

**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 Yanela Ntloko- NPA representative
Adv Nwabisa Mtshizana (for Ex-NDPP's Officials)
Adv Irene de Vos for President Cyril Ramaphosa
Adv Tlotlego Tsagae (DoJ representative)
Adv Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Mr Jaco Venter – The Calata Group
Ms A Thakor – The Calata Group
Ms Vuya Nako– The Calata Group

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PROCEEDINGS ON 21 MAY 2026

CHAIRPERSON: Mr Soni?

ADV SONI: Morning Chairperson, morning Commissioners. Chairperson, we are here today to hear the cross-examination of Commissioner Lalla.

CHAIRPERSON: Thank you. Mr Varney?

ADV VARNEY: As the Chairperson pleases.

CHAIRPERSON: You are ready to cross-examine?

ADV VARNEY: Yes, indeed.

10 CHAIRPERSON: Yes. General Lalla, you are reminded that you are still under your former oath.

MR LALLA: Thank you.

RAYMAN LALLA: still under oath

CHAIRPERSON: Thank you.

CROSS-EXAMINATION BY ADV VARNEY: Before I commence, can I refer to you as General Lalla or Mr Lalla? What is your preference?

MR LALLA: Mr Lalla.

20 ADV VARNEY: Mr Lalla, okay. It has been a few years since you were a general. Firstly, Mr Lalla, thank you for taking the time to come back and assist this Commission. We applied to cross-examine you, because there are a few aspects that had not been put to you in your evidence-in-chief; and under the rules of this Commission, that requires an application for cross-examination; and we have provided upfront originally all our questions.

I first want to place on the record that on behalf of the families, we do not regard you as a person of interest. We are not making any suggestions or accusations that you interfered with the investigation or prosecution of the TRC cases. We also want to express our thanks for the service you have given South Africa and the sacrifices that you have made.

With that out of the way, given that it has been several weeks since you testified, I just want to place on record your police career and just let me know if I get it right. During the 1990s, you were a
10 member of SAPS as Head of Internal Security in KwaZulu-Natal.

MR LALLA: I joined SAPS Internal Security, KwaZulu-Natal end of, as Head, end of 1996.

ADV VARNEY: Thank you. And then after that you became ...[intervenes]

MR LALLA: Sorry, end of 1995, sorry, sorry.

ADV VARNEY: Oh okay. And then you served in that post until 2001 and then you served as Divisional Commissioner of Crime Intelligence, Head of Crime Intelligence through to 2007.

MR LALLA: Yes.

20 ADV VARNEY: And thereafter you served as Head of Detective Services from 2008 until 2011.

MR LALLA: Yes.

ADV VARNEY: And then you retired in April 2011 to... you joined the South African Revenue Services.

MR LALLA: Yes.

ADV VARNEY: We have no questions for you in relation to tax matters at this moment. In your evidence-in-chief, you indicated that the police officers who tortured you in detention; that they applied for amnesty and that you also applied for amnesty for your activities in the ANC and that you received amnesty as well.

MR LALLA: Yes.

COMMISSIONER KGOMO: You are not audible.

MR LALLA: Sorry?

COMMISSIONER KGOMO: No, no, I was saying you are not
10 audible.

MR LALLA: Ja, okay, I must speak louder.

COMMISSIONER KGOMO: Yes.

MR LALLA: Yes.

COMMISSIONER KGOMO: Thank you.

ADV VARNEY: If you are able maybe to move your chair up a little, so that you are a bit closer to the mic.

MR LALLA: There are some obstacles.

ADV VARNEY: Can I ask for your view of the TRC process; and you will know better than most that it was premised on that almost
20 formula, you know, amnesty for truth. So for example, in your case and the case of the police who tortured you, they disclosed the truth and were granted amnesty. In your view, in respect of those who were either denied amnesty or which did not apply for amnesty, what should have happened to them? Should the law have taken the course in relation to those individuals?

MR LALLA: Being a law enforcement officer, my view was simple. I have to apply the law; and whatever areas of prosecution, whatever issues of tracing of people, that is the law and I have to apply it. That was my view.

ADV VARNEY: And you are aware of the mandate of this Commission, which is to really look at why so few cases have been taken forward since the winding up of the TRC and to investigate whether there was any attempt to stop or undermine the investigation and prosecution of TRC cases.

10 MR LALLA: I have no knowledge of any deliberate ...[intervenes]

ADV VARNEY: Sorry, Mr Lalla, the question is whether you are aware of the mandate of this Commission.

MR LALLA: I am aware of the mandate of this Commission.

ADV VARNEY: Thank you.

MR LALLA: Sorry about that.

ADV VARNEY: So I would like to rewind now to the time when you were Head of Crime Intelligence. So we can go back now to the years 2003 and 2004. Can you give an indication how it was that you got approached to attend the first meeting of the Amnesty Task
20 Team, which took place on 23 February 2004?

MR LALLA: Yes, it is quite a long period of time, but I have been thinking about it and I was telephonically called by the staff office of Commissioner Williams; and he said to me there is a meeting at the DOJ he would like me to attend. So I asked him, must I take anybody along? What is the issue about? He said it is a TRC issue. So I said

to him maybe I should recuse myself, because I applied for TRC and I applied for amnesty and there were those that applied for amnesty against me.

He said he did not know the exact details of the meeting, but he thought I should just go and listen and see how best we can help. I think his intention was to try and deal with the issues of the outstanding cases. So I had the same traction with him and therefore I agreed to go to the meeting, which was held at the DOJ and it was chaired by Adv Rudman.

10 ADV VARNEY: And at that meeting what transpired?

MR LALLA: I have a very little recollection of some of the issues at hand, but I think Adv Rudman captured the minutes or he may have taken minutes and points. And I am not sure whether; there were only two meetings, to my recollection. I am not sure whether I attended the first meeting or the second meeting.

And it was the first time with the exception of Adv Rudman I met all the other heads of the... or all the other representatives of the meeting and I got the feeling that I was a bit misplaced in the meeting, because the issues was about there was some discussion
20 about the DOJ and the NPA and the authority; and I may have made suggestions, but I think it may have been totally not relevant to the subject at hand. So the meeting, I think, lasted maybe 35, 40 minutes, I am not sure, and we all left; and that was the only meeting I attended.

ADV VARNEY: I understand from your evidence-in-chief as well as

your statement that, I suppose you felt a bit of a fish out of water, because you were not a lawyer and the meeting focused a lot on the framing of a new legal dispensation for these cases. Am I right in saying you did not feel that that was your expertise?

MR LALLA: I do not think they were discussing or I do not think they were determining a framework. They were trying to explore what was expected of them; and in the process over there, I realised that there was a lot of reference to the constitution to the law and what have you, but I did not get the feeling that at that meeting that I attended
10 that there were any different proposals, but they were trying to just explore what was required of the situation at hand. Maybe with hindsight I can have a different opinion, but at that time that is what I felt.

