators without interfering with the functions of a prosecutor and investigator. By opening this kind of platform and this kind of engagement, it encourages the burden of trust between families, the investigator and the prosecutor. Regular progress reports are given to families. Because of transparency and accountability, the relationship between families, prosecutors and investigators is strengthened. Prosecutors and
20 investigators are also mindful and committed to impartiality, fairness and rule of law. There was a total of eight meetings that took place with AVFG and the offices of the DPPs within the different divisions. All meetings were attended by the DPPs in whose divisions the matters are under investigation. The prosecutors and DPCI investigators. I just want to stop there.

We even had family members that were based in Pretoria, but the incidents happened in Kwa-Zulu Natal. I am aware that the DPP and her prosecutors travelled to Pretoria to meet with the families. And that shows the level of engagement that we are prepared to put out there with families and how seriously we take these matters. The process of AVFG is driven again by Mr Cajee, the nephew of Mr Timol, who has expressed in writing his appreciation on behalf of the families for excellent engagements to the late Advocate De Kock. A platform was shared with families where they were given
10 the opportunity to share their plan, sorry, their pain, their challenges and committed to working towards justice.

The first division, I put the divisions in the left-hand side, the date of the meeting and specifically which families were involved. In Pretoria, on 7 November 2022, the DPPs met with the families of Mr Kgoate, Mr Modipane, Mr Monnagotla and the family of [indistinct] Nyoka, Ms Simelane and the Sons and Els matter.

In Johannesburg, on 26 September 2022, the matters of Mr Saloojee, Mr Akhalwaya, Mr Napier and Others. In the Western Cape, on 15 February 2023, the matters of Mr Anton Fransch, Mr
20 Haron, Mr Anton Kriel and Ms Dalsi September. And then, as I said, I made a mistake there, it is actually Robbie Waterwitch and Coline Williams. In the Northern Cape, on 17 April 2023, the matter of Mr Dickie Jacobs. In the Eastern Cape, on 1 June 2023, the matters of Mr Mapetla Mohapi, Mr Stephen Banto Biko and the family members were present. In Kwa-Zulu Natal, on 24 July 2023, the spokesperson

for the Haffejee family, Mr Griffiths Mxenge, Mrs Victoria Mxenge and Ms Jeenah.

At the National Office, this meeting took, it did, I can say that this culminated in the meeting, finally, with Advocator de Kock, with members from NPA, DPCI and AVFG on 30 January. I must also mention that every one of these matters, we always ensure that representatives from DPCI are present. And like I said, the idea is that we are one team, we are moving forward. At the National Office, DPCI Western Cape Office, on the 24 October 2025, NPA, DPCI.

10 Yes, that is where we are.

ADV NTLOKO: That is where we are. We have dealt with the Rodriguez matter that appears in your Paragraphs 50. And now, we then will move to your engagements, the various engagements that you have had with FHR. In Paragraph 51 of your statement... (intervenes)

ADV SINGH: Counsel, may I just disturb you quickly?

ADV NTLOKO: Yes.

ADV SINGH: Before we go to Paragraph 51. I think Paragraph 49 is also very, very important because we say that we also met with other
20 stakeholders and these stakeholders included the South African National Archives in possession of TRC records, inquest files, et cetera. Department of Home Affairs for the death certificates locations of persons of interest, Department of Public Works for architectural plans for reconstruction purposes, amongst others.

I think this is very important and this is something we need to

10 speak about. When there are challenges that cannot win, all avenues have been exhausted at the level of the investigations and prosecutors at the divisions, then the national coordinators get involved. Our purpose is to remove the cogs in the wheel as much as we can. I know that in respect of documents, this portion is investigative duties. I know that DPCI took a decision that we would approach all government departments and ask them to appoint one nodal point. So instead of us going to five people at Department of Home Affairs, for instance, and asking for death certificates, we had one person that we all could go to. The same with Department of Public Works. And I know that they engage also with state security for documents and this is the way that we are doing things at the moment, just to make sure that things get moving.

ADV NTLOKO: Thank you. And just then to close that off, your engagements with state security, what exactly would those look like?

ADV SINGH: So something that we have always raised, even on the court platform, is that you know it is 32 years into our democracy and we are starting to understand why some files are still declassified. Those files should have been declassified a long time ago.

20 ADV NTLOKO: You mean classified?

ADV SINGH: We need to get them declassified. Ja, they are classified, sorry. They are classified and we need to get them declassified. And we have often been given the run around. We are told that the institution that classified it must declassify it. And it is 32 years later. So what Colonel Nkuna and I know the section heads did

was, they met with different departments. We made a request for files and those files were declassified, they were declassified.

I know on the Cradock matter, we also had relocated files that were classified and we had to have them declassified. But I think this is also high level. It needs to be done at a level that is higher than us. Because these files need to be declassified. That is where our information is. That is where our evidence is. Because we know that there were a number of covert units that did undercover surveillance. And in as much as much of the documents were
10 destroyed, we know some of it still exists.

So we are in the process of doing that. I must say that we have some departments, South African Defence Force, we do not want to be taking government departments to court. But when all avenues have been exhausted, for example, in the Cradock matter, we had to subpoena South African Defence Force to hand over documents. So that is where we are at the moment.

ADV NTLOKO: Okay. And then, can we now move to paragraph 51 of the affidavit?

ADV SINGH: Yes, on the 12 February 2025, FHR made written
20 submissions to the Committee on Justice and Constitutional Development. Or we can call it the Portfolio Committee. I have attached it as per annexure, Annexure F. The NPA was requested to respond in writing to the submissions. The response of the NPA is attached as per Annexure G.

On the 20 May 2025, the NPA and DPCI appeared virtually

before the Justice, before the Portfolio Committee. A copy of our presentation is attached marked Annexure H. FHR on the 20 May 2025, made additional submissions. These were addressed internally. Shortly after the presentation was made, the Portfolio Committee issued a media release on the 20 May. So we appeared on the 20 May. We did presentations together with other stakeholders. In relation to our presentations, they made a media release in respect of TRC progress on TRC matters.

ADV NTLOKO: I think this now is the opportune time to really deal
10 with an annexure that was missing from our bundle. And I must state categorically, it was not because of the documents manager. It was just missing when we did annexures, and that is Annexure I. So what you have in the bundle that is marked as Annexure I is, in fact, the continuation of the annexure that comes before it. So Annexure I currently looks like this.

CHAIRPERSON: Yes.

ADV NTLOKO: We have provided copies to everyone.

CHAIRPERSON: Yes.

ADV NTLOKO: So Ms Singh, can you then take us, following these
20 submissions that were made to the Portfolio Committee by both yourself and FHR, what did the Portfolio Committee in their media statement indicate? You do not need to read the whole statement. It is before the Commission now.

ADV NTLOKO: Thank you.

ADV SINGH: You can just summarise.

ADV SINGH: Thank you, Counsel. The media release was on Tuesday, the 20 May, and it reads as follows:

10 "The Portfolio Committee on Justice and Constitutional Development is cautiously optimistic regarding the progress made in relation to prosecution stemming from the recommendations arising out of the Truth and Consolidation Commission. The Committee today received briefings from several stakeholders, including the NPA, the Department of Justice and Constitutional Development, DOJ and CD, the Directorate for Priority Crimes Investigation, the HAWKS, Legal Aid South Africa, and Foundation for Human Rights."

Committee Chairperson... (intervenes)

ADV NTLOKO: Sorry, Advocate Singh. If you can just summarise, cognisant of, we only have today.

ADV SINGH: Okay. So they noted the positive progress and said they were cautiously optimistic on the progress that has been made. That was in essence, after listening to us and listening to the presentation.

20 ADV NTLOKO: And would you agree of the progress being made?

ADV SINGH: I would have to agree that there is progress being made.

ADV NTLOKO: Okay. Now, that takes us well into your statement then in relation to progress in TRC matters. And that you would find at page 30 dealt with under section G of your statement.

ADV SINGH: Commissioners, what I have done is I have taken all the families, all the applicants on paragraph 67, and I have summarised, but I will read also what has been done in respect of each of the matters. So the, on paragraph, page 30 on paragraph 67, the first applicant, the 11th applicant and the 14th applicant are appearing on the same matter. As well as the sixth, the eighth and the ninth applicants. This is in respect of Highgate. Then the ninth and the 16th applicants, these are also joined.

ADV NTLOKO: Advocate Sing, I think for the record, for someone
10 who might be reading this record at a later stage, if we could just say who are these applicants that you are dealing with.

ADV SINGH: Okay. So I will come back to the summary that I have made. I put the applicant, the matter, the division, the progress, and whether it was on the PCLU list in September 2021 or not, and what is the status.

ADV NTLOKO: Yes.

ADV SINGH: I will update the Commissioners on what has been done thus far and where we stand on the matters. I am just going to quickly turn to my notes because this was prepared in 2025 and it has
20 since changed. So the first applicant is Lukanyo Bruce Matthews Calata. The deceased in this matters are Ms Fort Calata, Sicelo Mhlauli, Sparrow Mkhonto and Matthew Goniwe. They also became known as the Cradock Four. The division that is dealing with it is the Eastern Cape Division. This is the third reopened inquest into their debts. We had two inquests prior to that, the De Beers inquest and

the Zietsman inquest.

If my memory serves me correctly, the De Beers inquest found that they were killed by unknown people. The Zietsman inquest stopped short of naming who killed them. The third inquest into the debts of Ms Mhlauli, Mkhonto Goniwe and Calata, please forgive my pronunciation, commenced with evidence that was led in June. Judge Beshe has presided over the matter. The matter has been, was postponed from the 13th to the 24th of October for further evidence. And also in respect of the South African Defence Force
10 issue for the Section 205. And as it stands, we had further evidence that was led between the 23rd and the 27th of March 2026. And what I can confirm is thus far, we have 16 witnesses have testified. Six persons of interest have also testified or in the process of doing so. The South African Defence Force must provide the remaining information by April 20th, and we are back in July. If my memory serves me correctly, yes from the 6th to the 10th of July for cross-examination of one of the other witnesses.

And the second applicant is Alegria Kutsaka Nyoka. This is the sister of Mr Caiphus Nyoka. The matter has been heard at the
20 North Gauteng High Court. Accused number one was found guilty and sentenced, State versus Marais. After an investigation by DPCI, the State charged four former police officers with the death of Mr Nyoka. Mr Marais was accused number one. The long and short of it is that after a lengthy period of time, he pleaded guilty and he was sentenced. This was in November 2023 to 15 years direct

imprisonment. Then this matter was also on the PCLU list in September 2021. This matter is considered finalised, convicted, and sentenced.

Then an offshoot from the Caiphus Nyoka matter is the matter of State versus Engelbrecht and others. This is the matter where I spoke to. I am sorry, if I can just complete the matter of Mr Marais. Leave to appeal was dismissed on the 15th of September. So you apply for leave to appeal, it has been dismissed. This matter also stems from the Nyoka matter. And I spoke about this matter.

10 Accused one and two were found guilty in December and sentencing will take place in July. We have applied to appeal the decision on the acquittal of the fourth accused. The matter was on the criminal court case roll. We are busy with the sentencing for accused one and two on the 20th and the 24th of July 2026.

In the case of the third applicant, which is Bonakele Jacobs. Mr Mxolisi Dicky Jacobs, the matter is in Northern Cape. There are challenges in this matter. There is no inquest record, no inquest docket. We only have a Mail and Guardian article confirming that there was a formal inquest held at Upington Magistrate Court where
20 testimony was given by Mr Pienaar. The family corroborates that there was a formal inquest that was held. The TRC hearings follow up with regards to the missing documents. There is no police docket, no post-mortem record, or no crime scene information available. No witnesses apart from Pienaar. The investigation of the correctional services also cannot be traced. Mr Jacobs also went with the

investigative team to the University of the Western Cape and National Archives to trace necessary documentation. There were accountability sessions and meetings with the family. A civil claim was instituted but withdrawn. A reconstruction of the crime scene has been done and there is clarification that is required and the sketch plan is awaited. And we are, I have been informed that the report has in fact, the reconstruction report was obtained in March.

In the case of the fourth applicant, Fatiema Haron-Masoet. The deceased was Mr Abdullah Haron. He was a [indistinct] in
10 Western Cape. The inquest that the death of Mr Haron reopened in 2022, evidence was led. On the 9th of October 2023, the original court finding was overturned. On the 2nd of October 2025, the NPA took a decision to decline to prosecute any person in relation to the death of the deceased. Foundation for Human Rights, I think Advocate Varney was, led evidence together with the prosecutors here, appeared for the family.

