

**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 L B Dyosi)
Adv Nwabisa Mtshizana (for Ex-NDPP's Officials)
Adv Gwala- NPA representative
Adv Yanela Ntloko- NPA representative
Adv Vivian Rikhotso (for Adv Menzi Simelane)
Adv Bridgette Nthambeleni (for Adv Jiba)
Adv Irene de Vos for President Cyril Ramaphosa
Adv Tlotlego Tsagae (DoJ representative)
Adv Ebenezer Propy (for SAPS)
Adv Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Ms Vuya Nako– The Calata Group
Ms Lize-Mari Doubell – The Calata Group

15 MAY 2026

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PROCEEDINGS ON 15 MAY 2026

CHAIRPERSON: Good morning.

ADV SALUKAZANA: Good morning, Chair.

ADV SONI: Morning, Chairperson.

CHAIRPERSON: Mr Soni?

ADV SONI: Chairperson, we are going to hear the evidence today of Mr Dyosi.

CHAIRPERSON: Yes. Mr Salukazana, you will be leading Mr Dyosi?

ADV SALUKAZANA: That is correct, Chairperson. Good morning.

10 CHAIRPERSON: Thank you. Mr Dyosi, are you going to take an oath or affirmation?

MR DYOSI: I will take an oath, Chairperson.

CHAIRPERSON: Yes, do you swear that the evidence you will present before this Commission will be the truth, the whole truth and nothing but the truth? If so, raise your right hand and say, "so help me God."

MR DYOSI: So help me God.

CHAIRPERSON: Thank you. Mr Salukazana?

EXAMINATION BY ADV SALUKAZANA: Thank you, Chairperson.

20 Good morning, Mr Dyosi.

MR DYOSI: Good morning.

ADV SALUKAZANA: You should have before you a file that is open with a Rule 3.3 Notice and then an orange flag, which is to your affidavit. Is that correct?

MR DYOSI: That is correct.

ADV SALUKAZANA: May you please go to your affidavit? Starting at page 1735.

MR DYOSI: I have got it, Chairperson.

ADV SALUKAZANA: At 1739 is a signature just above what appears to be your name. Do you confirm that that is your name and that is the statement?

MR DYOSI: That is my name and that is my signature, Chairperson.

ADV SALUKAZANA: Thank you. And do you confirm that what is stated here is what you remember about the activities in respect of
10 which you are going to testify?

MR DYOSI: That is correct, Chairperson.

ADV SALUKAZANA: And that what you have stated here is indeed correct and true?

MR DYOSI: That is correct, Chairperson.

ADV SALUKAZANA: Thank you. May we start then with paragraph 3 of your affidavit? That is at page 1735. Could you please read that for us?

MR DYOSI:

20 “On or about 15 October 2025, I was served with a Notice in terms of Rule 3.3 of the rules of the Judicial Commission of Enquiry into the allegations regarding efforts or attempts having been made to stop the investigation or prosecution of Truth and Reconciliation Commission cases.”

ADV SALUKAZANA: Indeed. And just before we go to the Rule 3.5,

could you just briefly tell us when you started at the NPA and when your term ended?

MR DYOSI: I started at the NPA, I think it was January 1999. And I left the NPA at the end of August 2004.

ADV SALUKAZANA: Thank you. May we then go to the Rule 3.3 Notice?

MR DYOSI: Okay.

ADV SALUKAZANA: The Rule 3.3 Notice says that you have been implicated in matters that have arisen before this Commission, particularly at page 315, headed Particulars of the Implication. It has a heading Political or Politicians interference. Do you see that? The politicians intervene, I beg your pardon. Do you see that?

MR DYOSI: Can you direct me to the page number?

ADV SALUKAZANA: Page 315 of what is before you.

MR DYOSI: I have got it, thank you, Chair.

ADV SALUKAZANA: Thank you. So we are going to start in respect of the alleged interference or intervention of the politicians. Could you please read paragraph 221 for us?

MR DYOSI:

20 “During 2006, it became increasingly clear to government that NDPP, Pikoli, and PCLU heard Ackerman would pursue TRC cases when they were in a position to do so. The first complaint levelled by government functionaries against the NPA was that Ackerman was seen as a loose

cannon.”