ADV VARNEY: Okay. And then after that meeting, you then had a consultation with, I believe, Deputy Commissioner Williams?

MR LALLA: Yes.

ADV VARNEY: As well as...

MR LALLA: Ja, I went back to Deputy Commissioner Williams and I think he called Commissioner De Beer and he called legal services.
20 Initially I thought it was... what is his name? Commissioner Jacobs, but it could have been anyone from Commissioner Mthimkhulu to Commissioner Engelbrecht, because it depended on who was available at that time.

So that was... but I thought it was Dr Jacobs, but when I sat back and reflected on the time period and what have you, I realised

that it could have been anyone of those, because they just called them impromptu at the meeting, you know, whoever is available. So ja, it could have been Dr Jacobs, but I do not think so. After thinking quite some considerable amount of time and even in my appearance over here, I tried to correct that impression is that it was... I could not recall who was the legal person that they had brought to the meeting.

ADV VARNEY: That is not an important fact for us. But the outcome of your meeting with Deputy Commissioner Williams and then subsequently with Commissioner De Beer and someone from legal services, was the outcome that you should not go back to the next
10 Amnesty Task Team meeting?

MR LALLA: There was no spelling of the outcome, but basically listening to what I was saying and that my suggestion that they should listen, they should appoint somebody from legal services; and I will not be attending.

ADV VARNEY: Right. Well, just to wrap up that that section; ultimately what happened is that the Amnesty Task Team, which included legal experts, such as Deon Rudman, they made proposals which went to the Directors-General Forum and ultimately the
20 prosecution policy was amended to come up with a special legal dispensation for the TRC cases. So, for example, they came up with new criteria upon which a decision not to prosecute could be taken, such as whether the perpetrator had been subject to indoctrination and the like. Were you aware of that outcome?

MR LALLA: I was not aware of the outcome, but I was aware there

was a lot of confusion about how to take the cases forward, but nobody gave me any detail of the outcome. I had no discussions with anybody at the outcome. I had been meeting with the... at interim periods with even Adv Macadam too; and I had no indication that those were the outcomes. So, I am not sure what was the outcome. I have not seen any document. I do not think I was given any... I saw some of the pieces of the documents in the file, but it was the first time I saw it when it was produced by the commission.

ADV VARNEY: And given your earlier statement that those who did
10 not apply for amnesty or who were refused amnesty; that their cases should be treated in the normal course. What is your view on the creation of a more lenient dispensation for perpetrators behind the TRC cases?

MR LALLA: I think in the long run, as to where we are today, I am talking now from where we are today. I think that the families have a right to know what has happened in each individual case, but I also think there is a feeling of wanting to make South Africa better and sometimes, I mean I find myself personally in the situation that I get traumatised. I do think about these things and I think about others
20 and who they have lost and how they have lost, and I get angry about my own personal experiences, but the greater perspective that I have, talking about from the present time, as a grandfather, I think we need to build a better nation.

ADV VARNEY: Thank you. All right, I want to talk a bit about the perceived approach of the leadership of SAPS at that time; and I

want to refer you to a memo that we have put in the cross-examination bundle. It is at page 8.

MR LALLA: Okay.

ADV VARNEY: So as you can see, this is an NPA document. It is a secret internal memorandum. It is from the then Acting National Director of Public Prosecutions, who was Dr Silas Ramaite, to the then Minister of Justice. It is titled "Management of TRC cases by the NPA". It is dated 14 December 2004. Do you have it?

MR LALLA: Which page are you on?

10 ADV VARNEY: It should be page 8 of the cross-examination bundle.

MR LALLA: Ja, okay, ja.

ADV VARNEY: So the purpose of the memo is to respond to various allegations that have been made. It is at some meeting. The meeting is not described, but certain cabinet ministers were present as well as the National Commissioner of the Police Service. That would have been Jackie, Commissioner Jackie Selebi at the time. And presumably, the minister asked the acting NDPP to respond to those allegations.

20 We are not going to go through the memo in great detail, because it is quite long. And the historical background, the acting NDPP just sets out the approach of the NPA. And in particular he highlights that there were two detectives, a Director Nel and a Senior Superintendent Britz of the SAPS who were investigating cases against the ANC. And that work began in the late 1990s and continued all the way through to the early 2000s.

And then perhaps we can we can jump to page 11 under the heading “matters arising” under the subheading “SAPS involvement pertaining to TRC investigations”. So during 2003, the NPA sought assistance with a number of cases and some of them are set out in 4.1.2. You will recognise, I think, probably all these cases – PEBCO Three, Cradock Four, COSAS 4, Victoria Mxenge and so on. And it was when they tried to investigate, have these cases investigated that they ran into problems. So if you look at 4.1.3, Dr Ramaite says:

10 “On 26 September 2003, Commissioner De Beer
advised the PCLU, having discussed the request
with the National Commissioner, no such
assistance would be rendered without the
expressed written instruction of the president.
His motivation was that the suspects in the above
cases were all ex-policemen.”

Perhaps we can just pause there. Was it your experience that SAPS typically would not take on cases if the suspects were police officers?

MR LALLA: This is the first time I am seeing this document. I was unaware of what the detectives were having as dockets and what
20 have you. So to answer your question is that; did I know about it? I did not know about it. I was totally unaware of it.

When Adv Macadam wrote to me with a list of cases, I sent a directive to the nine provincial heads as well as the component heads, asking them, of Crime Intelligence, not of Detective Services; of Crime Intelligence – are there any documentation? Are there any

evidence that is within the Crime Intelligence domain?

I got a nil return. Nil return means that all documents were burnt and destroyed and most documents that were captured, were captured, were taken at the tail end by the TRC. So, I was unaware that there were any cases that was being dealt with by some elements in the detective service or some colleagues in the detective service, policemen in the detective services.

ADV VARNEY: Thank you. When you say the documents were burnt or destroyed, do you have any knowledge of perhaps when that
10 happened and why they were destroyed?

MR LALLA: I also spoke to Commissioner Williams as well. He was my predecessor in Crime Intelligence. And he told me that during the period of time; that he was there when the initial setup of the police services was designed; that various ministers or presidents did request and did ask for those things. And the answer that they got; that they were destroyed pre-1994.

ADV VARNEY: So this was now the tail end of the apartheid era.

MR LALLA: Ja, this was the tail end and the new democratic period was just coming in. And they were given the assurances, this is my
20 understanding; that there were no documents that was available in the old Security Branch, which became Crime Intelligence.

ADV VARNEY: In fact, I recall that the Truth and Reconciliation Commission was well-aware of this concerted effort to destroy as many documents as possible; and they actually launched a special investigation into what the commission referred to as the industrial

destruction of apartheid-era documentation.

