

**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 Mfundo Salukazana (for Adv M Mpshe)
Adv KD Moroka (SC) – DoJ representative
Adv Tlotlego Tsagae (DoJ representative)
Adv Motlalepule Rantho (for SAPS)
Adv Ebenezer Propy (for SAPS)
Adv Vivian Rikhotso (for Adv Menzi Simelane)
Adv Yanela Ntloko- NPA representative
Adv Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Ms A Thakor – The Calata Group
Mr Siphon Tlhaole – The Calata Group
Adv Bridgette Nthambeleni (for Adv Jiba)
Adv Irene de Vos for President Cyril Ramaphosa

8 MAY 2026

DAY 41

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PROCEEDINGS ON 8 MAY 2026

CHAIRPERSON: Mr Soni.

ADV SONI: Good morning Commissioner, good morning Commissioners. We are here today to hear the evidence, the cross-examination of Adv Mpshe, Chairperson.

CHAIRPERSON: Yes.

ADV SONI: I understand that there is a small difficulty that has arisen, but Mr Mpshe's counsel will explain that difficulty Chairperson.

CHAIRPERSON: Yes. Mr Salukazana?

10 ADV SALUKAZANA: Good morning Chairperson. Chairperson, we have an issue because we did not receive the Calata Group's application and by "we" I mean me, the attorneys and Mr Mpshe.

COMMISSIONER KGOMO: Switch on the second microphone, please.

ADV SALUKAZANA: Yes, thank you, thank you, Commissioner. We did not receive the Calata Group application to cross-examine Mr Mpshe which was sent earlier this week and we have checked and it seems that it was not sent to the attorneys who ordinarily sends the applications to the counsel team and Mr Mpshe, so we have an issue
20 of the witness not being prepared or at least not having considered that which is going to be presented to him today and I too did not have an opportunity to go through it with him.

So we have asked or at least we are going to ask as we do, that the cross-examination today by the Calata Group be postponed. I have spoken to both my colleagues and the evidence leaders, and

they have indicated that they have no objection to it, so we ask the Commissioners that Mr Mpshe be excused for today and we will confer with the Commission about the appropriate date. We proposed Monday but it seems that from the Commission's side it will not be possible to proceed on Monday.

CHAIRPERSON: Yes. Mr Varney?

ADV VARNEY: Chair, I confirm that I have spoken with my colleague and we accept the difficulty he is in and we do not oppose the postponement.

10 CHAIRPERSON: Thank you.

ADV SONI: Chair, can I place on record and I am obliged to do so on behalf of the evidence leaders, I am informed by Ms Rangata that the documents were in fact sent. That they were not received might be a separate issue, but she assures me that the documents were sent and that the non-receipt ought not to be laid at the doorstep of the evidence leaders.

CHAIRPERSON: Yes, yes, but Mr Salukazana can confirm that they have not received the documents.

20 ADV SALUKAZANA: We have indeed and I have gone through it, at least the e-mail and we have picked up that my e-mail and Ms Nkateko Mabasa's e-mail who is the attorney from the State Attorney's Office, was not included in the chain of e-mails.

CHAIRPERSON: Yes.

ADV SONI: I cannot take it any further, Ms Rangata is not here. She is not well today, Chairperson.

CHAIRPERSON: Yes. In the light of the difficulties that Mr Salukazana has alluded to and in view of the fact that Mr Varney is not opposed to the postponement, this matter, the cross-examination of Adv Mpshe is postponed on a day to be determined.

ADV SALUKAZANA: We are indebted, Chairperson.

ADV VARNEY: As the Chairperson pleases.

ADV SONI: As you please, Chairperson.

CHAIRPERSON: These proceedings are postponed to the 12 May 2026 at 10:00. Am I correct, Mr Salukazana?

10 ADV SALUKAZANA: I will have a difficulty because I am in urgent court and ordinarily you are asked to reserve from that Tuesday which is the 12th to the end of the weekend. In fact, I am coming back on the Friday for ...[intervenes]

CHAIRPERSON: But I am not postponing this matter.

ADV SALUKAZANA: Oh, I beg your pardon, I beg your pardon.

CHAIRPERSON: I am postponing the proceedings of the Commission.

ADV SALUKAZANA: I have misunderstood, I apologise for that.

20 CHAIRPERSON: These proceedings are postponed to the 12 May 2026 at 10:00. We are adjourned.

ADV SONI: As you please.

INQUIRY ADJOURNS UNTIL 12 MAY 2026

CERTIFICATE OF VERACITY

I, 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

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