The fifth applicant is that of Tryphina Nomandlovu Mokgatle. This is the Cosas Four matter. He is the last surviving person, Muza, but he has passed away. He was involved in this matter. And the
20 other deceased in the matter was Mr Madikela, Mr Matabane and Mr Nhlapo. They were killed in an explosion when the pump house which they were lured to was laden with explosives and detonated. The case was enrolled in the criminal court roll. It was already there in 2021. It remains in the roll. There have been various applications. Again, Foundation for Human Rights have been extremely helpful

because they pursued the legal representation. And this is very, very important because up until late 2023, 2024, the South African police services had refused to cover the costs of the ex-police members. And it had to take two judgments for the South African Police Service to say or to accept that the high court findings that they were in fact inheritors entitled of that of the South African Police Services. And then it does not stop there on our matters.

The second part of it is where we have our challenges with getting counsels appointed. In this matter as well as another matter
10 in KZN, it is the same thing. Every accused in this country has a right to legal representation, but you do not have a right to legal representation of your choice. And this is what we are finding, that we have seen a Stalingrad approach in respect of how these matters are being dealt with. We find accused persons, you do not want a particular counsel, you want senior counsel, and we agree that you have a right to legal representation, but this is stalling in our cases.

I also want to say something in respect of this matters. When Advocate de Kock, when we had a meeting with Foundation for Human Rights, it was raised that South African Police Services are
20 refusing to cover the costs of ex-police members. Advocate de Kock wrote to the Minister of Police. He also wrote to the Commissioner. He shared both the judgments with them and said, look, please, you need to sort these issues out because what is happening is these matters are going to languish in our court rules. People are getting old, they are dying. This is what the judgement is saying. We are

finding that it is not going to the top. So we sent it directly to the Commissioners and said filter it down to the bottom so that all the state attorneys and all the police officers, the legal departments are away. We are still [indistinct] [indistinct] have our pockets where we have got to engage with state attorney and say, look, we need to finalise these issues because these matters need to be dealt with speedily. So this is where... (intervenes)

ADV NTLOKO: A quick one. So for the record, who was the National Commissioner and the Minister?

10 ADV SINGH: It was Fanie Masemola. And then I think it was Minister Bheki Cele at that stage. So this is where we are at this stage. The charges of crimes against humanity, the state charge, the DPP's office laid those included in the indictment. And obviously the accused are now challenging the drafting of those charges. The state is *dominus litus*. We will decide what charges need to be put to on these matters. There is also a recusal application, or they brought quite a few recusal applications against Judge Dosio. And I think they also appealing that.

20 So where we are at the moment is that the trial date, the provisional trial date has been set for the 20th of July. And I would like to give an example here. The prosecutor that was dealing with the matter is now no longer available. But the deputy director, we already appointed our prosecutors. The deputy director that deal with the TRC Nodal Point has already familiarised himself with that. So we already try and circumvent issues before we get there. We do not

always get it right, but we put that in place.

In the seventh applicant, this pertains, I am sorry, the sixth applicant is Mr Andrew Karl Andrew Weber. He was involved in the Highgate Hotel Massacre. Here there were five people that passed away. They were patrons at a bar, in a restaurant. And at that stage it was alleged that a certain group or community, or a certain, let us say it was Apla. This is what it was alleged. Walked and opened fire. There were five patrons that were killed. And there were a number of people that were seriously injured. The DPP in this division, the
10 Eastern Cape Division, took a decision. And a formal inquest was held. Judgement was given on the 1st of December 2025. Evidence was led by Foundation for Human Rights, and I think it was Advocate Varney that also appeared. And judgement was handed down on the 1st of December 2025.

The seventh applicant is Kim Turner. This is the daughter, I believe, of Dr Rich Turner or Dr Richard Turner. The matter is a decision that is being taken in the division of the DPP in KZN. The DPP took a decision to hold a formal inquest. The matter was to be heard at the magistrate court. The DPP received a request from the
20 family legal representative to hold an inquest in the high court. The DPP acceded to the request. So where we are, the long and short of it is that the memorandum in this regard has now made its way to the national office and we are dealing with it.

On the eighth applicant, this applicant, this applicant is Lyndene Page. This matter also goes with Highgate. She lost her

brother, Deon Harris during this attack. This is also, as I said, the matter has been, evidence was led and judgement was given on the 1st of December.

And the ninth applicant is Mbuso Khoza. It pertains to Ms Spho Phewa. Mr Pewa and Ms Kubheka belong to the same cell. Okay, so it is the 16th applicant and the ninth applicant here. This matter was enrolled initially as an inquest. And during the inquest, inquest proceedings are actually very, very helpful because there is a section that makes provision, I think it is section 22 of the Inquest Act, 10 that says, "If it comes to the notice of the magistrate or the presiding officer that the state now intends to charge the accused criminally, the proceedings may be stopped and it can be converted into criminal proceedings". And this is what happened in these matters. Evidence was led in the inquest. At a certain point, the prosecutors took the decision that we are now going to stop the proceedings, convert it into a criminal inquest, into a criminal proceedings, and this is where we are. We also having issues with the legal representation. This is one of those matters. So where we are at the moment is that the counsel for these matters must now, he is now appealing the decision that 20 was taken because he did not get the counsel that he wanted. I just want to see where we are on that matter.

ADV NTLOKO: You mean the accused are appealing?

ADV SINGH: Yes, what? I am sorry... (intervenes)

ADV NTLOKO: You said the counsel.

ADV SINGH: I am sorry, I am sorry. The accused are appealing. So

this matter is State versus Botha and others. There is two cases. It is set down. I know that there was a pre-trial hearing that was held.

There was a request for further particulars. It is being dealt with. And the matter has been set down for the 24th to the 28th of August 2026. The matter will be heard at the Regional Court in Durban.

Then the 10th applicant is Mr Neville Beling. Mr Beling was also involved in the, he was injured severely so in the matter of the Highgate Hotel. That decision has been taken. The judgement has been given, I am sorry.

10 The 11th applicant is Ms Mhlauli. She is the spouse to one of the deceased that passed away in the Craddock Four. I have mentioned this matters go with the other matters. So evidence has been led and it will be back in court in July for further evidence. I must say, even here, we were throughout the hearing, we have heard now the persons of interest. But to this point, with where we are, we have not had the opportunity to convert that in terms of section 22 with the evidence that has been led. We find that in this proceedings do offer a platform, but we will deal with that a little later and why those inquest proceedings are so important.

20 In the 12th applicant here, Sarah B Bibi Lall. This is the matter of Dr Haffejee. It is in, the inquest is the one that we dealt with. The evidence was led extensively, so by prosecutors in this matter and family attorneys. I was actually quite sad to see this on the, on as one of the applicants because I know that it was a quick period of time that we managed to take this case from a single e-mail

to a full-blown inquest to have it overturned. The inquest was reopened, it has been finalised. A decision was taken by the DPP. They declined to prosecute anyone else in this matter.

The 13th applicant is Sizakele Ernestina Simelane. This is in relation to the matter of Ms Simelane. This matter was enrolled in the, on the criminal court rule, I think as early as 2016. Sadly and unfortunately remains on the criminal court rule. There have been a number of interlocutory applications that have been dealt with. We have also had counsels that passed away. We had two of the original
10 four accused that were charged in this matter also passed away. The last year and a half was spent on a section 77.3 application when one of the accused alleged that he was unable to follow proceedings. He was referred for counselling to, I beg your pardon, for assessment to Weskoppies. We got a report. The professors at Weskoppies testified in this matter. Unfortunately, before judgement could be delivered in January, the judge was placed on special leave. So where we are at the moment is the acting JP has been engaged in this matter and the matter will start *de novo*. So we are going to start leading all that evidence again. Then in the matter of, so there is also
20 a case management meeting for the 25th of May 2026.

On the 14th, the 14th applicant is that of Mkonto. This is also for the Cradock Four matter. So this is where we are. As we said, the evidence has been laid.

Then on the 15th applicant is Mr Stephanus Mbuti Mabelane. This is in respect of Mr Matthews Mojo Mabelane. And we know that

application was made. The memorandum was sent directly by FHR to the minister's office. The NDPP and the DPP were engaged as to what their views were in respect of supporting the application for the reopening. And the NPA supported that application. The matter was enrolled on the 19th of January. I believe in consultation with counsel that date has now been arranged for June 2026. We did have a shortcoming in that matter in the sense that we did not manage to get the notices out in time. However, we have been given the undertaking that one of the persons of interest has already been engaged and has already given, counsel has been given to her. And we are busy with the legal representation for the second person of interest.

I also should add that it is not the duty of the prosecutors to arrange for legal representation, but in the interest of fast tracking and expediting these matters, prosecutors do get involved. Even investigators, we make sure that all the persons of interest are aware of what their rights are in terms of the standing orders and that they put in contact with the right people, the legal representatives, whether it is SADF, whether it is SAP, whoever it might be, we need to put them in touch with those people. This is where we are. And I must say, in this matter as well, unfortunately, our prosecutor passed away last year. And in an effort to intervene and to take this matter to a point where we can share the details with the deputy director, we, in fact, even scheduled an inspection *in loco* to John Foster Square. We were able to bring him up to speed. So we are quite happy to

proceed with this matter. I know that there are issues, but there is nothing that we cannot solve, cannot resolve.

On the 16th applicant, I spoke about this matter with Ms Kubheka. This is in, she was also part of the cell with Ms Sbhlo Phewa. The matter is now on the criminal court roll. In the matter of the 17th applicant, Hlekani Edith Rikhotso. This is in respect of Mr Ignatius Mthebule or as we know him as Iggy Mthebule. He has not been found since. This is one of those matters that is still under investigation because we are having a problem. We have obtained
10 several statements from senior members of the ANC. A meeting was held with the legal representative. The statement from the person of interest has been obtained. We have obtained additional witness statements. On the 16th of September, a meeting was held with Mr Jos Venter representing the family. He was briefed on the status of the matter. Remaining statements to be obtained and a decision to be taken.

On the 18th applicant, this is Tshidiso Motasi. This is in respect of the death of Sergeant Richard and Ms Irene Motasi. It was a decision that was initially dealt with prosecutors in the Northwest. A
20 decision was taken by that office of the DPP. I will not delve too much because this is one of those matters that we do not want to discuss openly. It is a sensitive matter. We did have a hiccup in this matter in respect of demarcation. There were issues with demarcation and because the incident happened in Hammanskraal, the matter then fell within Pretoria. But in order to ensure that there is

no delays, what we did was we arranged a meeting with the prosecutors and the investigator remains the same. So he is still there in the Northwest and he remains the investigator in the Pretoria matter. But it is the prosecutors that needed to meet with each other, engage in the challenges and work a way forward. So this is where we are.

On the 19th applicant, so the 19th, the 20th and 21st applicant, this is in relation to the deceased who became known as the PEBCO three. It was Mr Champion Galela, Sipho Hashe and Mr
10 Godolozzi. I will not pronounce the names. I do not want to sound disrespectful because I would not be able to do that. But it is a matter in the Eastern Cape where the DPP took a decision to apply to the Minister to hold a joint formal inquest. So this is where we are at the moment. I just want to see if we have a date. Yes, it was enrolled. It was enrolled on the 23rd of January, 2026. We have two persons of interest, but we can inform the Commission that we already have been informed that one of the persons of interest is unable to follow proceedings and the other person of interest also has some or other illness. And of course, we are going to have to send them for an
20 assessment.

On the 22nd matter, it is that of Mr Nicholas Majestic Boiki Tlhapi. This matter has been heard in the Northwest. The inquest, we applied to the Minister for the reopening of this inquest. Judge Peterson has been appointed. We have two persons of interest. They already have counsels. And the third person is struggling to

obtain counsel, but the matter is back in court on the 14th of April 2026. So that was... (intervenes)

ADV NTLOKO: Two days ago.

ADV SINGH: Two days ago. I am sorry, I do not have an update on that matter, but that is where we are. Then I want to deal with the paragraph 68 while we are here. The following statistics are also important.