ADV SALUKAZANA: Thank you. Do you confirm that around 2006, you were no longer at the NPA?

MR DYOSI: I was no longer the NPA, Chairperson.

ADV SALUKAZANA: So you cannot testify to whatever happened there, am I correct?

MR DYOSI: I have no knowledge of what happened during that time, Chairperson.

ADV SALUKAZANA: And am I correct in understanding that you
10 have considered the Rule 3.3 Notice? And is there anything stated there that relates to the time you were at the NPA?

MR DYOSI: Yes, Chairperson. The Rule 3.3 Notice that was sent to me makes a statement that I attended an ATT meeting. I think it was ATT, yeah, ATT meeting. That is the allegation in the Rule 3.3.

ADV SALUKAZANA: In fact, in your statement, if we can go back there, actually, before we get to the ATT meeting, I ask that you go to paragraph 9 of your statement where you say, could you read that for us? Page 1736.

MR DYOSI: Paragraph 9 of my statement reads:

20 “The Calata Affidavit alleges that on or about 2004,
I was a member of the Amnesty Task Team
 (“ATT”).”

ADV SALUKAZANA: And that Calata affidavit is the Calata affidavit filed before this Commission, am I correct?

MR DYOSI: That is correct, Chairperson.

ADV SALUKAZANA: And so, is it then not the Calata affidavit that makes the statement about the ATT instead of the Rule 3.3?

MR DYOSI: Yes, Chairperson, it is the Calata affidavit.

ADV SALUKAZANA: Thank you. May we then go to the Calata affidavit and that, the specific paragraphs are at 148, which are paginated page 67, six, seven. The heading is the Amnesty Task Team. There is a file just to your right. Yes, those are the bundles. So it should be the first file at page 67.

MR DYOSI: At page?

10 ADV SALUKAZANA: Six, seven, paginated 67, top right corner.

MR DYOSI: I have got it, Chairperson.

COMMISSIONER KGOMO: Are you flying solo, Mr Salukazana?

ADV SALUKAZANA: I understand that the junior with whom I am working is online. I suppose I should have introduced them, I beg your pardon. I am flying solo in person?

COMMISSIONER KGOMO: No, no, I was just wondering if the witness maybe does not find something, your junior might assist, but we are not there, do not worry.

20 ADV SALUKAZANA: Yes, certainly. Thank you, thank you, Judge Kgomo.. Do you have it?

MR DYOSI: I have it, Chairperson.

ADV SALUKAZANA: Thank you. Could you have that open next to your statement? So look at your statement at paragraph 9, where you started about referring to the affidavit, and have that open next to you.

MR DYOSI: I have it, Chairperson.

ADV SALUKAZANA: Could you read for us, please, paragraph 148 of that statement, of that affidavit?

MR DYOSI: It reads:

10 A Director General's Forum chaired by Advocate Pikoli, the then Director General of DOJ, met on 23 February 2004, to consider how to give effect to the President's objectives set out in his speech the year before. Essentially, this involved how to deal with the TRC cases, which Pikoli described in his affidavit as being politically sensitive.”

I am going to skip the citation in the brackets.

ADV SALUKAZANA: Ja.

MR DYOSI:

“The forum appointed a task team to report on the mechanism to give effect to the President's objectives. This task team was known as the Amnesty Task Team, ATT.

20 ADV SALUKAZANA: Certainly. Could you then look at, or read for us, paragraph 10 of your statement?

MR DYOSI: Paragraph 10 of my statement, Chairperson, reads, you know:

“In or about late 2003, early 2004, the NDPP, Ngcuka, requested that I attend a meeting of the Director General's Forum, (DGs Forum) that was to

be convened by the then Director General of the Department of Justice, Advocate Vusi Pikoli. Ngcuka requested that I attend on his behalf, as he could not attend at the time.”

ADV SALUKAZANA: Thank you. Is this the same Director's Forum that is referred to in paragraph 148 of Mr Calata's affidavit?

MR DYOSI: Chairperson, I think that is the same meeting.