MR LALLA: Yes.

ADV VARNEY: If we continue, 4.1.4, and of course this is now the perception of the NPA. The perception unfortunately created by this decision is that SAPS was only interested in targeting members of the liberation movement. And 4.15 they say that this perception was reinforced by the way SAPS dealt with Blarney and the ANC 37 cases. And we will just focus on the ANC 37 case; and I think you are aware that 37 leading members of the ANC applied for amnesty.

10 It was originally granted and then there was a high court review and it was subsequently overturned.

MR LALLA: Yes.

ADV VARNEY: That would have included senior well-known figures, such as Thabo Mbeki and Jackie Selebi himself.

MR LALLA: Yes, I knew of the ANC, but I did not know all them. I did not... maybe Jackie Selebi's name was there. I take it for granted as you are telling me.

ADV VARNEY: No, we do have the application and I believe he is number 26 on that list.

20 MR LALLA: Okay.

ADV VARNEY: So 4.2.2:

“Members of the PCLU held various discussions with Nel and Britz, during which discussions Nel and Britz persisted that there was a strong case against the president and other prominent cabinet

ministers. This was raised in the context of attempting to persuade the PCLU not to prosecute former Security Branch members on the basis that if such members were prosecuted, the president would have to be prosecuted as well.”

And it is that concern expressed in the last sentence of 4.2.2 that we are submitting was a central concern of government and leading figures, such as Jackie Selebi. When you were Head of Crime
10 Intelligence, did you get to hear of this concern that if the NPA pursued former apartheid-era officials; that it would then give rise to calls or pressure to go after senior ANC leadership as well?

MR LALLA: I cannot recall any discussion within SAPS as such and even within Crime Intelligence, but what I can say is that at some stage of some period, I do not know whether 2005, 2004, 2003; that Adv Ngcuka clarified the issue in the press and it was a non-issue for all of us. He was the NDPP Head and he clarified it by saying that there is no truth in the story that the president is being pursued by the NPA.

20 So that was my understanding, but I must say in the environment you work with, you hear multiple stories, but I did not get... The person who I interacted most; and unfortunately my office was away from the headquarters of SAPS, so I was not too much in the corridors there – the person who I interacted most was Commissioner Williams; and I did not get the feeling from him that

this was the big issue at hand. The most issue that I think he was more worried about was the counter-terrorism issues, but that is something else.

I did, I personally did not get the feeling, but if you are asking me with hindsight, I heard all these rumours, but as we were working at that particular moment in time, I did not get a sense, I personally did not get a sense that everyone was disrespecting Adv Ngcuka's public statement. I think in SAPS it was just generally to be taken into account that the team, the ANC and his team is not going to be
10 prosecuted.

ADV VARNEY: Yes, and if you... we are not going to go through the rest of the paragraphs on page 5 of that memo or on paginated page 12. Maybe you can read it in your own time, but just by way of summary, because there was this view that the NPA was about to pursue the ANC leadership. It ultimately resulted in NDPP Ngcuka issuing a press statement in May, I believe, of 2004 in which he confirmed that there was no case against the leadership and the NPA was not prosecuting them. But notwithstanding that press statement, in the years following, all the way through to 2007, that fear or belief
20 persisted. Do you recall these rumours or allegations still prevalent post 2004?

MR LALLA: I would think that in 2008, when I got appointed as Head of Detective Services, I at that stage wanted to try and fast-track investigators into the priority crime cases. So I think at that time I heard some rumours and allegations of it, but I had a posture that

when we were working in government, every day there was a new allegation, there was a new rumour and there was a new story; so, if it was not told to me or if it was not written to me as a director, I ignored it.

It was the way... unfortunately even the media operated that way. Any rumour, anything became a national issue subject. I tried to keep my head focused on what was the elements of accuracy in front of me, but I am not disputing that those discussions may not have taken place. I am not disputing that. I am just saying from my
10 side I am unaware of it.

ADV VARNEY: Right, since you have come to the year 2008, perhaps we can stay in that time period. Can you just give us an indication as to how you knew Adv Chris Macadam? I understand you had a good working relationship going back to your KwaZulu-Natal days.

MR LALLA: Yes, it was in regards to the political violence in regards to some of the TRC cases, trying to find the missing people and what have you. We had an amicable good relationship and it continued when he came to Pretoria and when I was in Pretoria. And wherever
20 possible, if I could help, I could help, but whilst... ja, basically I had a good relationship with him.

ADV VARNEY: All right, so then let us turn to the approach by Adv Macadam in 2009. You might recall that he made an approach to you, asking for investigators. And these are summarised in paragraphs 306 to 314 of the Calata affidavit. It was also reproduced

in the Rule 313 notice. I understand that is at pages 17 to 22 of your bundle.

MR LALLA: I have got pages 17. Is it the one that is also marked 518?

ADV VARNEY: It depends which versions you are looking at, but if you have 17 onwards, then I think ...[intervenes]

MR LALLA: In red. Yes, I am on page 17. Thank you very much.

ADV VARNEY: Okay. Let us let us jump to page 18, paragraph 308.

10 “In relation to the struggle for investigators,
Macadam approached Ackermann for advice. He
disclosed that he had previously closed some
matters which had not required investigation and
handed over a list of some 10 cases. Macadam
attached to his affidavit a trail of emails between
himself and various role-players and his attempts
to get the remaining cases investigated. He
initially met with Rayman Lalla, then Divisional
Head of Detective Services, who informed him
that the National Commissioner had decided that
20 the cases must be handled by the DPCI.”

That is correct. Is that your recollection?

MR LALLA: Ja, I think in my... when I first appeared here, I tried to explain it. He did approach me in 2009; and what he is writing here is his correspondence to Adv Willie Hofmeyr, but Adv Macadam did approach me and he gave me a list of two names that he wanted and

they were not being part of SAPS and they had to be employed in SAPS.

So I, at the end of the day, tried to find a way to see whether we could employ these former people and what have you. In the process I learnt that SAPS was undergoing a work study to create a Priority Crimes Investigation Unit, and I immediately called Adv Macadam and told him that they want to create an institutional capacity, so that we can actually deal with these cases as part of their other cases that they have to deal with, because they are regarded
10 as priority cases. That was, I think, in 2009, ja.

ADV VARNEY: Yes, yes, it was 2009. So you made reference to Macadam's interactions with Deputy NDPP, Adv Willie Hofmeyr and perhaps I will just read into the record a quote from that communication for your response. He says:

20 "I met this morning with Commissioner Lalla concerning the appointment of SAPS investigators to investigate the TRC cases where victims have asked the NPA to look at prosecutions. We have been taking quite a beating due to the fact that nothing has been done on these matters for a number of years; and in fact, in certain cases the victims are threatening us with mandamus applications. In this regard, Commissioner Lalla asked me to provide him with the names of three to four

investigators who had the necessary experience.”