ADV NTLOKO: I think, let us just pause before we go to the statistics, because we left an issue hanging on, because yesterday,
10 one of the things that Advocate Batohi testified on is that sometimes the NPA takes a decision when you cannot prosecute to do an inquest so that families can get closure. Can you then just assist the Commission on the reasons, apart from the closure, why inquests are quite important?

ADV SINGH: Can I just quickly refer to one of my... (intervenes)

ADV NTLOKO: I think this is very, very important.

ADV SINGH: So I am referring to the Timol inquest. The reopened inquest, and I think Judge Mothle set it out beautifully why inquests are so important.

20 ADV NTLOKO: Yes.

ADV SINGH: And I am at paragraph, I am on annexure A. It would be paragraph 50, sorry, it would be page, I think it is indexed or numbered 58, 59.

ADV NTLOKO: Yes.

ADV SINGH: So one of the most important things that Judge Mothle

acknowledged here was that the majority of the evidence, we had received it in piecemeal fashion. And he said that, and I want to point out here that this was 47 years later that this inquest was held. And he says that paragraph six:

"The reopening of this inquest in the High Court of South Africa is the first of its kind by a superior court and presided by a judge of the High Court."

He deals with the investigations, but then he goes on to discuss the Inquest Act at paragraph 13, page 61:

10 "Inquest proceedings are regulated by the Act. The purpose of holding an inquest is to investigate the circumstances of death apparently occurring from other than natural causes and where the prosecutor has declined to prosecute. It is therefore an inquisitorial investigation process."

But he doesn't stop there. He says, I just want to see it, I marked it on mine. The Inquest Act, paragraph 25.

20 "The Inquest Act empowers the presiding officer to call for and receive affidavits. When necessary, he may decide to hear oral evidence. In this regard, the presiding judicial officer is empowered to summons witnesses to appear in person at the inquest proceedings in order to testify."

Paragraph 26"

"At the end of proceedings and in terms of section 16 of

the Act, the presiding judicial officer is required to record a finding upon the inquest as to the identity of the deceased person, the cause or likely cause of the death, the date of the death, and whether the death was brought about by any act or omission, *prima facie* involving or amounting to an offence on the part of any person. Should the presiding judicial officer be unable to record any such finding, he or she is required to record that fact."

10 And I think what is very, very important here is often that inquests are referred to as, and in my view, inquests are very, very important. For one, in the first instance, majority of these cases, when inquests were held, families were never notified. Families were never given that platform to speak their heart out, to share their pain. And inquests provide that kind of closure for the families. I have heard evidence yesterday that, you know, perhaps it is a consolation price, and I think, I do not agree with that. I am of the view that this is an important process. As I said, we have section 22. In the event that that evidence becomes available, there is no reason why a
20 prosecutor cannot stop the proceedings and convert them to criminal proceedings.

 But the judge has an extremely important role here, and I think it is at 16.1(d) where he is able to say:

 "Has the death been brought about by any person, *prima facie* involving an act or omission."

And that is important because when this inquest is now concluded, that transcript record is referred back to the NPA. The NPA then, we are not bound by the findings of an inquest court, but we can take a decision on the evidence that has been presented. And a typical example was the matter of Mr Rodriguez. When the Timol inquest was finalised, with all its shortcomings, we were able to take that matter to the point where the original finding was overturned. J56 is referred back to the NPA, and the NPA took a decision on the facts. We were able to charge Mr Rodriguez within a
10 very short period of time, based on the evidence that we had collated. So it is a way, and I know that judicial offices are very strict about the way that evidence is led. It is very much like criminal proceedings. So this is a very important avenue that is available to us.

ADV NTLOKO: Okay. And now moving to the statistics in Paragraph 68.

ADV SINGH: Yes, so the following statistics are also a very important more so for the context in this matter. Because we can say that progress is being made. It may not be at the pace that is required with all the shortcomings, but we are making progress. The matters
20 is on the criminal court rule, and perhaps I should just say that when we go back and we look in September 2021.

ADV NTLOKO: Yes.

ADV SINGH: There were still four matters on the criminal court rule. Mr Rodriguez died, we had to remove the matter from the criminal court rule. The remaining matters are still that of Mr Nyoka, where we

have taken that to sentencing. Then you have the matter of Ms Simelani. Sadly, that matter must start *de novo*. And then you have the [indistinct] four matter, where obviously that is the charges of crimes against humanity is being challenged.

But to the matters in the criminal court rule, on my affidavit on page 49, I said there were six, there is now seven. And we can, I say, perhaps next month, we can add a J-50, a warrant of arrest. We are waiting for the gentleman to make his appearance in South Africa to execute that warrant of arrest. We also have a J-175, which is a
10 summons to appear in the Magistrate Court. We expect that to take place in May. So we... (intervenes)

COMMISSIONER GABRIEL: Sorry to interrupt you.

ADV SINGH: No, no problem, Commissioner.

COMMISSIONER GABRIEL: I just want the context for these statistics. The context is, if I understand you correctly, since September 2021.

ADV SINGH: Yes, that is correct, Commissioner.

COMMISSIONER GABRIEL: Okay.

ADV SINGH: So yes, this is the way we are, since September 2021.

20 COMMISSIONER GABRIEL: And that will include the cases being handled by the DPP officers?

ADV SINGH: Yes.

COMMISSIONER GABRIEL: And those that were, or some of them that were in existence by the time this specialised unit was set up?

ADV SINGH: Yes, so Commissioner, what we have done is from the

period of September 2021, we started to record the progress.

COMMISSIONER GABRIEL: Okay.

ADV SINGH: So this is where we are at the moment, in respect of all those.

COMMISSIONER GABRIEL: Okay.

ADV SINGH: Now we are talking about 150 matters. This is where we are. From those 150 matters under active investigation, because we have taken decisions on 43 matters. And those could have been because amnesty was granted, or there is prescription, the crime is
10 now prescribed, or whatever the reasons were, but that is separate. But the 150 cases, this is where we are. We have six matters on the criminal court roll. It is actually now seven. We have, we secured three convictions.

I must say the first conviction was 8 November 2023. This matter, in much of the way we find that when our court rolls are very, very full, what DPPs usually do is, and prosecutors were very good on this matter. They took this matter to a Regional Court. Evidence was led at the Regional Court. And within a short period of time, the gentlemen, we led evidence. Evidence was heavily contested. The
20 state led that kind of evidence. The defence led its case. And the accused was convicted. He was sentenced. And we know that this matter is also being currently taken on appeal.

Mr Madunsela was convicted for the murder of, sorry, I forgot the name of the deceased in this matter. But he was sentenced to 10 years. Wesley, Wesley, I think his name is, no, that is the accused.

ADV NTLOKO: [Indistinct].

ADV SINGH: Okay, I will come back to that. But in any event, Mr Madunsela, at the age of almost 70 years old, was sentenced to 10 years direct imprisonment. We got the matter of 10 July, Mr Marais, 15 years direct imprisonment. We have two sentences that are coming up. The inquest that had been reopened on the inquest court roll.

ADV NTLOKO: Can I disturb you?

ADV SINGH: Yes.

10 ADV NTLOKO: Because on the paragraph that we're currently dealing with, it says, "Convictions two".

ADV SINGH: Yes.

ADV NTLOKO: Has that number now been... (intervenes)

ADV SINGH: Yes, it is three.

ADV NTLOKO: So now... (intervenes)

ADV SINGH: So we have got three, and it is three, but it is four accused. But we use just the cases rather than the actual accused. Accused that have been, I beg your pardon, inquest that have been reopened or on the inquest court roll. It has now increased. Where
20 we reported 12 in October, we are now sitting at 16. We have now also reopened the inquest of Luke Mazwembe.

Mr Luke Mazwembe, this is a Western Cape matter. This is one of those matters that was identified as the death in detention in 2022. We referred that matter, and the prosecutors that dealt with the matter very quickly took it to this point where we applied to the

Minister for the reopening, and I believe the Foundation for Human Rights is also appearing on that matter. And then we also have the matter of Mr Brian [indistinct]. It is a reopened inquest in the Northwest. This is where we are.

But just to put the inquest and where they are, we already have Cradock Four. Mr Griffiths Mxenge, this is one that is going to be one where, and I think this is going to be a very interesting one because despite the Minister giving that authorisation because there was an application by the DPP for the reopening because we were of
10 the view that there was certain evidence that was not put before the previous inquest court, but we have already faced the first hurdle where the prosecutors have been told, well, this matter's been dealt with. You need to convince me why we need to place this matter on the roll first.

So I believe that our prosecutors are engaging for our first big fight on one of these matters. With the reopening inquest of Chief Luthuli, we have dealt with that. That has been finalised. Inquest into the deaths of Northcrest Five, this is a matter that is being dealt in Umtata. There are five children that were shot in there, executed.
20 Within two minutes, I believe there was something like 70 or 80 rounds expended into the children. We do have persons of interest. This matter is also placed on the court roll. The Highgate Hotel matter, this has already been finalised. The reopened inquest of Mr Booi Mantyi. This is a matter that is taking place in De Aar. It is a matter that was fast-tracked in Kimberley, and it was dealt with one of

the prosecutors. It was previously closed. We reopened this matter, and this matter will commence in, I believe the matter's been set down for August.

In the matter of Mr Moss Morudi, this is a formal inquest in Northwest. The reopened inquest of Boike Tlhapi, Northwest. The reopened inquest of Matthews Mabelani. We have spoken about that. The reopened inquest of Mr Stephen Bantu Biko. We do have a date for this matter. I believe it is set down for September. Inquest into PEBCO Three, we have a date. Dr Rick Turner, I have already
10 said this is with us. Mr Kehla Nkutha, this matter is still being dealt with, but the DPP took a decision that we are going to hold a formal inquest.

Where I say pending inquest, this is also, we were waiting for the confirmation of appointments of prosecutors so that these matters can start. Ideally, you do not want to deal with the matter where a prosecutor completes a contract, and then you bring in a new prosecutor that does not know what is happening on the matter. But we know that these matters, the DPP has taken a decision.

Finalised inquest, we have got seven. Pending application
20 for reopening. We have expedited this, we now have two. This is also with the national office. Decisions taken at that time, it was 39, it is now 43.

ADV NTLOKO: Sorry, can I just, what happened to the one? Because there was three, and it has now gone down to two.

ADV SINGH: We have reopened it. So this is on its way. This will

still get to the Minister. So the one has already been to the Minister and reopened.

ADV NTLOKO: Thank you.

ADV SINGH: Potential prosecutions, we have indictments that are underway. I said two, but I think we can safely increase it to five.

COMMISSIONER GABRIEL: So what proportion is it, these statistics you have just taken us through now.

ADV SINGH: Yes.

COMMISSIONER GABRIEL: Of the 150 that are being dealt with by
10 the unit?

ADV SINGH: Yes. So, Commissioner, what we have done is, because we had matters over a period of time, we divided them into phase one and phase two.

COMMISSIONER GABRIEL: Okay.

ADV SINGH: Phase one was all the matters that came in from 2021, 2022, and 2023. And then the matters that we have in phase two are 2024, 2025, and 2026. To answer the Commissioner's question, phase one, there is 107. So 107 of those 150 matters are with phase one. And to just, if I can just quickly look, I think the last time, so
20 what we do is we, when we prepare our monthly reports, we do the percentage of where A, B, and C phase is, particularly in phase one, because we want to get all phase one out of the way dealt with, and then start putting that kind of resources into phase two.

If I can just be allowed just to check quickly. So Commissioners, yes. Phase one, as of yesterday, because we

completed this yesterday, we have 80 of the, so 80 of the 107 matters in the C phase. So this is the point where we either have it on the criminal court roll, or we have taken a decision, and this is the divisions throughout the country. We have 23 matters that are still in the A phase, and that is concerning for us because it means we are still struggling from 2021 to 2023. And then we have four of the 107 matters in the B phase, at the point where we must now decide whether to take, to see an expert.

COMMISSIONER GABRIEL: Would you be able to provide that to
10 us?

ADV SINGH: If it is only for your eyes, Commissioners, yes.

CHAIRPERSON: Yes, it will be for our eyes.

ADV SINGH: Thank you, I am happy to do that for you. It is a confidential list that is prepared internally, but I can share that with you.

COMMISSIONER GABRIEL: It is confidential.

ADV SINGH: Thank you, Commissioners, I would appreciate that. The report itself is 200 pages. It records updates in every division in the country.