ADV SALUKAZANA: Thank you. And then, if we could go to paragraph 152, of Mr Calata's affidavit. Could you read that for us,
10 please?

MR DYOSI: Paragraph 152 of the Calata affidavit reads:

“The ATT comprised the following members: Dion Rudman, (Chairperson) DOJ. The next name is Yvonne Mabule, National Intelligence (NIA), Vincent Mokgotlwane (NIA), Gerhard Nel (NPA), Lungisa Dyosi (NPA), Ray Lala (SAPS), Roy Ratebe, Department of Defence (DOD).”

ADV SALUKAZANA: Having read that, do you consider that the Lungisa Dyosi referred to a 152.5 is you?

20 MR DYOSI: That is correct, Chairperson.

ADV SALUKAZANA: Is the assertion that you are a member of the ATT that is referred to at 148, and to which you refer as the DG' forum?

MR DYOSI: Sorry, can you repeat Counsel?

ADV SALUKAZANA: Is it correct that you are a member of the ATT

that is referred to here at 152 and at 148 of the affidavit?

MR DYOSI: Chairperson, I was not a member of the ATT.

ADV SALUKAZANA: At paragraph 10 of your affidavit, you mentioned that you attended a meeting of the Directors General's Forum. Is that a forum that is different to the ATT that Mr Calata refers to, or is it the same?

MR DYOSI: The DGs forum is different to the ATT, Chairperson.

ADV SALUKAZANA: What is the difference?

MR DYOSI: As I understood it from the Calata affidavit, and in my
10 own understanding, the DGs forum was convened to consider how to, according to the Calata affidavit, how to attend to the President's directive. And it seems that then the DGs forum decided to constitute an ATT, meaning an Amnesty Task Team. So that is the difference.

ADV SALUKAZANA: Thank you. When you say the Directors General's Forum decided to constitute the ATT, how did you come to know about that decision to constitute the ATT?

MR DYOSI: I was present at the Directors General's Forum meeting. This happened some more than 20 years ago. I do not remember if a decision was taken at that meeting to constitute an ATT. I read about
20 that decision in the Calata affidavit. It may well be so that the meeting may have taken that decision.

ADV SALUKAZANA: All right. We are gonna go back now to your affidavit. You've already said that you do not remember what happened, but could you just read paragraph 11, which expands on that for us, of your statement?

MR DYOSI: Paragraph 11 of my affidavit reads:

“I do not remember being furnished with a draft agenda for the meeting, if there was such a draft agenda. I was made aware that the DGs Forum was going to discuss TRC cases.”

ADV SALUKAZANA: Please go on to paragraph 12?

MR DYOSI: Paragraph 12:

As far as I could remember, the context of this meeting at the time was that there was a lot of speculation in the media that the NPA
10 was going to prosecute the then president of the Republic of South Africa, Thabo Mbeki, and some 37 other ANC leaders.

ADV SALUKAZANA: 13, please?

MR DYOSI:

“I do not remember who else attended the DGs Forum meeting, as I do not have nor have I been furnished with the signed register of the attendees to this meeting, but I do remember that Advocate Pikoli chaired the meeting or part thereof.”

ADV SALUKAZANA: What was your, in what capacity did you attend
20 this meeting?

MR DYOSI: At the NPA I was the Strategy and Legal advisor to the National Director of Public Prosecutions. At the time, it was Mr Bulelani Ngcuka. So it was in that capacity that Mr Ngcuka could request that I attend the DGs Forum meeting because he could not attend.

ADV SALUKAZANA: Did it fall within or under your scope of duties as an advisor to represent the NDPP at meetings with the government?

MR DYOSI: Yes, I have represented, Chairperson, sorry. I have represented, one, the NDPP and the NPA in a number of interdepartmental forums. I have represented the NDPP and the NPA in multinational agencies like the UN, the SADEC committees against corruption, and so forth. So it was in my line of duty to do so.

ADV SALUKAZANA: Did any of these roles involve or deal with the
10 TRC cases, so-called?

MR DYOSI: No, it was the first time that I was introduced to a meeting that dealt with the TRC cases, Chairperson.