Perhaps we can just pause there. So, you know, Macadam says that the NPA has been taking a beating and they are now being threatened with legal action. And given this is not 2009, you know some years after the winding up of the TRC; was it somewhat concerning to you that in 2009 the NPA was still pleading for investigators for these cases?

MR LALLA: I was concerned; and I at some stage in the period thought the problem was resolved pre-2009. I thought, because
10 whenever I met Adv Macadam, he was dealing with one case or the other, but not necessarily TRC cases. So I assumed that the management of the process was going on, but when he came to me in 2009, 2008 to 2009; that is when I realised that they do not have a systematic capacity to deal with TRC cases.

And so the work-study people helped and the human resources people helped to develop some sort of capability, but I was worried. And unfortunately sometimes state institutions run in a bureaucratic way, but by mid-2009 there was a new national commissioner appointed and there was a new DPCI Head appointed.
20 So in my mind, these cases would get the immediate urgency that they required; and that is how I read it as.

ADV VARNEY: Yes, to be clear, there were certain PCLU cases which SAPS was assisting with; and I think you alluded to them. So, for example, cases involving nuclear proliferation, terrorism cases and the like. So there appear to be a good working relationship

between the PCLU and SAPS on those cases, but it was just the TRC cases that appeared to be neglected, which was a great concern to them at that time.

MR LALLA: I cannot comment on what happened in the NDPP, NPA and on the SAPS TRC cases, because I think, personally I think they all should have put their resources and pooled the resources and set up a team and just dealt with it, but I did not know the legal challenges. I did not know the toing and froing and sometimes even I got frustrated, and perhaps it leads you to a situation that the
10 bureaucracy is so intense that it might create perceptions of interpretations, but actually the bureaucracy sometimes fails us.

I do not know if I am clear in what I am saying; is that it is not worth me blaming the individual in the NPA or blaming the individual in the NDPP or blaming individual in SAPS. I am not saying that there have been no delay tactics or malpractices or what have you, but I am saying I find sometimes in the way in which governance, finance, institutional mechanisms that are put in place, it becomes quite an elaborate process, but I was very happy at the pace in which the DPCI was set up. But I agree with you, I had my own misgivings
20 that when Macadam approached me; that he was saying basically starting from scratch.

ADV VARNEY: It certainly appears from paragraph 309 that...

MR LALLA: Sorry, I must say Adv Macadam, sorry. This is because I know him on a personal level. So I get caught up with...

ADV VARNEY: And you were open to bring on board the individuals

that Macadam had requested; that you were willing to give it a special tasking and that you would pay the costs of the investigations of that budget. But of course shortly thereafter, and perhaps unfortunately, the decision was then taken that it would not be Detective Services that deal with the cases, but DPCI; and that is set out from page 310 onwards.

MR LALLA: Yes.

ADV VARNEY: And sadly, the cases did not go forward, but that is out of your remit, so I am not going to question you on that. Perhaps
10 then we can turn to the meeting that took place between yourself, Adv Ackermann and Adv Macadam and Pretorius on 25 August 2003. Can you remind us why that meeting took place?

MR LALLA: From my recollection is that it was Adv Macadam who requested a meeting and he said he just wanted it to be an introductory meeting, but he wanted to set up, or they wanted to tell me what and how they were going to approach the TRC cases; and I agreed.

ADV VARNEY: Okay, I am just going to refer you to Adv Ackermann's version; and in the top bundle if I can refer you to page
20 49. Ja, it is a red number.

MR LALLA: 49, yes.

ADV VARNEY: So if we, I read certain of these passages for your reaction. Essentially what Adv Ackermann said in his evidence before the Commission is that they were struggling to get investigators during 2003; and because Macadam had this good

working relationship with you from your KZN days in the 1990s dealing with political violence, and dare I say I think I met with you in the 1990s on that issue as well. Thank you for your assistance in that regard. The decision was made that they would approach you to talk about the problems in getting investigators for the TRC cases and try to resolve that impasse. From their perspective, is that roughly correct?

MR LALLA: Roughly correct, ja.

ADV VARNEY: Let me then read to you what Adv Ackermann had to say; and let us take a look at paragraph 13 of that memo, which is now on page 53, the red number 53. So I will read a few of these paragraphs into the record and then you can react. Starting at 13:

“Due to the difficulties encountered with the DSO, my two deputies and I met with Commissioner Lalla to inform him of my unit’s mandate and to request him to channel any intelligence relating to the cases to my unit. During the course of these discussions, I did express my dissatisfaction with the DSO and informed him of the allegations being made against the president. Macadam also asked his assistance concerning the Motherwell case where the accused were alleging that the deceased had been killed before they were MK operatives. As I subsequently discovered, this conversation was clandestinely recorded both in

audio and video.”

Let us just park the recording for the moment. The content of paragraph 13, is that your recollection as to what was discussed?

MR LALLA: Yes.

ADV VARNEY: And I understand that Adv Ackermann did not mince his words when he spoke about the DSO.

MR LALLA: I cannot recall the exact things, but I think I may have, I think he just had a bad day, I think. That is how I would put it today, because I found it, I found it little bit wanting in the sense that you get
10 appointed and three months after that, you have a view of your personnel that you are working with.

So I just, ja, and I had nothing personal against the Adv Ackermann. I still do not have anything personal against him, but I just found it, ja, I found it, I mean maybe the choice of words were a bit tough for me and I responded in the way I responded. But I concede that perhaps in a much more mature environment, one would say that he just had a bad day. I do not know if I answer your questions, but...

COMMISSIONER GABRIEL: It is just very difficult to hear you.

20 MR LALLA: Oh, sorry, sorry. Thanks.

ADV VARNEY: Thank you, Commissioner. And did Adv Ackermann braze other cases in which he was seeking intelligence on?

MR LALLA: They gave me a list, but the list was, to define it properly, it was not that they were asking me to help them with the investigators. They were asking me: did we have Security Branch

files on those things? That is how I understood. Did we have any documentation on those cases? And I think in one of his emails he addresses it. There was one of them which was slightly different. I do not know if, maybe I should go into it.

ADV VARNEY: All right.

MR LALLA: The one that was slightly different was the one in relation to the late Mr Chris Hani. So, all of them were put on the list. The five or six of them were basically looking at old Security Branch documentation, which I could not help, because the files were burnt.

10 In relation to the Chris Hani matter, I forwarded that letter directly to the Provincial Head of Crime Intelligence, and he was Commissioner Cedric Rapudi. Commissioner Cedric Rapudi did inform me that he searched high and low for these things and so I asked him to communicate with Adv Macadam directly.