20 ADV NTLOKO: Just so that we are clear, because we would have to provide, are we just providing the stats, or are you looking for the actual... (intervenes)

COMMISSIONER GABRIEL: Just the stats that you read out now.

ADV NTLOKO: Thank you.

COMMISSIONER GABRIEL: And while we are on the question of

statistics, I have a question. You said, "That there was a thorough search for all of these, for this list of 300 cases", and you also said, Ms Singh, "That nobody can see that list, but do you think it actually should have been more".

ADV SINGH: Commissioners, we had 20 000 gross human rights violations.

COMMISSIONER GABRIEL: Right.

ADV SINGH: And they related to 14 000 offences that happened.

COMMISSIONER GABRIEL: Right.

10 ADV SINGH: I cannot see how it would have been only 300.

COMMISSIONER GABRIEL: Only 300. Now, you also mentioned that references, well, you and your team, I am using that generically, have gone back to the TRC report.

ADV SINGH: [Indistinct].

COMMISSIONER GABRIEL: And my recollection is that the TRC report actually gives a breakdown. For instance, let us say, of those who were refused amnesty.

ADV SINGH: Yes.

20 COMMISSIONER GABRIEL: And you say that your team has gone through that.

ADV SINGH: What we have done is, Commissioner, I want to be honest, we were very worried about capacity.

COMMISSIONER GABRIEL: Right.

ADV SINGH: And now that we have got permanent prosecutors we have applied, we are in the process of applying for 10 more. But what

we wanted to do was to make sure those 19 are placed in the divisions, and then we allocate extra resources in the divisions that have the highest volume of matters. Because then it makes sense to deal with it. But to be honest, the TRC final report, seven volumes, each one 500 to 600 pages long, and it makes a finding at the bottom that the TRC finds that the SAP did this, or the liberation movements did that.

COMMISSIONER GABRIEL: Right, let me focus your mind on one class only. I understand that our country was, it is amazing that
10 anybody survived, given our history. Of the amnesty applications that were refused, has there been a reconciliation internally of those matters *vis-a-vis* the ones that you currently have, to get a sense of how many others are out there to which no attention has been paid, or which may have been dealt with in the past, but closed or declined to prosecute?

ADV SINGH: Commissioners, I understand that there are more than 7 000 applications and only 899... (intervenes)

COMMISSIONER GABRIEL: No, those refused.

ADV SINGH: Yes.

20 COMMISSIONER GABRIEL: Ja.

ADV SINGH: So we know that some divisions have looked into it.

COMMISSIONER GABRIEL: Right.

ADV SINGH: They are looking at cases, because you do find some matters where they will say amnesty was granted to X, Y, and Z.

COMMISSIONER GABRIEL: Right.

ADV SINGH: But we want to know where did the instructions come from? And they are named in those amnesty applications.

COMMISSIONER GABRIEL: Right.

ADV SINGH: So that is what we are looking at. We are not fully there yet with all the divisions, we are still trying to get to court with these matters.

COMMISSIONER GABRIEL: I understand.

ADV SINGH: Yes.

COMMISSIONER GABRIEL: So there has been no full reconciliation.

10 ADV SINGH: No.

COMMISSIONER GABRIEL: Of the 840 that were, let us say, that were refused?

ADV SINGH: We do have a list, but we have never reconciled it as yet.

COMMISSIONER GABRIEL: Okay.

ADV SINGH: And we know that some divisions have looked into it, yes.

COMMISSIONER GABRIEL: Okay, thank you. Thank you very much.

20 ADV NTLOKO: Thank you Commissioner. I think we can now move to your paragraph 69 to 72. And in these paragraphs you provide updates on other matters.

ADV SINGH: Yes.

ADV NTLOKO: Can you kindly take us through those matters?

ADV SINGH: So I updated on these matters because they did come

up during, during the giving of evidence or in the papers. And DPP's responded on these matters. So one of the matters that was highlighted was that of Kwamakutha massacre. And this matter is under investigation by the Kwa-Zulu Natal TRC unit. The Ntuli family massacre occurred on the 21 January 1987 where 30 members of the same family were ambushed and killed in what became known as the Malan trail. 20 accused persons were prosecuted. The investigation underway was identified as a matter for investigation because of refusal of immunity by the trial court. DPCI investigations under the
10 watch of the NPA's TRC Nodal point is presently underway.

And I think here is where we must pause and stop because that is one of the most hard working divisions together with the Eastern Cape and the other divisions. During a meeting, this is how the Kwamakutha matter came about. The discussion. And this is given to me in a report.

During a meeting with NPA, DPCI and legal representatives on the matter of Dr Rick Turner inquiries were made for information on the Ntuli family massacre which had already been identified and registered for investigation. The Ntuli family is kept updated on all
20 developments in the matter.

So this is where we are in respect of the Ntuli matter. I beg your pardon the Kwamakutha massacre. I cannot recall whether this is the matter that Advocate Howard Varney spoke of yesterday in respect of the docket. Yes, it is. I must say that I heard that he said, "That he sneakily handed the docket in at Kwa-Zulu Natal". But I

wanted an update on the matter and I contacted the prosecutor that is dealing with the TRC Nodal point and I was informed that we do not have a docket. So I think we will follow up on that to see what happened to that docket. And we will take it from there.

Then on paragraph 70 the Esikhawini murders were committed in the context of the political violence between certain political parties. This matter is also under investigation. Both in the NPA and DPCI provide feedback to the families. The mandate is to focus on matters which were referred to the NPA by the TRC. While
10 some matters were considered and decided upon others were not dealt with by the TRC. Where there is evidence of the commission of a crime, charges will be preferred.

And I must also add there were many families that did not go to the TRC because they did not trust the process. But they have come to us for example the Iman [indistinct] matter. That is the matter where families did not go to the TRC but that was taken to a full-blown inquest. So we do not turn families away. And we try, do as much as we can on the matter.

In the Bambo matter we dealt with this. It is a response to
20 the, also at the Portfolio Committee. In this matter a decision has been taken. And I believe there was a meeting with counsel a few days ago in the DPP's office. The matter of Sons and Els. This was [indistinct] from the Timol matter. The matter was dealt with Mr Veenemens. This was long before the creation of the TRC component. And during the occasion of TRC component it was based

with representation section of NBS and a decision was taken to decline to prosecute. Mr Veenemens affidavit was attached.

Then on the Cradock Four... (intervenes)

ADV NTLOKO: So that we can get the reference, it is paginated page 449. That is where you would find the attached affidavit that deals with the matter of Sons and Els and what happened in that matter. And I can assure you the former NDPP also spoke on it yesterday.

ADV SINGH: Can I proceed?

ADV NTLOKO: Ja.

- 10 ADV SINGH: On the Cradock Four matter. So the Cradock Four docket has been sought on 2013. That much at least I ascertained in 2023 during an accountability session. It was very important for us to locate that docket because we already knew that a decision had been taken on that matter. I made quite a few inquiries. When I started in the, when the creation, or when the TRC component was created, it was early in, around January 2022 that I went to the document section of the NPA. We discovered 19 boxes of matters pertaining to the TRC matters. We quickly indexed these matters and made them available to all the prosecutors and investigators in the country.
- 20 Some we found portions of dockets, A clip, B clip, C clip. Some were find in isolated statements. We found copies of investigations, I beg your pardon. Copies of the transcribed records for the Cradock Four matter. We then disseminated it to the prosecutors in Eastern Cape and the plan was for them to compare it with what they had because we knew that the docket was being reconstructed.

But I can, from the 19 boxes, five pertained to that of Cradock Four. Four contained copies of the transcribed record. And one box contained the, I think it was GBS minutes which we retained and which we then declassified and shared with the [indistinct] office. But I can say that in so far as our efforts to locate the Cradock Four docket is concerned, I was unable to trace that docket.

Then, okay, you may lead me.

ADV NTLOKO: I think for the record, Advocate [indistinct] equally spoke about this missing Cradock Four docket.

10 COMMISSIONER GABRIEL: It has been missing since 2013.

ADV NTLOKO: Since 2013. And just for confirmation, you were not in this component in 2013.

ADV SINGH: No, I was not. But I must add, you know it was, it had come about somewhere that the docket, I think it was Advocate Sekata that filed a statement to say the docket had been found. But he says he was informed as such by Advocate Macadam. But we can safely conclude that up until this day we had not found that docket. So I just wanted to make sure that we understand that we made an attempt to look for the docket and we had not found it.

20 ADV NTLOKO: And so it was reconstructed for the inquest.

ADV SINGH: Yes, and at the time that the decision had been taken I think Advocate Sekata was the acting DPP in the Eastern Cape at that time and he took steps to reconstruct the docket. And both the investigating officers testified between, I think it was the 24th or the 25th of March regarding this docket. And it makes for interesting

reading about their attempts to locate that docket. And that was evidence before the court, before the reopening inquest.

ADV NTLOKO: I think that that takes us directly before we move to this portion, Chair can I get your direction on when we will take lunch?

CHAIRPERSON: Yes.

ADV NTLOKO: So that I do not move the witness into dealing with...
(intervenes)

CHAIRPERSON: Yes.

ADV NTLOKO: [Indistinct] many topics if we are taking lunch.

10 CHAIRPERSON: I think this might be an appropriate time to take lunch adjournment and reconvene at 14:00.

ADV NTLOKO: Thank you Chair.

CHAIRPERSON: We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Ntloko?

ADV NTLOKO: Thank you, Chair. We are now going to be dealing with the challenges that the NPA has encountered in relation to TRC matters. Advocate, when you deal with these in your paragraphs 54
20 to 59, can you just explain what are those challenges and how has the NPA sought to alleviate some of them?

ADV SINGH: I start at paragraph 54 and I say that the investigation and prosecution of TRC matters have presented enduring and complex challenges that are both structural and evidentiary in nature. These cases are fundamentally distinct from the conventional criminal

investigations because they concern offences that are committed several years ago, often under the auspices of the state institutions that engaged in a systematic concealment and destruction of evidence. The unique historical and political context within which these crimes occurred has compounded the difficulty of conducting credible and constitutionally compliant prosecutions.

One of the most persistent obstacles has been the destruction, the loss or misplacement of critical evidentiary material. The TRC itself in its final report acknowledged the deliberate and systematic destruction of state records intended to eliminate incriminating evidence and obscure the truth about state sanctioned atrocities. Many original police dockets, inquest records, post-mortem records and photographic albums have either been destroyed or cannot be traced.

This has necessitated the laborious process of reconstructing case dockets, often from fragmentary secondary materials such as contemporaneous media reports, family recollections and residual administrative records. The absence of primary documentation undermines the ability to establish a coherent chain of evidence, identify perpetrators and locate witnesses who can credibly attest to the events in question. The passage of time has further eroded the evidentiary landscape, witnesses, victims and perpetrators have either passed away or are elderly and infirm, with fading memories and limited ability to recall precise factual details.

In certain instances, entire communities have been

displaced and physical evidence such as crime scenes or autopsy records no longer exist. The challenge therefore lies in balancing the imperative of justice and truth-telling against the procedural rights of an accused person, particularly the right to a fair trial. Courts have in several instances expressed concern about the prejudice arising from the prosecuting cases that are several decades old, especially when key witnesses are deceased or evidence has irretrievably disappeared.

I also want to refer to a paragraph that was quoted in Paul
10 Benn's judgement of Rodriguez. And this is a Constitutional Court case judgement that was delivered already in 1996, and it is the Azanian People's Organisation versus the President of South Africa. And in relation to amnesty, this is what the Judge said:

“Most of the acts of brutality and torture which
have taken place have occurred during an era in
which neither the laws which permitted the
incarceration of persons or the investigation of
crimes, nor the methods and culture which
informed such investigations were easily opened
20 to public investigation, verification and correction.
Much of what has transpired in this shameful
period is shrouded in secrecy and not easily
capable of objective demonstration and proof.
Loved ones have disappeared, sometimes
mysteriously, and most of them no longer survive

to tell their tales.

Others have had their freedom invaded, their dignity assaulted, or their reputations tarnished by grossly unfair imputations, hurled in the fire and crossfire of a deep and wounding conflict. The wicked and the innocent have both been victims. Secrecy and authoritarianism have concealed the truth in little crevices of obscurity in our history.

