

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

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**AFFIDAVIT OF DR SESWANTSHO GODFREY LEBEYA**

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I, the undersigned

**SESWANTSHO GODFREY LEBEYA**

do hereby declare under oath as follows:

1. I am a retired member of the South African Police Service ("SAPS") with a rank of Lieutenant General (appointed as National Head). I am also a holder of a Doctor of Laws (LLD) degree and currently practising as an advocate under the auspices of the Johannesburg Society of Advocates ("the JSA").
2. The facts herein contained are, unless specifically stated or the contrary appears from the context, within my personal knowledge and to the best of my belief, both true and correct.
3. Where I do not have personal knowledge of the facts, I rely on the documents kept by the Directorate for Priority Crime Investigation ("DPCI") and provided to me on request.

**PURPOSE OF THIS AFFIDAVIT**

4. This affidavit is filed before the commission in response to the notice dated 25 February 2026, issued to me in terms of Rule 3.3 of the Rules governing the



Commission of Inquiry: Stopped Investigations / Prosecutions of Truth and Reconciliation Commission Cases ("the notice"). A copy of the notice to that effect is annexed to this affidavit and marked as "SGL1".

5. In terms of what is stated in the said notice, I am implicated or potentially implicated in the political interference aimed at stopping the investigation or prosecution of the TRC cases. Specific reference is made in the notice to paragraph 313 of the founding affidavit filed in support of the pending application that is before the Gauteng Division of the High Court (Pretoria), brought by L.B.M. *Calata and 22 Others* against the Government of the Republic of South Africa and Others ("*the Calata affidavit*").
6. Before dealing with the allegations made against me in the *Calata* affidavit, I deem it appropriate to first set out a brief history of my career in the SAPS with specific focus on the role I played during my tenure with the Directorate for Priority Crime Investigation ("the DPCI").

#### CAREER HISTORY IN THE SAPS

7. I started my early professional career in the erstwhile South African Police ("SAP") in May 1984 and became part of new recruits who were deployed for services in the erstwhile Port Elizabeth. In particular I became one of the members who were taken for deployment at Cradock on 19 July 1985, to guard the houses of police officials and councillors during the time when the funerals of Matthew Goniwe, Fort Calata, Sicelo Mhlauli and Sparrow Mkhonto ("*the Cradock Four*") were held. I was not aware at that time that the then Security

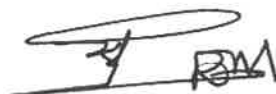


Forces were behind the murders of the *Cradock Four* until the revelations were made during the amnesty process held by the Truth and Reconciliation Commission ("TRC Commission").

8. During or about 1988/1989, I was a Detective Sergeant at Hillbrow Serious Cases Unit when I investigated a case of murder of a man who was reported to be an *Askari*. I then arrested a suspect named Mr Ndam, who used the Security Branch's firearm to commit such murder. The murder case against Mr Ndam was later transferred to my other colleagues for handling as I was not prepared to enter into any discussions with the Prosecutors for the withdrawal of the murder case against the said person.
9. During 2000 I was appointed as the Provincial Head of Detective Services in Gauteng at the level of Assistant Commissioner. I then moved to the SAPS Head Office on 1 April 2004, through a lateral transfer to take charge of the Organised Crime Component nationally.
10. On 01 August 2009 I was provisionally appointed as the Component Head responsible for Organised Crime within the newly established DPCI and also acted as a Divisional Commissioner: Priority Crime Investigations (DPCI) until 31 January 2010. In my capacity as such, I reported directly to Lieutenant General Dramat ("General Dramat"), who was the Head of the DPCI at the rank of the Deputy National Commissioner ("DNC") effective from 01 June 2009. As such, General Dramat was also responsible for overseeing the Detective Services, Crime Intelligence, and Forensic Services Divisions over and above his portfolio as the DNC for the DPCI.