But Commissioner Rapudi, I trusted his judgement for one simple reason; is that in the early 80s he was a member of the Security Branch, and in the mid-80s he was arrested by the Security Branch for working for the ANC and he spent 12 years on Robben Island. So, he had a vested interest in trying to find the truth behind
20 the document or behind this one-liner which Adv Macadam gave us; and he could not trace it, he could not find anything.

But I must say, in the same spirit, we received daily, daily, hundreds and hundreds of documents or allegations or counter-allegations from people sending us on wild goose chases. And I am not saying, I hope they can find the person who actually had that

intelligence report and dealt with it, but in my subsequent years, Adv Macadam never came back to me with it.

So I assume that in whatever way, in that period in 2004, what have you, when those lists were given to me as Crime Intelligence; I am going to repeat myself again. I informed the nine provincial commissioners to do a return on all the documentation that were there. And in regards to this additional one on the late Mr Chris Hani, I asked them to forward it to the provincial head who had the gusto and who had the belief that he will try and get to the bottom of it, and
10 he was exhausted.

Sometimes when people write allegations, it does not necessarily mean that you have evidence to actually tie with it. So, and we also did not want to make it a public thing, because it is just sheer allegations. However, there was nothing for Commissioner Rapudi to show to me that the person who is alleged to have been in the Security Branch who knew of the killing of Chris Hani or the plot, we could not establish anything. We could not find out. But I concede that that matter, he listed it in the list of documents that were sent to us.

20 ADV VARNEY: Thank you. And the cases of the Motherwell bombing, Brian Ngqulunga, Eugene de Kock, General Nick van Rensburg, they were also raised with you?

MR LALLA: Ja, those are, if one reads the document correctly, he was basically looking for if there were any documents in the Security Branch offices that could indicate to them or that could help them;

and we could not find it. It was burnt and destroyed. It is different from him asking me the question. He said can we set up a team to look at, but he has to do it in the proper protocol, because it is not normal in intelligence that because someone comes and casts an aspersion on a person, we must start investigating the person. So there must be a file with much more detail to explain what is going on; and then we take it to our legal person and we say we can do one, two, three.

ADV VARNEY: Chairperson, I see it is 11, although we are quite
10 close to the end of our cross-examination.

CHAIRPERSON: Yes.

ADV VARNEY: I think we can wrap this up in about six or seven minutes.

CHAIRPERSON: Yes, you may proceed.

ADV VARNEY: As the Chairperson pleases. Let us continue and I am going to read now on red paginated page 53, some further paragraphs from this memorandum. And just to remind ourselves, this is from Adv Ackermann to Adv Pikoli on 16 May 2006.

20 "14. At a later stage, my two deputies and I were
at short notice summoned to a meeting with
Mr Ngcuka. Mr Ngcuka informed me that
Commissioner Selebi had addressed a
meeting of the Directors-General and
alleged that Mr Ngcuka was preparing to
have the president and six generals arrested

and charged with terrorism. Mr Ngcuka further informed me that Commissioner Selebi was in possession of a video recording in which I had admitted that the president was due to be arrested. I was then shown the video recording of my meeting with Commissioner Lalla, and this is how I learnt that the meeting had been recorded.

- 10 15. Mr Ngcuka further informed me that Commissioner Selebi had complained about the NPA being in possession of SAP's dockets.”

Let us perhaps pause there. So Mr Ackermann is complaining that the meeting was recorded clandestinely without his knowledge or permission. That recording was then handed over to Commissioner Selebi, who on that basis then accused him of working to have the president arrested, and he was then confronted with that video, had a meeting with the NDPP and Ngcuka. What is your response to Adv

20 Ackermann's complaints?

MR LALLA: I did what I had to do.

CHAIRPERSON: Come again. Just raise your voice.

MR LALLA: I did what I had to do and I took the decisions of what I had to do. I have had, and I do not want to go into the lengthy history of how much of experience that we have had, where in meetings

people say A; and in actual reality when they converse, they say B, C or D.

So, to protect the integrity of my institution, myself, and to utilise it for my own internal purposes, because I also had members who would portray a set of circumstances different from what the investigators want; yes, I recorded and the process of recording does not take place that you can selectively record. I gave the instruction long before I went into the room. There is no switch in the room for me to record and to specifically isolate what negative things or what
10 positive things.

The whole conversation was recorded. I am not in a position to clarify what exactly was said and I am not going to attempt to clarify what exactly was said. If all those who listened to the recording have given their statements, and by his own admission, he has said certain things; in my situation, and I am talking hypothetically. I am the Head of Intelligence and I am talking purely hypothetically. This is how I am thinking in hindsight. If you come and tell me, hypothetically, that if you want to arrest the head of state, you make me a conspirator.

20 So as intelligence heads, we sometimes have to protect our institution and the government of the day. I am not saying he said that he want to arrest the president. I do not know what is on the tape, but if the tape is there; and that is it. But I am trying to put a scenario over here; that why I tape these things is simply because I have to protect the integrity of the state and the version of what is

being said. After all, this is part of the truth and reconciliation; not he said this or I said that. If he is hurt by it, there is nothing I can do about it, but I think it would be unfair for me to tell him I am going to have a meeting, but I am going to record you.

CHAIRPERSON: Why is it not so? Mr Lalla, why do not you tell the person you are going to record that the meeting will be recorded for purposes of making sure that the record of the meeting is accurate?

MR LALLA: For the simple reason is that during the times that we were working, during the times we were working, my experience has
10 put me in the situation to be able to defend myself when these things happen. I think the challenge that he should have had, he should have asked himself why he said those things or whatever he said.

CHAIRPERSON: No, what I am asking is; why do not you disclose to the person you are going to record that 'I am going to record this meeting'?

MR LALLA: At intelligence offices, at the offices over there, there were signs that everything that goes on here is monitored. Everything that is, is basically monitored. So I regarded it, and it is my personal decision, wrong or right; it is my personal decision that I
20 felt it was not proper to tell him.

CHAIRPERSON: Why not?

MR LALLA: That is my reason.

CHAIRPERSON: So you are unable to explain why you do not tell him?

MR LALLA: No, no. My reason is simple; is that I have had, and

that is why I did not want to go into details. I have had hundreds of experiences of people who have come and given me pictures on scenarios or issues; and then they go out of the offices and they reflect another thing, another set of circumstances.

So, and they expediently reflect a set of circumstances in a way to look after themselves and their own interests and whatever intentions that they have, because they are going to speak to somebody else about it. In this issue over here, I saw the need for it. I have no qualms with it. My reason is very simple; is that I wanted to
10 protect the integrity of the state in terms of everybody who comes there, because ...[intervenes]

CHAIRPERSON: Why would... if I may interpose; why would the integrity of the institution not be protected by disclosing to the person you are recording that you are going to record the meeting?