10 Records are not easily available. Witnesses are often unknown, dead, unavailable, or unwilling. All that effectively remains is the truth of the wounded memories of loved ones sharing instinctive suspicions, deep and traumatising to the survivors but otherwise incapable of translating themselves into objective and corroborative evidence which could survive the rigours of the law.”

20 And I think if this was already acknowledged as early as 1996 in a Constitutional Court judgement, that was the whole reason why we went the TRC way, because it was because of the challenges that this decision is telling us it posed already at that time. And the reality is that we still have those challenges. We are not saying that we are abandoning, we will never abandon up until the time that we can finish every case that we can. We will take decisions on those matters.

ADV NTLOKO: Thank you. I think then we can swiftly move to your second affidavit. And we will return to this affidavit as well as you close. Commissioner, there are two affidavits that should be in your files. So the second affidavit is the one you should depose to on 31 March 2026. Advocate Singh, can you tell us why you deposed to this particular affidavit?

ADV SINGH: So during October 2025, I deposed to an affidavit in response to a Rule 3.3 notice from the Chief Evidence Leader, Advocate Ismail Semanya, SC, with a view to place before
10 Commission, the Commission, a full account of the NPA's measures, progress, and challenges in relation to TRC matters since the establishment of the dedicated component. I deposed to this supplementary affidavit in my capacity as a senior state advocate and the head of the TRC component within the NPA. And response to a Rule 3.3 notice served on the former National Director of Public Prosecutions, Advocate Shamila Batohi, or Advocate Batohi, on
20 4 March 2026. In the notice, the evidence leaders indicated that they intended to present the evidence of Mr Shadrack Ganda, or Mr Ganda, who in their opinion possessed information that relates to allegations against Advocate Batohi and that are relevant to the Commission's work.

ADV NTLOKO: And so even with the filing of this second affidavit, you had not received a new Rule 3.3. You answered because you are one of the people in operations?

ADV SINGH: That is correct.

ADV NTLOKO: Do you then want to, and this relates to the Gqabi matter. Do you want to then just give a summary of what this affidavit deals with in relation to the death of Ms Gqabi in Zimbabwe?

ADV SINGH: Commissioners, this matter is under investigation. It is actually one of the matters that appears in the Johannesburg Division. At the time of 2021, it was not one of the 59 matters that was referred. Neither was it one of the matters that was identified for reopening. At some point in the middle of 2022, we picked up that this was one of those matters that slipped through the cracks, and immediately we sent the matter, we forwarded the matter to the DPP's office in Johannesburg. An investigator was appointed, and a prosecutor is also dealing with this matter.

The information that I have gauged from here on the affidavit, I have taken it out of a file, a PCLU file, and I have set it out in page 2. The background, I have indicated it, I do not want to dwell too much on it, because I also believe that the police will also attend to this. And then I would say the steps taken in respect of the investigation in the matter, I set it out 2021, 2022, and August when it was found.

But I would like to say, I would like to read this into the record when I say presently on paragraph 5. I say the matter is still under investigation, and DPCI was also requested to respond in terms of Rule 3.3 notice:

“No decision has yet been taken on the matter.

There is no power of attorney for Mr Ganda in this

matter. Regular feedback is given to the grandson of Mr Gqabi. Regular feedback has been given to the late Ms Gqabi by DPCI when she was alive. A mutual legal assistance M&A request has been processed from the national office, and no feedback has been received from the Zimbabwean authorities as the deceased passed away in their jurisdiction. The matter was also investigated within their jurisdiction.”

10 ADV NTLOKO: Sorry, for the people that would be following, what would be a mutual legal assistance?

ADV SINGH: So our countries have entered into, let us say, agreements where if you require information, in terms of that agreement, we will exchange that kind of information. I do not want to add too much on this. I say to say that DPCI will deal with the steps that we have taken, because we are struggling with MLAs at the moment. We are quite happy to give information to other countries, but It is been a bit slow. So I think they will take the next step as to how to obtain the information that we need.

20 ADV NTLOKO: Thank you. You are going through the presence, so can you just put paragraph 14 on the record as well to just conclude this portion?

ADV SINGH: Paragraph 14?

ADV NTLOKO: Fourteen.

ADV SINGH:

“In conclusion, the National Prosecuting Authority has taken deliberate steps to address the backlog of TRC matters through the establishment of a dedicated TRC component and the adoption of a prosecution-guided model. These efforts have strengthened coordination with DPCI and ensure accountability in the handling of apartheid-era cases. Despite challenges such as missing records, the passage of time and limited capacity, progress has been made through joint accountability sessions, enhanced skills training, and a victim-centred approach that continues to build trust with affected families.”

ADV NTLOKO: Thank you. And then to round up, to go back to your original statement. If we could just look at paragraph 50 of your original statement, the former NDPP equally spoke to this, and this is in relation to the opinion that was provided by the NPC and the recommendations therein.

Commissioners, those would be in the Batohi bundle that we looked at yesterday. SB, for those that want to follow, is SB 00377. That is where the recommendations are. And we are not going to go through those recommendations. It is just a question whether, since you are the operational component, have those recommendations been put in place?

ADV SINGH: Yes. Some recommendations, for example, sharing of

the investigations. We have taken that under advisement. We will not be compromising the integrity of our investigations. Insofar as electronic case management systems, yes. We are busy with the electronic updating or capturing of matters. We find that It is very important that this be done. This is a joint venture with both NPA and DPCI, but because of the fact that it concerns two organisations, two separate departments, we have experienced a few hiccups in that, but our IT department is busy with the programme. We would like very much to put that in place soon.

10 Then I can just perhaps say all the common challenges, because that is what one of the recommendations were, whether the challenges, common challenges and obstructions by other organs of the state have been dealt with. Yes, to a large extent, we deal with all. The current NPA to finalise the TRC prosecution policy, we are of the view, whilst we had that kind of an opinion earlier that it might be worth the while to put that policy in place, the Nkadimeng judgement was very clear. Judge Ledwaba has put out clear directives for us that the first prosecution policy serves all cases, whether it is TRC-related or not, and we will be, that is what we are progressing on all
20 matters with. We will fall in line with the Nkadimeng judgement.

 Then perhaps just the issue of the legal costs of former police officers, we have dealt with that. Liaising with NIA. I do not think NIA exists anymore, but what we have done is we are in the process of, well, we have just continued engagements with all the different stakeholders to access the documents that are in their

possession.

ADV NTLOKO: So that would be now you are liaising with the State Security?

ADV SINGH: Yes, State Security, South African Defence Force, all the government departments, South African National Archives, we have already engaged with them in respect of accessing documents. NPA to adopt a stance on the pursuing of the charges of crimes against humanity. We have the reportable judgement of State v Ibrahim and others. We have Efime and others. Commissioners, we
10 have circulated this judgement to all DPPs. DPPs have the discretion to decide whether they will frame charges in respect of crimes against humanity, but that has been shared with all DPPs.

Then the last one was NPA to pursue the establishment of the Independent Commission of Inquiry. We are here. Thank you, Commissioners.

ADV NTLOKO: OK, and then one issue that does not appear in your affidavit that did arise during the time when we were consulting, relates to some delays that may have occurred during the investigations. And what you then discovered during a recent
20 inquest, do you care to share what that issue was with the Commission?

ADV SINGH: I cannot remember. If you can just refresh my memory, I am sorry.

ADV NTLOKO: During our consultation, and this is the previous days, you indicated that there were some hurdles that certain

investigators were experiencing in relation to liaising with your office.

ADV SINGH: Yes.

ADV NTLOKO: That you discovered quite recently.

ADV SINGH: Correct. So I alluded to it earlier in my evidence. About two weeks ago, the reopened inquest into the deaths of the Cradock 4 was underway. And this evidence has been led at the reopened inquest. Two investigating officers testified about the Cradock 4 docket and the location thereof. There was a time when we had a team that was working, but I was not aware as to what
10 happened. After some time, I went back to the DPP's office in Johannesburg. But in the evidence, it emerged that one of the investigating officers testified that they were in fact barred from attending at the NPA and barred from approaching me in respect of guidelines on the TRC matters. Because evidence, according to what I have read, is that there was success on some of the matters.

So I think that is very important because we had capacity in 2018 and progress was being made. So I do not know what happened there. And I think those things are important. They need to be looked into because if this is what happened, then it set us
20 another two and a half years back. And that is something that perpetrators are dying, witnesses are dying. And I think perhaps in the long run, those are some things that, if the Commission is going to make a recommendation in that regard, those are things that we should look into. I think I have answered your question.

ADV NTLOKO: Yes, you have. Are you aware of who barred them or

is that still a mystery?

ADV SINGH: No. You know, from the reading of the record, I have asked for the transcripts of the matter. I think I would have liked to have asked the question if I was leading the witness, but it did not emerge, it did not come out too clearly, but I know that names were mentioned and in particular that police officers had to go through a particular person in order to get access cards to the NPA, you know, the national office.

10 So I just felt that it was very important because I have been in the dark all this time and it came out there unsolicited that this is the evidence that was placed before the court.

ADV NTLOKO: Okay. And then I think to conclude, can we go to your paragraphs 83 to 85, which is where you end your evidence.

ADV SINGH: Paragraph 80?

ADV NTLOKO: 83 to 85. You can just then give an overview of your conclusions there.

ADV SINGH: I say at paragraph 83:

20 In conclusion, the NPA has taken deliberate steps to address the backlog of TRC matters through the establishment of a dedicated TRC component and the adoption of a prosecution-guided model. These efforts have strengthened coordination with DPCI and ensured accountability in the handling of apartheid-era cases.

84. Despite challenges such as missing records, the passage of time and limited capacity, progress has been made through joint accountability sessions, enhanced skills training and a

victim-centred approach that continues to build trust with affected families.

85 I confirm that during my tenure there has been no political interference during the investigation or prosecution of TRC matters and the work continues to advance the principles of truth, justice and accountability.

ADV NTLOKO: And in that regard, is there, as we conclude, is there anything else that you would want to place on record before this Commission?

10 ADV SINGH: No.

ADV NTLOKO: Commissioners, that would be the evidence of this witness.

CHAIRPERSON: Thank you, Ms Ntloko. Ms Moroka, any clarificatory questions?

ADV MOROKA: No clarification questions.

CHAIRPERSON: Thank you.

ADV MOROKA: From the office of [indistinct].

CHAIRPERSON: Yes, Ms Ranto.

ADV MOROKA: Ranto. [indistinct]

20 CHAIRPERSON: Thank you, Ms Moroka, for that. Ms Rikhotso?

ADV RIKHOTSO: Thank you, Chair. On behalf of Advocate Simelane, we have no clarification questions.

CHAIRPERSON: Yes. Ms Nthambeleni?

ADV NTHAMBELENI: Thank you, Chair. Just on behalf of Advocate Jiba, I have just, I think, two questions. Two questions that I would

like to have clarified by Advocate Singh. Advocate Singh, you have largely testified about the issue of dockets being reconstructed when such dockets have gone missing or misplaced somewhere, somehow.

I just want to find out, to the extent that dockets, which I believe to be very important documents in your type of work, to the extent that such happens, what security systems or what security standards does the NPA at this stage or has put in place, if at all?

ADV SINGH: I will comment from the time that I have been with the police and as a prosecutor. We never gave documents, or I beg your
10 pardon, gave dockets to anyone without a signature being recorded somewhere. Prosecutors are taught very early in our careers that you have a docket register.

Police officers are well aware that if a docket is given to anyone and if you are a commissioned officer, you use your diary to sign and hand over that docket. And if you are a non-commissioned officer, you use a pocketbook. But under no circumstances are dockets permitted just to be shared from one person to another without any sort of signature somewhere. Irrespective of wherever you might be employed, those dockets will not leave your office
20 without a docket register.

ADV NTHAMBELENI: Thank you. And is this a system or is this a process that has been put in place since your tenure or it has been there even before you were in office?

ADV SINGH: I think long before I even joined the police service, that is the way that it was. From prosecutor to investigator, it was always

in place.

ADV NTHAMBELENI: Thank you for that. And the last question then would be, you have just now mentioned something about accountability sessions. What entails accountability sessions? Is this in regards to maybe, for instance, where a docket would be missing if a person is to be found to have been the last person that has been in custody of that docket? What would be the accountability that would be expected from them from your office?