11. On 01 February 2010, I was appointed the Divisional Commissioner: Priority Crime Investigation (DPCI), at the rank of Lieutenant General. What then followed was the restructuring of the SAPS wherein the position of the Divisional Commissioner: Priority Crime Investigations (DPCI) was abolished. This resulted in General Dramat being relieved of the responsibility over Detective Services, Crime Intelligence, and Forensic Services Divisions.
12. On 01 February 2011, I was appointed as the DNC responsible for Detective Services, Crime Intelligence and Forensic Services Divisions, after having spent a period of one year and six months within the DPCI environment.
13. On 31 May 2014, I was unlawfully dismissed from the SAPS and launched a challenge before the Labour Court against the SAPS in that regard. During 2015, while awaiting the date of set-down of my matter in the Labour Court, I did pupillage with the JSA and subsequently practised as an advocate with the same Society after passing the Bar Examination.
14. On 16 May 2016, the Labour Court reversed the SAPS's decision to dismiss me and ordered the reinstatement with effect from 31 May 2014. This was subject to an agreement between the parties that I be discharged in terms of section 35 of the SAPS Act 68 of 1995 ("the SAPS Act") with effect from 31 May 2016, on the basis of '*no fault discharge*' on my part.
15. On 01 June 2018, I was appointed as the National Head of the DPCI ("National Head") on a non-renewable contract of seven (7) years. I successfully completed my term as National Head of the DPCI on 31 May 2025 and rejoined the JSA as a practising advocate.

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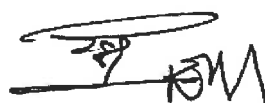
## INVOLVEMENT IN THE TRC RELATED MATTERS

16. When I took over the role of the National Head of DPCI on 01 June 2018, the investigation of TRC cases became my responsibility as they fell under the DPCI's mandate. By that time, there was already some progress being made into some of the cases albeit under severe restraint of resources.
17. On 25 June 2018, I received a request from the attorneys acting for the victims' families ("the families") that one of the investigators involved in the TRC cases be relieved of his responsibilities because of his previous employment in the Security Branch of the then SAP. After having analysed the report and considered the sensitivity around the issues raised on behalf of the families on 25 June 2018 and the need to maintain a cordial relationship with them, I informed their attorneys on 17 July 2018 that their concerns were addressed by excluding the officer from the team.
18. On 10 July 2018 the Serious Organised Crime Investigation ("SOCI") Component prepared a report on about thirty-four (34) TRC cases. These were being investigated by twelve (12) members from Crimes Against the State ("CATS"), namely, Colonel Vreugtenburg, Lieutenant Colonel Makuwa; Captains Nel, Mathipa, Thokolo, Simpson and Patsa; Warrant Officers Mamabolo, Moloto and Kgamanyane; Sergeant Dlamini and Constable Jiyane.
19. Based on the ongoing resource constraints and increasing number of the TRC related investigations from the initial 10 cases and my further engagements

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with the office of the Deputy National Director of Public Prosecutions ("DNPP"), I then requested additional budget for the purpose of the re-enlistment of the former Detectives for a period of three (3) years. My request for additional budget was subsequently approved which included the need to deal with the general backlog prevailing within the DPCI at the time. The re-enlisted members ("the investigators") would be spread across the DPCI to address the other areas of needs within the DPCI.

20. A number of two-hundred (200) posts were subsequently advertised for re-enlistment during September 2020 and the selection process was finalised on 11 March 2021. This resulted in the appointment of one-hundred-and-four (104) members on contracts for a period of three (3) years starting from 1 April 2021 ending on 31 March 2024. Of those contract members, forty (40) were assigned to deal with TRC related investigations only.
21. On 01 November 2022, we appointed the National Coordinator responsible to liaise with the other government institutions involved to ensure that there is proper co-ordination of all investigations into the TRC matters. The investigators were then divided into teams focusing on the affected provinces.
22. On 30 November 2022 I addressed letters to the NDPP, South African National Defence Force ("SANDF"), National Archives and Record Service of South Africa ("the NARSSA"), Departments of Home Affairs ("DHA"), Justice and Constitutional Development ("DoJCD"), and the State Security Agency of South Africa ("SSA"), requesting the appointment of liaison officers in their respective environments to assist with information and/or facilitating of investigations by the DPCI.


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23. As a result of good progress made following the appointment of investigators dedicated to the TRC related cases, the Executive Director for the Foundation for Human Rights, Mr Hanif Valley, addressed a letter dated 12 September 2022 commending the constructive and collaborative approach adopted in relation to the TRC cases by the National Prosecuting Authority (NPA) and DPCI. A copy of the letter is annexed hereto and marked as "SGL2".
24. On 01 February 2024, I applied to the Minister of Police to approve the permanent appointment of 56 out of the 104 members during the re-enlistment process of 2021. The remaining number comprised of members who were already of advanced age for permanent employment in terms of the applicable requirements for government employees.
25. Although I was not directly involved in the actual investigation of the cases involved, I took the responsibility as a Senior Manager to ensure that the investigators involved received the necessary support in fulfilling their tasks handling the cases that had already increased to more than 140 in April 2023.