MR LALLA: I think the situation was delicate and it depended on my experiences at that given time, as Intelligence Head; and I felt it was necessary. But I also think what is necessary as well is for him to say what he said. I mean, if this thing was not recorded, what would the truth then appear as? You have to be truthful. You are dealing in an
20 environment that is conducive to a whole lot of manipulations. And my feeling is that because of the past experience of the TRC, the destruction of the documents, the hearing of oral evidence and what have you, I felt it was important for me to record it.

CHAIRPERSON: Mr Varney?

ADV VARNEY: Thank you, Chair. Mr Lalla, from the perspective of

Adv Macadam and his colleagues, there was a prior relationship between you and Adv Macadam. So, as I understand, the basis of the meeting was that this was a meeting amongst professionals and colleagues to talk frankly, to work out, you know, ways of resolving problems and taking matters forward.

So, recording a meeting is one thing, but handing the tape over to somebody else is another thing. So, let us then move to that. Why then was the tape handed over to Commissioner Selebi? Because as I understand your evidence-in-chief, you recorded the meeting, and as you just mentioned, because you wanted a record to make sure that down the road, if there is a dispute as to what was said, then you would be able to work out precisely what was said, because you had the recording. So, why then was there a need to hand it over to Commissioner Selebi?

MR LALLA: Some time later, and as I explained that when we have meetings, there are people who have one set of views of the meeting, they have one interpretation of the meeting; and when they leave the door, they express the contents of the meeting in a different way. And after the recording, I cannot remember the length of time, but my initial response to Commissioner Selebi at that time was that the PCLU is having some teething problems; and I left it like that.

Some months later, and my assumption that he was either at the... because of the topics in question that he spoke to me about; he was at the Department of International Relations and some issues of certain sanctions being put across us and what have you of

outstanding issues and reports that we have not done. So, he was speaking to somebody in the legal services over there; and I am speculating. Maybe I should not go there, but let me just go to the fact that what he asked me.

He asked me about three things; about the biological warfare, about the anthrax and then he said to me, by the way, he has got another interpretation of what took place in that meeting. What meeting? – The meeting with you and the PCLU. I said we only had one meeting with them. And he said to me he has another
10 interpretation.

So, I did not want to go into a long laborious discussion. I said I recorded the meeting, because he is my accounting officer; and these challenges we experience quite a lot where senior officers are told, even from state departments, from other things, this is what is supposed to be done, this is how we are doing it, and in other forums other things are being told. I never went into detail as to what he was, why he needed it and he asked for it and I just gave it to him.

ADV VARNEY: What was the interpretation that he said he had of that meeting?

20 MR LALLA: He did not express it to me. He said he had another interpretation of the meeting, basically implying that I did not, I was not very truthful.

ADV VARNEY: Would not the proper way to deal with it to have asked him what the interpretation was and then listened to the recording and then reported back to Commissioner Selebi?

MR LALLA: That could have been one consideration or whatever.

At that time, I took that decision.

ADV VARNEY: And at that time, I assume you were aware that Commissioner Selebi was one of the ANC 37 and that he would have a personal interest in this matter?

MR LALLA: No, I was unaware. I want to be honest. I do not even know who were the 37. I just assumed that it was ANC members, but I want to be honest; that I did not know he was one of the 37. I did not even bother myself with that.

10 ADV VARNEY: If you had known, would it have made a difference?

MR LALLA: It may have made a difference.

ADV VARNEY: And in that case, you would have withheld the recording?

MR LALLA: Not necessarily, because this was a meeting. I do not think; if I recall the contents, and that is why I like the contents to be played to all. If I recall the contents, I do not think we specifically, let me not speculate. I think it is best that the contents are made available to all.

20 ADV VARNEY: But you accept that the PCLU had a mandate to investigate all sides in the conflict?

MR LALLA: Yes.

ADV VARNEY: And so, it should not have been that surprising that they were speaking about cases against former apartheid officials, but also cases against the liberation movements.

MR LALLA: I must say, and I want to be frank over here, at that

stage I did not have any interaction with them about the cases. At a particular stage, later on I came to know that there was some issue dealing with the Frank Chikane case, but on the 37, my assumption was that there was no case. Advocate Bulelani said there was no case and it was closed. So I cannot keep these images and versions right. It is closed. It is done. So I do not see it as any travesty or what have you by handing the tape. He is the accounting officer; and that is what I did. I did my job.

ADV VARNEY: Yes, although the case was effectively only closed
10 about nine months later.

MR LALLA: I am not sure of that.

ADV VARNEY: Yes, the statement issued by the NPA through Bulelani Ngcuka, the NDPP, came out in May of 2004. Sorry, March of 2004. Sorry, it was May 2004. And your meeting was August of 2003.

MR LALLA: My meeting with...

ADV VARNEY: With Adv Ackermann and other colleagues, yes.

MR LALLA: I am not 100 percent sure of the dates, but you could be right.

20 ADV VARNEY: And given that timing; so in August of 2003, following that meeting, you would have been aware of what you said, the teething problems that the PCLU had, which included issues around investigations. So when you were at the Amnesty Task Team meeting in March of 2004, did you think about raising those challenges at that meeting?

MR LALLA: No, I found myself... I found that I was misplaced to attend the meeting.

ADV VARNEY: Okay; and then lastly, you made the comment in your evidence-in-chief that Adv Anton Ackermann was broken in that meeting. Are you still persisting with that claim?

MR LALLA: I think maybe I stretched the description, but I just felt it was... he had an off day.

ADV VARNEY: No further questions, Chairperson.

CHAIRPERSON: Thank you, Mr Varney. I think we will take a tea
10 adjournment and reconvene at 11:40.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Mr Soni?

ADV SONI: Thank you Chairperson. Ms Rangata is going to ask questions on behalf of the Evidence Leaders, Chairperson.

CHAIRPERSON: Thank you. Ms Rangata?

CROSS-EXAMINATION BY MS RANGATA: Thank you Chair and good morning to you and the Commissioners. Good morning Commissioner Lalla, how are you doing?

20 MR LALLA: Fine, thank you.

MS RANGATA: Thank you, thank you so much again for coming. I am going to ask you a few questions. Commissioners, I am going to be looking at the cross-examination bundle, I am at page 15 of the bundle. It is a document called Secret Report, Amnesty Task Team. Are you there Commissioner Lalla?

MR LALLA: Open 15, let me see another 15.

MS RANGATA: It is the red number, 15.

MR LALLA: Ja, I could not find it.

MS RANGATA: Thank you very much.

MR LALLA: Yes.

MS RANGATA: You will see on the first page of the report under 1.2, sorry it is 2, ja 1.2. It is the task team comprises the following members, and your name is the second last there.

MR LALLA: Yes.

10 MS RANGATA: Are you there?

MR LALLA: Yes.