ADV SINGH: Look, we have had an experience where an
10 investigator, we had a signature in the prosecutor's diary that he had taken the docket, and we looked for the docket for two years and we could not find it, and one day it materialised. And I think that division has learned an invaluable lesson that we are still struggling to understand how a signature was in a particular register, but the docket was in the prosecutor's office. So I think if you want to talk about steps to be taken, that is one of the steps that you would take, because TRC, well, all dockets, all dockets are important. All your information is important. They should not be lying around, and if it is found that you were negligent, I think you can be charged.

20 ADV NTHAMBELENI: Thank you, Advocate Singh. Thank you, Chair, that concludes my questions.

CHAIRPERSON: Thank you. Ms Mtshizana?

ADV MTSHIZANA: Thank you Chair, we do not have clarification questions.

CHAIRPERSON: Thank you. Mr Varney?

ADV VARNEY: Thank you, Chair. We do have a few questions by way of clarification. Firstly, Advocate Singh, I shall make a disclosure. You have already alluded to the fact that we have done cases together, but just for the sake of completeness, you and I were together in the Timol matter, the Aggett matter, and also the Haffegee matter, although you weren't there in person, unfortunately. I do wish to place on record that we were very impressed with your work on those matters, in fact, so impressed that we approached Advocate Batohi, then NDPP, to request that you be placed, in fact, in charge of

10 the TRC matters, and I am happy to see that that, in fact, happened. I did also ask for you to be placed in the Haffegee case, but that request was not acceded to. But nonetheless, we placed on record that your groundwork in Haffegee made a success of that matter.

If we can just look at your career, you joined the NPA in 2005, but as I understand your evidence, you did not deal with TRC cases until the Tamali inquest in 2017.

ADV SINGH: That is correct.

ADV VARNEY: So, when you were asked whether you had experienced any political interference, your answer was a firm no.

20 You are aware that, from the side of the Calata Group and the families and the foundation, that we make no allegation of political interference from 2017 onwards.

ADV SINGH: I understand.

ADV VARNEY: So, from our perspective, it stands to reason that that explains why you have personally not experienced any such

interference. Do you agree?

COMMISSIONER KGOMO: Or not.

ADV SINGH: Sorry, Commissioners, yes, I think people would be very brave to approach me with that kind of any interference.

ADV VARNEY: Yes, and I would attest to the fact that they would come out second best if they did. So, of course, post-2017 is, from our perspective, not the main focus of this inquiry, because we allege that the interference, the most serious interference, happened in the 2000s, certainly from 2003 until the end of that decade. But we do
10 suggest that the impact of the inaction, affected your work. Would you agree?

ADV SINGH: No. You know, when I came on to deal with TRC matters, particularly with the creation of the TRC component, and you have excluded the other time period, I dealt with what was given to me, with the resources that were given to me. So, at any given time, that did not affect me. I am here to do the work. And together with our team, that is our objection. That is our intention, our goal. We just do the work. I cannot comment on what happened prior to that.

ADV VARNEY: Yes, and I am certainly not asking you to. And I
20 should place on the record, although we have differences in the approach taken. So, for example, as we heard from NDPP Pikoli yesterday, a decentralisation approach was selected. We had suggested a specialised unit approach. But nonetheless, we accept that yourself and your colleagues have tried your best to get the work done.

ADV SINGH: Thank you.

ADV VARNEY: Having said that, I suppose what I was suggesting to you, is that you were thrown a curved ball, in a sense, because of the neglect visited upon the cases in the previous 16/17-odd years. You then had to rebuild those cases almost from scratch. Is that not right?

ADV SINGH: Let me put it to you this way. I would have preferred you give me nothing. Together with our investigators and our prosecutors, we will start from scratch. Because the TRC found that police officers routinely purged themselves. They routinely lied on
10 their statements. They ensured that their statements were identical to make sure that it was... that suspicious deaths or whatever conduct that was there was covered up. So I am of the view that sometimes give me nothing. Let me start from scratch. Let us go with our investigators and see what we can dig up. That is always been my view. I feel that if we bring in, sometimes, where they are investigating statements and dockets, you cannot really accept it at face value.

And, you know, the TRC found that, you know, police officers purged themselves, routinely lied before inquests, and then
20 when it came time to apply for amnesty, they expected the commission to then accept that what they were seeing is then the truth. So my view is very, very different. I feel that our investigators and prosecutors give us nothing. Let us start from scratch, and we will build a case. Yes.

ADV VARNEY: Although you have set out in some detail, both in

your oral evidence as well as your detailed statement, of the challenges.

ADV SINGH: Yes.

ADV VARNEY: Dealing with cold cases.

ADV SINGH: Correct.

ADV VARNEY: Witnesses are missing, witnesses have passed on.

ADV SINGH: Yes.

ADV VARNEY: Same with suspects, difficult to locate documents.

So an old cold case is much more difficult to solve than a fresh case.

10 ADV SINGH: I would like to say we like a good challenge, Mr Counsel.

ADV VARNEY: Yes, and knowing you, you certainly do like a good challenge, and I could not think of a better person to be taking on these cases, but nonetheless, those challenges remain.

ADV SINGH: Correct.

20 ADV VARNEY: So, let us then turn to the progress on the TRC cases, and first starting from 2003, with the caveat of course that we now know that you were not involved in 2003, you only became involved in 2017. But we do know that, or perhaps before I get to the question of prosecutions, let us deal with inquests, because I agree with your summation of why inquests are important, and as I said yesterday with Advocate Pikoli, I am a big fan of inquests because it helps victims and families to reach closure, they can bring their own legal teams to those proceedings and be involved, just as you and I collaborated closely on inquests, so it definitely helps them to reach

closure, it helps them to seek the truth and understand what happened.

ADV SINGH: Correct.

ADV VARNEY: Would you agree that an inquest, unlike a prosecution, does not deliver justice per se, it does not deliver an acquittal or conviction or sanction?

ADV SINGH: You are correct.

ADV VARNEY: Yes. And so from the perspective of many families, while they do appreciate an inquest, for many of them, real justice
10 means a prosecution under law. So then turning to prosecutions, and then just looking quickly at the period 2003 to 2017, in which you had no involvement, from what we can ascertain, there were around seven prosecutions that were launched, all except one were either up to 2007, and then there was a 2016 prosecution, the Nakatilo Simelane case, which you would be familiar with.

But you will recall that that case only happened because Thembi Simelane went to court to compel a decision?

ADV SINGH: Yes.

ADV VARNEY: Then turning to the period 2017 to the current day,
20 and here I am relying on page 49 of your statement, there have been six indictments, or I think seven cases, because Quebeca and Pera are being heard together, and as you pointed out, we have three convictions, Madonsela and then the... actually I think in the Nyoka matter, it is three convictions.

ADV SINGH: It is three people, It is three persons, three accused

persons, so we can say there are three convictions, yes, because it would be the Madonsela matter.

COMMISSIONER KGOMO: Can you just speak up?

ADV SINGH: I am sorry, Commissioner. So you will have the Madonsela matter, and then you will have Marais because he is separated, and then you will have Mr Engelbrecht and his co-accused, so It is three convictions. Yes.

ADV VARNEY: And adding Marton Sela, we have four convictions.

ADV SINGH: No, so the conviction is taken as one group.

10 ADV VARNEY: Okay, but in terms of individuals at least?

ADV SINGH: Yes, it would be four persons. Yes.

ADV VARNEY: So in the Calata Group affidavit, just looking at the question of delivery when it comes to prosecutions, they described it as dismal. What is your response to that description?

ADV SINGH: I would say that I do not want to compare what we have done in the last four years compared to what has not been done in the last 30 years, and I think I want to make it abundantly clear that, look, given all the issues that have come up during this Commission, I still am of the view that we may not be at the place that we want to
20 be, but we are still way ahead of what happened, and I will stand by that.

ADV VARNEY: Yes, yes, you have made that clear, but if we were to look at at least the last, say 23 years, and I am aware that you were not involved for the full 23 years.

COMMISSIONER KGOMO: Does it help us?

ADV VARNEY: Sorry, Commissioner?

COMMISSIONER KGOMO: Her answer help us?

ADV VARNEY: Well, I... (intervenes)

COMMISSIONER KGOMO: The last 23 years. It was not involved.

ADV VARNEY: Yes, Commissioner, but just as... (intervenes)

COMMISSIONER KGOMO: You are asking for her opinion?

CHAIRPERSON: What kind of elucidatory question is that, Mr Varney?

ADV VARNEY: Well, it is just whether she agrees with the Calata
10 Group that over the last 23 years when it comes to prosecutions and convictions, the delivery has been dismal.

CHAIRPERSON: But given her evidence, how is it going to clarify what she has already testified to?

ADV VARNEY: I accept there is nothing... (intervenes)

CHAIRPERSON: You want to put a version of the Calata Group to her. That is not a clarificatory question, in my opinion.

ADV VARNEY: Okay, Chair, I will move on.

CHAIRPERSON: Thank you.

ADV VARNEY: So, let us then return to the period where you were
20 involved. And here we are looking at 2017 to the current day. Although, to be fair to you, you only started with the TRC component during the course of 2021, I think.

ADV SINGH: Correct. It was the end of September 2021. Well, September 2021.

ADV VARNEY: Yes. Now, in respect of some cases, the families had

to issue letters of demand in order to prompt action. So, do you recall whether that happened in the cases of Aggett, Haffegge, Haron, Nyoka and the Cradock 4?

ADV SINGH: Yes, I think it did happen.

ADV VARNEY: Yes. And, in fact, in Cradock 4, as you would be aware, litigation was actually launched around the time you started in the TRC component.

ADV SINGH: I am aware.

ADV VARNEY: to Compellent decision.

10 ADV SINGH: You are correct.

ADV VARNEY: You mentioned... you gave some information in relation to the lists and I think it was put to you that the NPA was not in possession of a list from the TRC. And I think you clarified that there were some lists although not a consolidated list.

ADV SINGH: No, what I said was that I made an effort to find out from people as to where the original list was and then I clarified as to what I had received when I started in September 2021.

ADV VARNEY: Okay. So, just for the record, what we have in our possession and I hope that it has come across your desk, is a list
20 dated 7 March 1999 sent by the NPA to... at least sent by the TRC to the NPA. That was a list that dealt with cases from the KZN, Eastern Cape and Western Cape but not Gauteng. You have a recollection of that?

ADV SINGH: No, I do not. I do not.

ADV VARNEY: Commissioners, it is in bundle 1 at page 360 of the

Calata Group.

CHAIRPERSON: Come again, bundle 1?

ADV VARNEY: It is in bundle 1, the Calata affidavit, at page 260.

CHAIRPERSON: Thank you.

ADV VARNEY: And then there was another list, and I think it is this list that you probably have. Commissioners, this is also in bundle 1 at page 382. And this was a list that was, I understand I think it was faxed by Advocate Pryor who was at the TRC and Advocate Ferreira who was at the ANC. It is 102 pages long and it includes a table of
10 226 cases. It includes offence, state and place, victims, perpetrators and organisations. Does that list ring a bell?

ADV SINGH: I do not know what list you are talking about Advocate Varney. I do not have it in front of me.

ADV VARNEY: Okay. This list I am sure was provided to the NPA and I think I might have when you became TRC component, I might have forwarded it to you but we are happy to share it with you again.

ADV SINGH: Is that the original list?

ADV VARNEY: Well I would not say perhaps the most composite original list but It is certainly one of the lists and the most
20 comprehensive that we have come across. And then lastly are you aware that the PCLU back in 2003 made reference to the fact that they had 459 cases on their books, TRC cases.

ADV SINGH: I am not aware of that.

ADV VARNEY: And that is in the National Prosecuting Authority report to Parliament of 2002/2003. Commissioners that is in bundle 7

at page 521.

ADV SINGH: So can I just clarify then so just the total is there not the actual list?

ADV VARNEY: In the report to Parliament It is just a number there is no list and we ourselves do not have a copy of that particular list.

ADV SINGH: Thank you.

ADV VARNEY: We have asked the evidence leaders if they can try and get their hands on it. You made reference to the fact that the list should even be bigger.

10 ADV SINGH: That is correct.

ADV VARNEY: There are many hundred cases and I think from your analysis of the TRC report you said it disclosed around 14 000 crimes.

ADV SINGH: There is 14,000 violations in respect of more than 20 000 gross human rights violations.

ADV VARNEY: Are you going to thank your lucky stars that you do not have 20 000 odd cases on your books?