### **RESPONSE TO THE RULE 3.3 NOTICE**

26. I have been advised by the Commission that the allegations relating to me as contained in the *Calata affidavit* are as follows:

"313. Ultimately Macadam met with Assistant Commissioner Godfrey Lebeya on 26 November 2009 where the issue of conducting investigations was discussed resulting in Macadam addressing a letter to Lebeya on 18 January 2010, which is attached to Macadam's affidavit (FA5) as annex RCM7 (at p826). The letter is reproduced below:

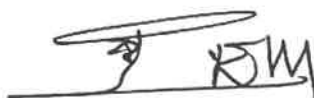


*My letter dated 13 July 2009, addressed to Deputy National Commissioner Dramat and Divisional Commissioner Lalla, and our meeting of 26 November 2009 have reference. The issue related to the appointment of investigators to investigate the 11 matters identified by the NPA, which were itemised in my letter of 13 July 2009. Subsequently, the Acting National Director of Public Prosecutions declined to prosecute in the Lubowski matter and consequently, only the remaining 10 cases on the list required attention.*

*Senior Superintendent Bester of your office attended our meeting and informed you that he was in possession of a number of further dockets which he felt also required investigation. On 6 December 2009, I had a meeting with Senior Superintendent Bester and established that these dockets related to cases against the Liberation Movements in respect of which a decision was taken in 2004 by the then National Director not to prosecute. It should be noted that in the main, all the suspects implicated in the dockets had applied for and received amnesty. I therefore informed Senior Superintendent Bester that there was no basis upon which these cases could be reopened.*

*Consequently, only the remaining 10 cases on the list require attention. Since you raised the sensitivity of the matters with me, the National Director of Public Prosecutions was given a full written briefing on the matters. I had a meeting with him today and he indicated that SAPS should in fact investigate all the matters which required investigation. The matters should be referred to my office once the investigations have been concluded. Should you require any guidance as to how the matters should be investigated, you are at liberty to approach me for any such assistance which you might require. Given the nature of the cases, it may be desirable that we meet to discuss the issues in person and in this regard, I would be grateful if you could indicate when you would be available to meet with me."*

27. I noted in paragraphs 35 and 36 of the affidavit of Advocate Raymond Christopher Macadam ("Adv Macadam") that it is specifically stated that:



*"Ultimately I met with Assistant Commissioner Lebeya (Lebeya) on 26 November 2009 where the issue of conducting investigations was positively discussed resulting in me writing a letter on 18 January 2010, attached hereto as **Annexure RCM7**. As a result thereof Senior Superintendent Bester was appointed to oversee the investigations of the ten (10) cases I had identified."*

However an adverb "*positively*", which was used by Adv Macadam in his affidavit is conveniently omitted in the affidavit of Mr Calata.

28. It is further clear from the reading of Adv Macadam's affidavit that his request for assistance from the DPCI, being the appointment of an investigator to look into the 10 (ten) cases, was in actual fact acceded to when Snr Supt Bester ("Colonel Bester") was assigned to work on the investigation of the said cases referred to the DPCI by the PCLU. Over and above Adv Macadam's request for allocation of investigators to look into the 10 (ten) cases he required to be attended to, I have no recollection of any further discussion(s) between us taking place.

### **CONCLUSION**

29. I wish to state that during my period as a member of the SAPS and the DPCI National Head, I was never directed and/or instructed by anybody not to pursue the TRC related investigations in whatever manner. I also never directed any member(s) of the SAPS / DPCI not to pursue any TRC investigation(s) or any other matters. On the contrary, I did my best to ensure that the resources were



specifically allocated to the investigation of TRC matters to ensure that justice is served for the benefit of the affected families and society at large.

30. I have always been conscious of my constitutional duties as set out in section 199(6) of the Constitution, which states that "no member of any security service may obey a manifestly illegal order." More specifically, I have never engaged in any act of political interference aimed at stopping the investigations and/or prosecutions of the TRC cases.

  
DEPONENT

THUS SIGNED AND SWORN TO before me at SIBENZA on this 20 day of **APRIL 2026** the deponent having acknowledged that he knows and understands the contents of this affidavit, he has no objection to take the prescribed oath and considers it to be binding on his conscience.