MS RANGATA: Alright, and we read in paragraph 1.3 that the task team was requested to submit its report to the Director General's Forum by close of business on 1 March 2004. The task team met for the first time on 26 February 2004, and again on 1 March 2004. Commissioner Lalla could unfortunately not attend the first meeting. He did however submit his proposal to the task team for its consideration. I would imagine that meeting that he did not attend is the 26 February 2004. Is that correct?

20 MR LALLA: I would think so.

MS RANGATA: Alright, thank you so much. The report states that you had made your submissions. Would you recall, I would imagine that would have been in writing.

MR LALLA: I would have done so in writing, but I cannot recall what I wrote. I believe that there was an indication that maybe I

misunderstood the mandate of the task team. So, I absolutely cannot recall what were my recommendations.

This was the DOJ team, and I had just given them my recommendations.

COMMISSIONER KGOMO: Sorry, sorry, but reading this report, you cannot identify whether what you, your input in writing, whether it is incorporated in this report that the leader of the evidence, Ms Rangata, that is it. Is it incorporated herein or not?

10 MR LALLA: Thank you for bringing that to my attention. It is the first time I have seen this, not the first time, during the Commission's hearing was the first time I have seen the report. And so, I want to be very honest over here. I do not know the origins of the report. I cannot recall the contents of the decisions or the proposals of the report. And, but I do consider, I do agree that I may have written something which, but I cannot recall any of the details of this report.

COMMISSIONER KGOMO: Yes, thank you.

MS RANGATA: Thank you, Commissioner Kgomo. You have familiarised yourself with the report for the preparation of your hearing and as well as the cross-examination for today, am I correct?

20 MR LALLA: Sorry?

MS RANGATA: Have you familiarised yourself with this document in preparation for this hearing?

MR LALLA: I, ja, I got this document today, ja. I have read through it today, ja. But I have seen this document in another submission.

MS RANGATA: Yes.

MR LALLA: I think by, I cannot remember who, but I have seen the contents of the document, ja.

MS RANGATA: And you are saying that when you read it, you could not recognise any of the submissions that have been made, and your name is on the report, and the report makes certain recommendations and discussions.

MR LALLA: Ja, I am not sure where is this report from. That is what I am trying to say.

10 MS RANGATA: Did you take it up as to where does the document come from? If it does not represent your input and your submissions, did you raise any concerns that I am not recognising, I see my name is here, I see I have made a report, but I cannot recognise what is contained in this document.

MR LALLA: Okay, I am clarifying it now, right? In the earlier part, somebody who submitted this, I have not seen this secret report. Normally I would, in my own understanding, I never experienced a DOJ in writing secret reports. I did see it in the, I think in January, February, and I dismissed it, but I am basically saying that I am not familiar with the contents of the report.

20 MS RANGATA: I accept that it just makes it difficult for me to move from that, and I am just going to put it just for the record. Accepting that you might not be familiar and you might not have details of what your submissions would have been, am I correct that you accept that you have attended at least one meeting of the ATT?

MR LALLA: I agree I attended one meeting of the ATT.

MS RANGATA: All right, thank you.

COMMISSIONER KGOMO: And that would have been on 23 April 2004?

MR LALLA: I am not sure of the dates, but I agree I attended one, and that is when I came to the decision that it is basically a meeting for legal people. Okay.

MS RANGATA: Thank you. If we move to page 19 of that report, and you go to paragraph 3.2.2, right at the bottom of that page, these are the recommendations of the committee, of the task team, and it
10 records some of the issues that have been recommended.

MR LALLA: I just want clarity.

MS RANGATA: Yes.

MR LALLA: Is this the recommendation of Advocate Rudman? He was the chairperson of the task team. Because I think he says that he is unfamiliar with some of the details in this report.

MS RANGATA: This is the report of the task team. I am not sure if I will be qualified to say that it is a single out, one member of the team, because this will represent the discussions of the team, of the task team.

20 MR LALLA: But I read the submission online of Advocate Rudman, and he cannot recall this paragraph, he cannot recall that paragraph, and he can recall some aspects of it, if I recall correctly. So I am saying is that, is this the authentic report of the task team? That is what I am trying to establish.

COMMISSIONER KGOMO: Why would it not be?

MR LALLA: Sorry?

COMMISSIONER KGOMO: Why would it not be?

CHAIRPERSON: Because in Advocate Rudman's submission, to the Commission, he highlights aspects of saying, I cannot recall this matter being discussed, I cannot recall that matter being discussed. And if he does say it, it puts me in a difficult situation, because he is the chairperson of that. So... (intervenes)

CHAIRPERSON: Wait for the question, Mr Lalla.

MR LALLA: Sorry, sorry.

10 CHAIRPERSON: Wait for the question to be put to you before you can bring in Mr Lalla.

MR LALLA: My apologies.

MS RANGATA: Thank you, Chair.

CHAIRPERSON: He is not the one who is being cross-examined.

MS RANGATA: Thank you, Chair. For the record, the report states on paragraph 3.2.2 of that page 19 that I have indicated earlier, it says:

20 "The function of the proposed task team should be, this is one of the recommendations that has been made. Before the institution of any criminal proceedings for an offence committed during the conflicts of the past, to consider the advisability of the institution of such criminal proceedings and make recommendations to the National Director of Public Prosecutions in this regard."

My question is, was this recommendation referring to the formation or what was supposed to be referred to the ITT, according

to your recollection?

ADV LUBBE: Commissioner, I do not want to interrupt unfairly, but it is not a recommendation in terms of the document she is reading for him. It is a matter under discussion.

CHAIRPERSON: Yes, Ms Rangata?

MS RANGATA: Thank you, Chair. I can accept if we can identify the document. These are the discussions, and the discussions make certain recommendations within the task team. If you are comfortable to say these are the discussions, we can then accept that 3.2.2 make
10 that submission or make that discussion for further handling of any of these matters as captured in 3.2.2. What would be your response to that?

MR LALLA: I think I must add a proviso. All I am saying is that who introduced this document, where does the document come from, and what authenticity does it have? Because my challenge that I am having over here is that when I read Advocate Rudman's explanation, he cannot recall those things. So in my situation, I am going to say I cannot recall this matter being discussed.

MS RANGATA: Thank you. Is then your answer that you cannot
20 recognise what is contained here and you cannot respond to it?

MR LALLA: That is in short.

MS RANGATA: Thank you. I can accept that. If I take the matter further, I would say that accepting that you are a member of the task team, of the amnesty task team, your participation, your mandate, you have said so already when Advocate Varney was cross-

examining, that you've recorded how you were introduced to the task team, how you were recruited to the task team, and what would have been your mandate and your role in that task team, in the ATT. If we have to look at that background and address the Commissioners as to what contributions have you made, according to your own knowledge and your participation, because we can accept that at least you attended one meeting, what would have been your participation and your recollection of your contribution to the ATT?