ADV SINGH: I think, Advocate Varney, you must thank the people for putting me here so that I can deal with the work.

20 ADV VARNEY: You made reference in your evidence-in-chief to the to the age of matters and the suspects being a big issue when it comes to your approach to these prosecutions and I think if I managed to record your words correctly you said you are 23 years too late and you started with a limp.

ADV SINGH: That is correct.

ADV VARNEY: Yes. And of course am I right in saying that just given the age of these matters some go back to the 60s, 70s, 80s?

ADV SINGH: You are correct.

ADV VARNEY: That suspects and witnesses are dying all the time?

ADV SINGH: Yes. But I must also add what we have done is you have actually jogged my memory. We have started to take evidence and commission so where we are aware that witnesses are very ill we have done it in the matter of Chief Luthuli and prosecutors are on hand with the investigators we have taken evidence and commission
10 and we have given training on evidence and commission so that is where we are. You are correct.

ADV VARNEY: Okay. I am very pleased to hear about that initiative, it is something that we suggested some years ago to individual prosecutors, is that not a policy or approach that has been adopted?

ADV SINGH: I do not think we can say it is a policy but It is the approach that we have adopted. Prosecutors have been informed, investigators have been informed we have offered training. It is there, it needs to be done.

ADV VARNEY: That is good to hear. Just on the question of the age
20 of the matters and to give some examples from two cases, PEBCO 3 and Cradock 4, you made reference to both cases in your evidence and in your report dealing with all the different cases, you made reference to the fact that there are two persons of interest in PEBCO but that both have put up issues around their ability to testify

ADV SINGH: That is correct

ADV VARNEY: Yes so unfortunately I must bring to your attention that one of them, Gerhardus Beeslaar, former Vlakplaas operative, that he died within the last two weeks. That just leaves one suspect left in that case who is an Askari

ADV SINGH: it has been noted thank you

ADV VARNEY: And also just in the last two weeks one of the persons of interest in the Cradock 4 matter, Gerhard Erasmus, former head of the security branch in Port Elizabeth he also passed on. Although he did testify last year though. So would you agree just
10 given that kind of context that you and your team are in a race against time?

ADV SINGH: I agree, there is something that we have acknowledged where time is not against, time is time is against us

ADV VARNEY: Yes. And you also made quite a few references to the Rodrigues case, and in your statement it is mentioned at paragraphs 9, 11 and 50. Do you recall one of the reasons that have been put up for the delay, particularly post-apartheid period, being that political interference had interfered with the progress in cases such as the Timol case and the NPA then filed an affidavit after
20 Mr Khadji had put up affidavits from advocates Pikoli and Ackerman, affidavits were then put up on behalf of advocates Pretorius and Macadam, and Pretorius, a day that the Engiahe admitted that it had been subjected to interference back in the 2000s. Do you recall that?

ADV NTLOKO: Before this witness answers this. I am not sure this

is a clarification question, Chair. In actual facts Mr Varney has one, given evidence to the witness, and then proceeded to ask the witness about the very thing the witness has repeatedly said I know nothing about.

CHAIRPERSON: Yes, Mr Varney?

ADV VARNEY: Well I am not asking her to answer something about which she knows nothing about, because she was involved in the Rodrigues matter. I am simply asking her whether she recalls that that was the position of the NPA put up in its papers.

10 CHAIRPERSON: Yes, I will allow the question.

ADV SINGH: Thank you commissioners. I remember that untested allegation.

ADV VARNEY: Yes well it is more than untested, it was the version put up by the NPA at that time.

ADV SINGH: An untested allegation at that time?

ADV VARNEY: Yes, yes it was untested.

Now you, when you were describing the Timol matter you said that that case in particular opened up a can of worms. What did you mean by that?

20 ADV SINGH: I think after the Timol inquest there was hope for other families. That matter, in my view, it was 47 years, 47 years old already. But because of the fact of the work that had been done by the family, the work that had been done by the counsels and the evidence that was led, I think that gave up that gave hope to a lot of the families and a lot of families came forward. In fact if we

remember the Marais matter, the matter of Caiphus Nyoka, Mr Marais' evidence was that he was sitting in his lounge and he heard the evidence that was being given in the Timol matter and it was then that that prompted him to go and make that confession which has now seen him behind bars.

So yes I think it there is a lot of, and there is perhaps something that I should also say when we have commissions like this and we appear quite often in Parliament, I do not know whether you know we are aware of the fact that we have a lot of persons of
10 interest and suspects that have WhatsApp chats. They communicate with each other, they are they are following what we are doing and it does not make our work any much easier because we know that if police officials visit a person in respect of a warning statement, before he can get to the second person the other person just does not answer the phone and makes himself unavailable. So those are the things that we are looking at those are the things that we are dealing
with.

So to answer your question yes it was one of those cases that I do not think anybody thought in 47 years we would get that kind
20 of justice, and granted that the NPA was able to enrol that matter after investigation was completed by DPCI.

ADV VARNEY: Thank you. Yes I would agree with you that the Timol matter played an instrumental role in precipitating a great deal of activity from families, occasionally from suspects. Would you agree that the Nokuthula Simelane matter that, as I mentioned, the

family launched this application in 2015 and then indictments were issued in 2016, that that had a similar role?

ADV SINGH: I cannot comment on that. I really cannot comment on that.

ADV VARNEY: You do not have to, but in fact It is Mr Khaji's evidence that following that case he then approached the foundation and so on.

ADV SINGH: So noted.

10 ADV VARNEY: You have highlighted some of the problems in investigating these cold cases going back decades, and one of the issues you raise and I am glad you raised it, is the question of declassified documents and that every time you want a document that is currently classified even though the classified marking goes back to perhaps the 1970s or 80s, a process has to be launched for purposes of declassification and that of course takes time and you gave the good example of the Cradock 4 case. Where we had asked for documents from Department of Defence more than three years ago and we still do not have them, because of the problem that you mentioned. And I want to put a proposition to you.

20 CHAIRPERSON: Is it a proposition or a clarification?

ADV VARNEY: Well it is a suggestion on how to deal with declassified documents.

CHAIRPERSON: But how does it help us in clarifying evidence?

ADV VARNEY: Chair, I admit that it does not help you.

CHAIRPERSON: Yes.

ADV VARNEY: Although it might help the NPA in accessing those documents.

CHAIRPERSON: No, I will not allow it.

ADV VARNEY: Okay, as the Chair pleases. I will communicate my suggestion to her privately.

CHAIRPERSON: Yes.

ADV VARNEY: You also raised problems around the fact that legal representation has been a big issue, particularly when it comes to paying the costs of former state officials and you gave examples like
10 the COSAS 4 case and a few others. And you mentioned that it is not the responsibility of prosecutors to sort this out of course it is the state attorney's responsibility, but I can recall that because seeing in the cases that you and I did together, that you took the trouble of approaching the state attorney long before the case started, to ensure that by the time the first hearing happens those issues are resolved. But we have been disappointed that so many other prosecutors have not taken the same initiative. Do you have any comment on that?

ADV SINGH: Look, Advocate Varney, as I said is, you know, we do have cases where a prosecutor or an investigator might drop the ball.
20 We are human, we make mistakes but, what we do is every accountability session once it is raised with us that is what we do. We ensure that prosecutors you are made aware this is best practise this is what we this is what we are going to do in future. So yes, it does happen and you can be rest assured you have raised it with us we will be sure to you know to carry that message to our prosecutors

and investigators.

ADV VARNEY: Yes, because as you pointed out it created delays in several cases like Cradock 4 and Matthews Mapalani.

ADV SINGH: Well I do not know about Cradock 4, look on the Cradock 4 matter I was, you know, that that was one of the matters where we had to submit a report on, and I am given to understand that long before that matter was enrolled on the actual date, at least four or five months before that, the prosecutors had begun to engage with the state attorney's office and it was at that time that they
10 realised that it would not have been possible to have the legal I counsels there at that time. But you can rest assured that I am very aware that prosecutors were liaising with the departments long before that matter was placed on the role.

ADV VARNEY: Yes. Well we can have that discussion separately.

ADV SINGH: Sure.

ADV VARNEY: Just returning for inquest and you have mentioned that following the Timol inquest you acted on those recommendations and as a result Jean Rodrigues was charged with murder, sadly he passed on before he could face justice.

20 ADV SINGH: Actually it was not the recommendation, that was a decision that the NPA took. The recommendations were a bit different but we studied the reports and we studied the judgement and then we took a different decision.

ADV VARNEY: Yes that is correct, although the Judge Motley did urge the NPA to investigate his role further.

ADV SINGH: Correct.

ADV VARNEY: Has the NPA taken any other inquest outcome further in terms of a prosecution to date?

ADV SINGH: I know that the there are certain divisions where findings have been made and the DPP's offices are considering charging on those matters, but I would not want to disclose it now.

ADV VARNEY: Okay but to date It is only the Rodrigues matter where an indictment has followed.

ADV SINGH: Yes, yes.

10 ADV VARNEY:

Then at paragraph 69 and 70 of your statement you deal with the Kwamakutha, Nthuli family matter, Kwamakutha family massacre, as well as the Esikhawini hit squad case. In relation to the Esikhawini hit squad, you posed the question as to whether a docket had been located. I can just bring to your attention that, not a docket but a report to the Attorney General compiled by Shamila Betoeye when she was an advocate with the Investigation Task Unit. That was passed on to the KZN NPA office. Harry, I believe it was Harry du Plessis, in March of 2023 and subsequently there have been follow-ups with his
20 successor who I understand is Siabonga Ncobo, although there hasn't been any response in that regard.

In relation to Kwamakutha, a bunch of materials were passed on also to advocate Ncobo in May of 2024.

ADV NTLOKO: Chair, I am sorry to disturb my colleague. I am not sure what the question is. What I am currently listening to is updates.

He is currently giving witness updates.

CHAIRPERSON: Yes, we are still coming to the question.

ADV VARNEY: Yes.

CHAIRPERSON: He is now dealing with Kwamakutha giving an update. Let us allow him to complete his question.

ADV NTLOKO: Yes Chair, I would like the question because at this point he is given about two minutes.

CHAIRPERSON: Yes, allow him time to do that.

ADV VARNEY: So in relation to these two cases, are they going to
10 be prioritised going forward?

ADV SINGH: I think I would be the wrong person to ask that to, because that falls within the division of the DPP in KwaZulu Natal. I followed up this morning with Advocate Dunwa who is the TRC nodal point and he was not aware of any documents being handed over, but I am also aware that Advocate Ncobo has joined our unit now permanently and we will follow up with the DPP's office as to what the process is.

ADV VARNEY: In relation to cases like this, is it the approach of the NPA to try and work up the chain of command in your investigations?

20 ADV SINGH: I do not know what you mean about cases like this, because I do not have in-depth knowledge of the matter. But I would think that Advocate Dunwa and his team are very capable in the event that, and I know that they do not go for "low-hanging fruit." So if there are people, senior people that need to be involved and there is evidence against them, they will be prosecuting.

ADV VARNEY: Yes.

ADV SINGH: Yes.

ADV VARNEY: Just for the record, we have made that suggestion in the Kwamakutha matter and passed on the names together with the evidence at our disposal.

ADV SINGH: Well, I think that is very important because they will have to assess the evidence. Sometimes we have evidence and you think it is evidence, and it might not be enough for us to secure a conviction, let alone get past the 174. So I think we should allow
10 those prosecutors just to consider that and we will take it up with them as well.

ADV VARNEY: Thank you. No further questions, Chair.

CHAIRPERSON: Thank you, Mr Varney. Mr Nalane.

ADV NALANE: Thank you, Chair. Thank you. Good afternoon, Ms Singh.

ADV SINGH: Good afternoon, Counsel.

ADV NALANE: I want to touch a few things on which we will agree before I get to some of the questions that I want to put to you. We would agree that according to the records, the TRC's report filed in
20 2003, that is a matter of historical record.

ADV SINGH: Correct.

ADV NALANE: And the recommendation of the TRC was that those who do not apply for amnesty or have been denied, they must be followed up.

ADV SINGH: That is correct.

ADV NALANE: And it was therefore upon the government, what we would call the democratic state, to follow up and implement the recommendations of the TRC.

ADV SINGH: I cannot comment on that. I would say that following up on the recommendations of the TRC with the intention to prosecute is not just government, it is the NPA.