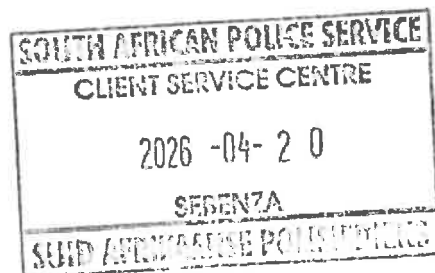
  
7070629-11/0  
Mthombeni E.M.

COMMISSIONER OF OATHS

Name: EUGENE MTHOMBENI

Address: 64 MUPEDI ROAD, SEBENZA

Designation: WARRANT OFFICER



**"SGL1"**

**NOTICE IN TERMS OF RULE 3.3 OF THE RULES OF THE JUDICIAL  
COMMISSION OF INQUIRY INTO ALLEGATIONS REGARDING EFFORTS OR  
ATTEMPTS HAVING BEEN MADE TO STOP THE INVESTIGATION OR  
PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES**

TO: Adv. Godfrey Lebeya

EMAIL: [lebeyasg@gmail.com](mailto:lebeyasg@gmail.com)

**INTRODUCTION AND ESTABLISHMENT OF THE COMMISSION**

1. On 29 May 2025, the President of the Republic of South Africa issued Proclamation Notice No. 264 of 2025, establishing the Judicial Commission of Inquiry into Allegations Regarding Efforts or Attempts Having Been Made to Stop the Investigation or Prosecution of Truth and Reconciliation Commission Cases ("the Commission").
2. The Commission was appointed in terms of section 84(2)(f) of the Constitution, 1996. The Honourable Madam Justice S. Khampepe serves as Chairperson, with the Honourable Mr Justice F. D. Kgomo and Adv A. Gabriel SC as members.
3. In terms of its mandate, the Commission is required to inquire into, make findings, report on, and make recommendations concerning allegations that, since 2003, efforts or attempts were made to influence, pressure, or otherwise improperly prevent the South African Police Service and/or the National Prosecuting Authority from investigating or prosecuting TRC cases. The Terms of Reference further require the Commission to determine whether officials within these institutions colluded in such efforts, and whether



further action—including investigations, prosecutions, or the payment of constitutional damages—is warranted.

4. Among the parties identified as having a substantial interest in these proceedings are:
  - a. The applicants in the matter of L.B.M. Calata and 22 Others v Government of the Republic of South Africa and Others (Case No. 2025-005245, North Gauteng High Court, Pretoria); and
  - b. The families of victims in TRC cases who have a substantial interest in the matters under inquiry.

#### NOTICE IN TERMS OF RULE 3.3

5. This notice is issued in terms of Rule 3.3 of the Rules of the Commission, read with the Regulations made under Government Notice R.278 of 2025.
6. The Commission's Evidence Leaders intend to present the evidence of one or more applicants in the Calata case, and any person who in the opinion of the Evidence Leaders possesses information that relates to the paragraph 9 allegations against you and is relevant to the Commission's work.
7. The specific date and venue for the hearing at which such evidence will be presented will be communicated to you in due course.
8. The paragraph 9 evidence, being the extract of the Calata matter's founding affidavit, with corresponding paragraph numbering, implicates, or may implicate, you in allegations regarding efforts or attempts to halt or suppress the investigation or prosecution of TRC matters. Further details of the Calata



proceedings, including the said affidavit, are available on the Commission's website at [www.trc-inquiry.org.za](http://www.trc-inquiry.org.za).

#### **PARTICULARS OF IMPLICATION**

9. It is alleged as follows:

*313. Ultimately Macadam met with Assistant Commissioner Godfrey Lebeya on 26 November 2009 where the issue of conducting investigations was discussed resulting in Macadam addressing a letter to Lebeya on 18 January 2010, which is attached to Macadam's affidavit (FA5) as annex RCM7 (at p826). The letter is reproduced below:*

*"My letter dated 13 July 2009, addressed to Deputy National Commissioner Dramat and Divisional Commissioner Lalla, and our meeting of 26 November 2009 have reference. The issue related to the appointment of investigators to investigate the 11 matters identified by the NPA, which were itemised in my letter of 13 July 2009. Subsequently, the Acting National Director of Public Prosecutions declined to prosecute in the Lubowski matter and consequently, only the remaining 10 cases on the list required attention.*

*Senior Superintendent Bester of your office attended our meeting and informed you that he was in possession of a number of further dockets which he felt also required investigation. On 6 December 2009, I had a meeting with Senior Superintendent Bester and established that these dockets related to cases against the Liberation Movements in respect of which a decision was taken in 2004 by the then National Director*