ADV SALUKAZANA: So to punctuate that point, before then you had not had any engagement with anyone about TRC cases?

MR DYOSI: Outside of the organisation?

ADV SALUKAZANA: Yes.

MR DYOSI: Not at all, Chairperson.

ADV SALUKAZANA: Could you then go on to paragraph 14 of your statement?

20 MR DYOSI: Paragraph 14:

“I also do not remember whether I attended the meeting alone on behalf of the NPA or whether someone else was with me. Again, a signed register of attendees would have assisted in this regard. However, the Calata Affidavit makes

reference to an unsigned minute of the DG Forum's Meeting, which states that Gerhard Nel from the NPA had been a member of the Amnesty Task Team, ostensibly formed by the DGs Forum Meeting. Based on this, it is possible that Gerhard Nel would have accompanied me to the DGs forum meeting.”

ADV SALUKAZANA: Having read your statement and prepared it a month ago, are you still unclear about who it is you were with, or do
10 you confirm that it was Mr Gerhard Nel?

MR DYOSI: I think I can confirm, Chairperson, that Gerhard Nel was with me on behalf of the NPA.

ADV SALUKAZANA: Thank you. And did Mr Pikoli chair the meeting throughout, or was there a time at which it was chaired by a different person?

MR DYOSI: Chairperson, I know Mr Pikoli chaired the meeting. I seem to remember that halfway through the meeting, he had a conference call to attend to, and asked the meeting to be adjourned. I do not remember if he came back and chaired again, but the minute
20 from the Calata Affidavit suggests that his deputy, DG Dion Rudman, chaired the meeting. I would say after Advocate Pikoli excused himself.

ADV SALUKAZANA: All right, thank you. Could you read paragraph 15 for us, please?

MR DYOSI: Paragraph 15:

“I do not have signed minutes of the DGs Forum Meeting, but I do remember that the meeting sought to find a mechanism through which the NPA would have to make prosecutorial decisions relating to TRC cases, either in consultation with, or after consultation with the ATT, the meeting intended to form. I do not remember what my response would have been in this regard, as the unsigned draft minutes I have had sight of do not
10 make reference to detailed discussions on this issue. But knowing the NPA Policy, no, but knowing the NPA Act and Policy, I would have directed the meeting to the NPA Act and Policy which vests all prosecutorial decisions to the NDPP with delegations to prosecutors employed by the NPA. Consequently, the envisaged ATT and/or its members not being prosecutors in the employ of the NPA would not be consulted for and would have no say in prosecutorial decisions
20 relating to the TRC cases or any other cases for that matter.”

ADV SALUKAZANA: Thank you. Limiting ourselves to the TRC cases, why do you say that the NPA Act and the Policy do not permit the involvement of members of the ATT?

MR DYOSI: Chairperson, it does not apply only to the TRC cases.

Prosecutorial decisions are made by the NDPP and with delegation to all the prosecutors beneath him, so there could not be any outsider in the process of making prosecutorial decisions.

ADV SALUKAZANA: Do you have any experience of, or whilst you were an advisor, of how prosecutorial decisions were taken within the NPA during your term?

MR DYOSI: Yes I do, Chairperson.

ADV SALUKAZANA: What was it? Please explain it?

MR DYOSI: In the normal course in the lower courts, a prosecutor
10 would take a decision, whether it is at a District Court, will take a decision and proceed based on the Act and the Policy. The same applies to the higher courts and and so forth. There would be instances though, depending on the nature of the case, that a matter would be referred to the National Director of Prosecution for review, to determine whether to proceed with that prosecution or not.

In those instances, as the advisor, there would be cases where I would sit as part of a panel reviewing the work that would have been done by investigators and prosecutors and for the NDPPs review, and then we would make a decision, not we, the NDPP would
20 make a decision based on the advice of the panel and the decision by himself.

ADV SALUKAZANA: I know you've spoken about cases generally, but just focussing on the TRC cases and that which were discussed at the meeting, was it TRC cases in principle, or was it specific cases of specific victims of apartheid crimes, or was it certain individuals

that had been identified?