MR LALLA: I am going to repeat myself again over here. Is that I
10 went in there after Commissioner Williams asked me to attend the meeting, and in the process I realised that the meeting was discussions of legal matters which were slightly beyond my level of expertise. I therefore reported the issue back to the Commissioner. If I made any recommendation or I cannot recall it, I may have made, I may have, but I do not recall ever seeing a document of this nature being sent to us as members of the ATT.

MS RANGATA: According to you, would you say that the ATT made any contribution? Was there anything that was positive that might have... (intervenes)

20 MR LALLA: I have not seen what the ATT recommended to the Department of Justice.

MS RANGATA: Well, you are not interested to find out. I mean, you are a member of this task team. Were you not... (intervenes)

MR LALLA: As I explained, I found it beyond my expertise, and I informed my principals that I was not in a position to actually engage

on the subject matter.

MS RANGATA: Thank you, sir. Chair, that will be all from me.

Thank you.

CHAIRPERSON: Thank you.

COMMISSIONER KGOMO: Can I just enquire from you, Mr Lalla?

Now, as head of intelligence, were you ever tasked or asked to assess whether the prosecution of the perpetrators of gross human violations would have caused any civil strife or intentional strife?

This is on both sides of the divide. We know what a divide is. Were
10 you ever asked to give a view whether that could ignite civil strife or could cause some disruptions?

MR LALLA: I think at various intervals and quite frequently, depending on whether it is a localised conflict, depending on whether it might have regional dimensions or national dimensions, yes. We have been asked to make continuous assessment of the current situations of things that were happening. So that was the nature of intelligence, is that if tomorrow, or if, like, say, for example, in KwaZulu-Natal, when the violence took place, we had to make assessments, evaluations, make proposals. When the violence took
20 place in Bopotong, the same kind of thing. When protests, marches, and yes, we have been asked to make assessments and by the way, we sent our assessments to the National Intelligence Coordinating Centre for assessment of a whole country appraisal.

COMMISSIONER KGOMO: Yes, and asked or tasked by whom?

The task team, the president, the commissioner?

MR LALLA: No, I was always tasked by the Deputy National Commissioner of Intelligence at that time and sometimes Commissioner Selebi.

COMMISSIONER KGOMO: And is there any written evidence of that? What you advised?

MR LALLA: I think on a quarterly basis, we had to do, there will be documentation and processes in place in the system. We had to do this kind of assessment to give the state of the nation, basically, to talk about all things that were happening at that specific time. So it
10 was structured. And when things took place spontaneously, we had to respond to it.

COMMISSIONER KGOMO: And overall, your assessment was their prosecution would not ignite any civil or intelligence strife, or what was your overall assessment?

MR LALLA: Which prosecution, sorry?

COMMISSIONER KGOMO: Prosecution of perpetrators of the human rights violations.

MR LALLA: I think, in the sense of intelligence... (intervenes)

COMMISSIONER KGOMO: As I said, on both divides.

20 MR LALLA: Ja, and we have done it on both divides.

COMMISSIONER KGOMO: Yes.

MR LALLA: Depending on the issue at hand at that moment.

COMMISSIONER KGOMO: Yes, that is why I am asking, your overall assessment, what was it?

MR LALLA: Well, at times, we had to put initiatives into place, maybe

interventions through local government, through the unions, discussions, or we had to recommend it. Not that we got involved in it. We made recommendations that whoever the executive authorities that are responsible for this, in order to avert and curb the nature of the conflict, they should take one, two, three things into account. But in terms of prosecution of people who perpetrated human rights violations... (intervenes)

COMMISSIONER KGOMO: That is the question, prosecution.

MR LALLA: I agree that they should be... (intervenes)

10 COMMISSIONER KGOMO: And we are speaking of, maybe let me just say this, the prosecution now of those who did not get amnesty or those who did not apply for amnesty. You know that...

MR LALLA: Ja.

COMMISSIONER KGOMO: Those are the categories that we are speaking about.

MR LALLA: During my period at law enforcement, I felt everybody should be prosecuted, who were not granted amnesty, because that was the law, and that is how we had to abide by the law.

COMMISSIONER KGOMO: Thank you. Thank you, Chair.

20 CHAIRPERSON: Mr General Lalla. Or is it Mr Lalla?

MR LALLA: Mr Lalla.

CHAIRPERSON: We again thank you for having come to give evidence on your cross-examination. You are now excused as a witness.

ADV LUBBE: Commissioner, excuse me, before you do so...

(intervenes)

CHAIRPERSON: Oh, you are there to re-examine.

ADV LUBBE: I have a right of re-examination.

CHAIRPERSON: Yes, yes.

ADV LUBBE: I will be very brief.

CHAIRPERSON: You are sitting far from me.

ADV LUBBE: As it pleases you.

CHAIRPERSON: I have lost sight of you.

ADV LUBBE: Sorry to hear that. But I will be very brief.

10 CHAIRPERSON: Yes.

ADV LUBBE: Mr Lalla, my learned friend, in starting his cross-examination, very fairly, placed it on record that you are not a person of interest, and that he puts it on record also that you did not interfere in the investigation of the TRC members. Can you recall that?

MR LALLA: Yes.

ADV LUBBE: Thank you. Can you then just finally confirm, under oath, that during your service term in the South African Police Service, you did not interfere with, delay, obstruct, or terminate any investigation in any TRC matter?

20 MR LALLA: I confirm that.

ADV LUBBE: Thank you, Ms Commissioner.

CHAIRPERSON: Thank you. But General Lalla, I have already excused you as a witness before you were re-examined. My apologies. You are excused as a witness. Mr Soni?

ADV SONI: Chairperson, we were supposed to have Dr Ramaite for

cross-examination tomorrow, but certain applications who cross-examine him have been brought at a late stage. And in fairness to him, we thought we should postpone this cross-examination to Monday rather than tomorrow. So there will be no sitting, or we do not have a witness, and therefore, accordingly, we ask that there be no sitting tomorrow.

CHAIRPERSON: Yes.

ADV SONI: The proceedings be adjourned for Monday, 10:00.

CHAIRPERSON: Yes.

10 COMMISSIONER KGOMO: Monday, the 25th?

ADV SONI: The 25th, yes.

CHAIRPERSON: These proceedings are then adjourned until 25 May 2026, at 10:00 hours.

ADV SONI: As you please, Chairperson.

CHAIRPERSON: Thank you.

INQUIRY ADJOURNS UNTIL 25 MAY 2026

CERTIFICATE OF VERACITY

We, the undersigned, hereby certify that **as far as it is audible**, the foregoing is a true and correct transcript of the digitally recorded proceedings in the matter of:

JUDICIAL COMMISSION OF INQUIRY INTO TRC

FORUM OF ORIGIN : Inquiry
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TRANSCRIBERS : M Brits, W Kruger
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- *Where no information provided, names transcribed phonetically.*
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