*not to prosecute. It should be noted that in the main, all the suspects implicated in the dockets had applied for and received amnesty. I therefore informed Senior Superintendent Bester that there was no basis upon which these cases could be reopened.*

*Consequently, only the remaining 10 cases on the list require attention. Since you raised the sensitivity of the matters with me, the National Director of Public Prosecutions was given a full written briefing on the matters. I had a meeting with him today and he indicated that SAPS should in fact investigate all the matters which required investigation. The matters should be referred to my office once the investigations have been concluded. Should you require any guidance as to how the matters should be investigated, you are at liberty to approach me for any such assistance which you might require. Given the nature of the cases, it may be desirable that we meet to discuss the issues in person and in this regard, I would be grateful if you could indicate when you would be available to meet with me." (Bold added) Par 313, page 125.*

#### **YOUR RIGHTS AND OBLIGATIONS**

314. You are entitled to attend the hearing at which the evidence relating to the above allegations, and any other that may be led against you, is presented. You may be represented by a legal practitioner of your choice.
315. Rule 3.4 requires that, within fourteen (14) calendar days of this notice, you submit a statement in the form of an affidavit responding to the allegations. Your affidavit must specify which parts of the evidence are disputed or denied, and set out the grounds for such dispute or denial.

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316. If you wish to—

- a. give evidence yourself;
- b. call any witness in your defence; or
- c. cross-examine the witness whose evidence implicates you,

you must apply in writing to the Commission for leave to do so within fourteen (14) calendar days of this notice, accompanied by your affidavit.

317. You may also apply for leave to make written and/or oral submissions regarding the findings or conclusions that the Chairperson should draw from the evidence relating to you.

#### **COMMUNICATION WITH THE COMMISSION**

318. All correspondence, applications, and affidavits must be directed to: The Secretary of the Commission [secretary@trc-inquiry.org.za](mailto:secretary@trc-inquiry.org.za)

**DATED at Sci Bono Johannesburg on 25 February 2026.**

For and on behalf of the Evidence Leaders to the Judicial Commission of Inquiry into Allegations Regarding Efforts or Attempts Having Been Made to Stop the Investigation or Prosecution of TRC Cases.

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FOUNDATION FOR  
HUMAN RIGHTS

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"SGL2"

12 September 2022

From: Hanif Vally,  
Executive Director,  
Foundation for Human Rights  
[hvally@fhr.org.za](mailto:hvally@fhr.org.za)

To: Adv Shamila Batohi  
E-mail: [ndpp@npa.gov.za](mailto:ndpp@npa.gov.za); [sbatohi@npa.gov.za](mailto:sbatohi@npa.gov.za); [NMonageng@npa.gov.za](mailto:NMonageng@npa.gov.za);  
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Lt Gen S G Lebeya  
National Head: Directorate for Priority Crime Investigation (DPCI)  
E-mail: [Lebeyasg@saps.gov.za](mailto:Lebeyasg@saps.gov.za); [dpcihead@saps.gov.za](mailto:dpcihead@saps.gov.za)

CC: Adv Shubnum Singh  
Coordinator – TRC cases  
[shsingh@npa.gov.za](mailto:shsingh@npa.gov.za)

Adv E Matzke  
Special Director,  
TRC Component

Dear Advocates Batohi, De Kock and Gen Lebeya and colleagues,

**Re: The Dedicated Capacity for the TRC cases**

Previous correspondence herein refers, in particular the NDPP's response of 5 August 2022 to our letter dated 21 June 2022.

We are encouraged by the response which points to a constructive and collaborative approach in relation to the TRC cases. This is necessary as time is fast running out to hold those implicated in these cases accountable.

We note the appointment of the Special Director Advocate E Matzke and the National TRC Coordinator Advocate S H Singh and their specific roles in the TRC Component overseen by the Deputy NDPP, Advocate R de Kock and believe that



**FOUNDATION FOR  
HUMAN RIGHTS**

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it would be beneficial for all if an in-person meeting could be held at a mutually convenient time to discuss how we could be of assistance to each other.

We would be grateful if you could indicate possible times and dates for the proposed meeting at your earliest convenience so that a draft agenda can be circulated.

We appreciate the need to keep open channels for collaboration and will act in accordance with the communication directive set out in your response to enhance uniformity and consistency in the NPA across all divisions.

We look forward to hearing from you.

Yours faithfully,

  
Hanif Vally,

Executive Director of the Foundation for Human Rights