ADV NALANE: I agree with you. So in other words, it was upon the NPA with the machinery of the state that it has, to pursue the prosecutions.

10 ADV SINGH: Correct.

ADV NALANE: And it was upon the other arms of government, like the SAPS, to pursue the investigations to the end?

ADV SINGH: You are correct.

ADV NALANE: So that justice may be done.

ADV SINGH: Yes.

ADV NALANE: And here we are to 23 years later, was in a cosher Inquiry. Can we not figure out what happened in the last 23 years? Can we even not accept the situation? You agree?

ADV SINGH: You are correct.

20 ADV NALANE: And from the records and the stats which you know, is that since 2003, you have talked about the number of people who have been successfully convicted. We will talk about the others, but convictions. Yesterday, you would recall that a document was handed to us as SSO6.

It was an answer from the Parliament by the Minister of

Justice and Constitutional Development. And It is simply a statement about the numbers. And you would recall, and I am sure you are familiar with this, from 2003. In 2004, there was a conviction in the matter of Stephen Gideon Nieuwoudt and two others. 2005, State v Aron Tiaan and another. 2003, State v Eugene Therblanche. And 2005, State v Blane. That makes about four cases between 2003 and 2017. Those are the numbers. You could agree?

ADV SINGH: Look, the names sound familiar, but I was not there at that time. I am hearing what you are saying. I do not have any
10 document in front of me either. But I would not be able to comment because I was not there. I do not know those matters.

COMMISSIONER KGOMO: Yes, Mr Nalane. I would have thought, because you are looking at the document, to direct the witness' attention to that document and ask her whether she has seen it. In fairness to her, she might be able to help us better.

ADV NALANE: I agree. I will get to that. Just that it was part of yesterday's hearings and I assumed that it is with you. But I will make sure that you get the document. Thank you. I am entitled to mine. It was on page two of the record.

20 Commissioners and Chairperson, it was on page two of the record. It was SB6.

CHAIRPERSON: SB6?

ADV NALANE: SB6. I am entitled to mine. On page two, under reply, you will see... (intervenens)

COMMISSIONER KGOMO: Let the witness look at it.

ADV NALANE: Thank you, thank you, Commissioner.

ADV SINGH: Thank you, Chairperson.

COMMISSIONER KGOMO: It is ready for you. Thank you.

ADV NALANE: It says, you see that? It says reply, progress on prosecutions has been made since 2003. A total of 9 PCL required prosecutions are held between 2003 and 2017. You see that?

ADV SINGH: Yes, I do.

ADV NALANE: So, in total, there were nine PCLU-recorded prosecutions noted. And what I have done is just to pick from 2004.

10 Steven Gerhard Nieuwoudt, Aron Tiaan and others, Eugene Therblance and Blane. There were about four cases. Convictions between 2003 and 2017.

And then, during your term of office, which was in 2021, September, you have already told us the numbers. It is about three or four convictions.

ADV SINGH: Three convictions.

ADV NALANE: Three convictions, yes. So, from 2003, when the TRC closed its report and gave it to the nation, we have four plus three, seven convictions, all in all. And this is a state which, in our
20 Constitution, is enjoined to honour the memory of the past and those who made sacrifices for the democracy we enjoy today. This is a state with a machinery which is supposed to realise those objectives in the Constitution. I would agree by any standard, the numbers do not look good.

ADV SINGH: You are correct.

ADV NALANE: Now, we know that between 2003 and at least 2019, the pursuit of TRC cases was placed in PCLU.

ADV SINGH: That is correct.

ADV NALANE: And as I understand from your evidence, you say that in 2019, there was devolution of the cases which were transferred to the various regions and offices of the [indistinct] prosecutions.

ADV SINGH: That is correct. They were migrated to the divisions.

ADV NALANE: And part of the reason why the victims of the past have brought this kind of application to this Commission is to find out why and what happened. And so we would have to take it in phases. One phase you cannot comment about because you are not there. The other phase you can comment about because you were there. But I want to... so you would have taken over 2012
Twenty...(intervenes)

ADV SINGH: 2021.

ADV NALANE: 2021, sorry. And you would have had to take over from somebody. And that somebody would be represented in the form of the PCLU as an institution.

ADV SINGH: That is correct.

20 ADV NALANE: And that institution would have had a run of time from 2003 to at least 2021. Or 2019.

COMMISSIONER KGOMO: Are you assuming there was a handover, takeover and handover? It is not quite the same thing.

ADV NALANE: But this is what I want to... I want to find from her.

COMMISSIONER KGOMO: Was there some handing over?

ADV SINGH: Chairperson, there was a handing over, not the type of handing over that I would have approved of. There were files that were handed over and matters, but that is where it stopped. A few copies here and there and that is it. Not a proper handover.

ADV NALANE: And I understand your evidence is that once you took over as the coordinator of the cases, you started some indexing and compiling a record of sorts, a register.

ADV SINGH: Yes.

10 ADV NALANE: And you said in your register you would record the names of the persons, you would give some file number and the record of whatever, the list of whatever is in there is available at the time.

ADV SINGH: Yes, in my register I would have my reference number, which we do consecutively, well, one, two, three, four for the year, the name of the person, the missing person or the deceased, and the division together with the contact or with the name of the investigator. Yes, that is what my register consists of.

20 ADV NALANE: Why would in from 2003 to 2019, not be a central register of sorts from which you as the next person taking on the cases will work from? Are you able to offer any?

ADV SINGH: No, I cannot comment on why somebody else did not do what I am doing. I think that is for the person before me to come and answer.

ADV NALANE: And you would recall also that there is this issue about the list. I mean, how many TRC cases are we really talking

about?

ADV SINGH: That I have presently?

ADV NALANE: Now I am saying because you did not start from scratch.

ADV SINGH: Yes.

ADV NALANE: There was a history before you. And one would expect that at some point during all these years, because the nation is supposed to know. We are contested about the TRC cases. How many cases are we really talking about? From what I am hearing,
10 you had to start almost from scratch compiling a record.

ADV SINGH: No. What I said was that there was a list of matters that were handed over to me. 59 Matters that were under active investigation and 55 matters that needed to be referred for investigation. I think I am very hesitant to comment on the list when I have not seen one, apart from what I have worked with.

ADV NALANE: And who gave you the list?

ADV SINGH: It was PCLU, Advocate Bokau.

ADV NALANE: And you then had to do an audit of those matters.

ADV SINGH: I actually did an audit of all the matters under
20 investigation in the divisions.

ADV NALANE: And from the list of matters that have been dealt with from 2003 until you took over, were you able to tell how many have been closed? If so, for what reason?

ADV SINGH: No, I did not do an audit from 2003. I did an audit on the matters that I had received in 2021.

ADV NALANE: And then from there you started indexing them so that you can build a record going forward.

ADV SINGH: Correct, because those are matters under investigation. TRC matters.

ADV NALANE: And as I understand from there, there was devolution then of the responsibilities to the various Directors of Public Prosecutions in the various provinces.

ADV SINGH: From where?

ADV NALANE: Well, at least when you came in, the devolution had
10 happened already.

ADV SINGH: Yes, you are correct.

ADV NALANE: And your job as the Coordinator was to coordinate, essentially, the information and progress around the country?

ADV SINGH: Correct.

ADV NALANE: So that you can be able to gauge what progress has been made at what stage.

ADV SINGH: You are correct.

ADV NALANE: And you have also been able to give us a list of the matters that, the progress regarding how many prosecutions are
20 currently going on, how many inquests are on, and you have been able to give all that information.

ADV SINGH: You are correct.

ADV NALANE: We have had, I think some of them might be coming back, those who were running the PCLU during the time when you were not there, Mr Advocate McCallum and Advocate Ackerman and

others. So, all you can say to us is, I received a list of 59 cases?

ADV SINGH: You are correct.

ADV NALANE: You also said you had to go to the TRC records.

ADV SINGH: You are correct.

ADV NALANE: Why did you have to do that?

ADV SINGH: Because when I perused through the TRC final report, I saw there were seven volumes. I wanted to get a better idea as to what we were dealing with because I did not see a list. And I saw that in volume two, there were recommendations. A case would be
10 discussed and immediately below that, there would be a recommendation as to what the TRC found.

And depending on if the matter has not prescribed, and we prefer to deal with the matters within the country first before we do the matters outside the country. So those were the factors that we took into account. But we are far from where we need to be.

ADV NALANE: What I am wondering is, if there is been work done for 10 or how many years, why do we have to go augmenting the list and go to the TRC records? Because when the TRC finished in 2003 and the PCLU was started, the records of the TRC were there
20 already.

ADV SINGH: I am not sure what you are asking me. Are you saying that we should not investigate TRC matters?

ADV NALANE: No, I am not saying that. I am saying, I am wondering in my mind, that if we had 10 years or so of an institution, and I am not asking you questions anymore, we had a PCLU that had

been operating from 2003, it would have started with the record of the TRC being available at the time.

ADV SINGH: I disagree with you because I cannot comment as to what would have happened before my time. I can only tell you what I have done when I was there.

ADV NALANE: So all you did was go back to the TRC records and to check what other cases could possibly be investigated.

ADV SINGH: No, that is not all I did. Apart from that, I also made sure that we did, that we are making progress on the matters that we
10 have and also reopen the matters that have been referred, where there were matters where decisions were taken. And I have noted that some of the matters that are still on the list were matters that were referred from 2003. So I cannot say that I only looked at the list or I only looked at the TRC final report. I looked at other documentation as well.

ADV NALANE: Please tell me, I am not saying that that is all you did. Amongst other things, that is what you did.

ADV SINGH: Correct.

ADV NALANE: And the aim was to be able to do a reality check.
20 How many cases do we still have to investigate?

ADV SINGH: If there were 14,000 violations and 20,000 gross human rights violations and I am sitting only with 150, I think the numbers are out there.

ADV NALANE: And the TRC records would confirm that more than 20,000 victims would have made statements?

ADV SINGH: Yes.

ADV NALANE: And here we are, 10 years later, all we are told is there are 59 cases.

ADV SINGH: Sorry, we are told what?

ADV NALANE: No, you were told. You were only given a list of 59 cases.

ADV SINGH: Yes.

ADV NALANE: And you had to make sure that everything is done to get to the bottom of these cases.

10 ADV SINGH: Correct, I took an oath to do that.

ADV NALANE: And from there you started categorising the cases and making sure that they are followed up.

ADV SINGH: Correct.

ADV NALANE: And hence today you are able to give us statistics about what happened.

ADV SINGH: Correct.

ADV NALANE: But what you are saying is you cannot comment about what happened prior to your time.

ADV SINGH: You are correct.

20 ADV NALANE: No matter how long it took, you cannot comment on that.

ADV SINGH: I think I have answered that question, Counsel.

ADV NALANE: Thank you very much. Thank you very much, Ms Singh.

ADV SINGH: You are welcome, Counsel.

ADV NALANE: I appreciate your assistance. I am sure the nation needs answers to all these questions. Thank you.

CHAIRPERSON: Ms Ntloko, I just say, pursuant to the clarificatory questions that have been put to your witness, there is no re-examination at all.

MS NTLOKO: I will start with this. I am not sure if that is a dare or a please do not, a subtle, please, we need to go home, but I do agree with you on that. And I must say, while I agree with my learned friend, Nalane, about the nation requires answers, unfortunately this
10 is not the witness to provide those.

CHAIRPERSON: Yes.

ADV NTLOKO: So that is, in fact, the end of this witness's evidence.

CHAIRPERSON: Thank you.

COMMISSIONER KGOMO: You are not intimidated?

ADV NTLOKO: No, not at all. Judge and I do come back a long way. I do not think, if she could not intimidate a young me, I do not think she can intimidate me now.

CHAIRPERSON: Advocate Singh.

ADV SINGH: Yes, Chairperson?

20 CHAIRPERSON: We have come to the end of your evidence-in-chief. We thank you for having agreed to come and give evidence before this Commission. And we appreciate the evidence that you have given before us. I can just say that, for now, you are excused as a witness. Thank you.

ADV SINGH: Thank you, Chairperson. Thank you, Commissioners.

CHAIRPERSON: These proceedings are adjourned until tomorrow at
10 o'clock.

INQUIRY ADJOURNS UNTIL 17 APRIL 2026

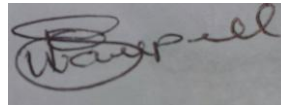
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