MR DYOSI: Chairperson, I think the biggest concern at the time, from what I could gather from the meeting, was because there was a lot of media noise or speculation about a possible prosecution of President Mbeki and 37 ANC members, and I think that caused a lot of consternation within the cluster, and which is why the meeting was then called. And so, Chairperson, in my recollection, the TRC cases that the DGs Forum was concerned about, were the cases relating to the prosecution, what they call an imminent prosecution of President Mbeki and 37 ANC members.

ADV SALUKAZANA: Thank you. When you refer to a cluster, what is that?

MR DYOSI: The Criminal Justice Cluster, that would be the NPA, National Intelligence, the Police, DOJ, meaning Department of Justice and the Department of Defence, the cluster in broad terms of the Criminal Justice Sector.

ADV SALUKAZANA: So what was raised with you as a representative of the NPA at this meeting in relation to the prosecution of President Mbeki and the 37 others?

20 MR DYOSI: Chairperson, I think that question was asked, if there is a docket ready for prosecution of President Mbeki and 37 ANC members. And I seem to remember that I told the meeting that we do not generally discuss prosecutorial decisions outside of the NPA, unless the matter is taken to court, but I would make an exception in this case and report that no such decision has been taken to

prosecute President Mbeki and 37 ANC members.

ADV SALUKAZANA: How did you know that the decision had not been taken?

MR DYOSI: I would have known because such a decision was such of a nature that it would be taken to the National Director of Public Prosecutions for review. And as an advisor and other people in the office would be convened and other senior members of the NPA would be convened to review that decision. And the final decision in that instance would be made by the National Director of Public
10 Prosecutions. So no such referral was made to the office of the National Director, and so I knew that there was no such decision.

COMMISSIONER KGOMO: Mr Salukazana, maybe you are going to come to that point, but looking at paragraph 148, at page 67 of the Calata affidavit, the meeting of 23 February 2004, that is the meeting that is occupying our attention now. If you could perhaps direct our attention to it so that particularly myself to refresh my mind and maybe the witness so that one can be more factual. Where are the minutes? If you can direct us to those minutes.

ADV SALUKAZANA: Certainly Chairperson.

20 COMMISSIONER KGOMO: Or, yes.

ADV SALUKAZANA: Sorry. Sorry to interrupt you.

COMMISSIONER KGOMO: Carry on?

ADV SALUKAZANA: Yes. The minutes are attached to the Calata affidavit and what I understand them to be is, at least and so far as we understand them, they are titled first as the Report which is the

secret report Amnesty Task Team and that is at page 515. It is annexure to FA 24.

COMMISSIONER KGOMO: Yes. Okay.

ADV SALUKAZANA: Yes. So there is a recordal at paragraph 1.1 under the heading Background of what took place at the meeting.

COMMISSIONER KGOMO: Yes. Okay, you may proceed.

ADV SALUKAZANA: Thank you Chairperson. You were telling us that you said no. Is there anything else that arose after you were clear, at least in so far as your evidence is concerned, that you would
10 not be discussing prosecutorial decisions with the ATT or was at the end of the meeting?

MR DYOSI: Chairperson, I made it clear that the NPA, we would not discuss prosecutorial decisions with any structure outside of the NPA, whether it is the DGs Forum or an ATT or any other structure that could be formed. The Calata Affidavit records that then an ATT was constituted and my name appears to be one of the members of the ATT. I am saying, Chairperson, in my affidavit, that is not possible because I could not take a decision of that nature all by myself to appoint myself to an Amnesty Task Team because that decision
20 would have to be taken by the National Director of Public Prosecutions on, one, whether the NPA should participate in such a structure or, two, who should then represent the NPA.

After the meeting I reported to Mr Ngcuka what transpired at the meeting and no decision was taken to participate in the ATT or to have a representative of the NPA participating in that forum.

ADV SALUKAZANA: Thank you. Now that we are after the meeting, could we go back to paragraph 16 of your statement and may you read that for us, please?

MR DYOSI: Paragraph 16:

10 “In the normal course of my responsibilities and events at the NPA at the time, I would have verbally reported to the NDPP on the objectives of the meeting, the outcomes, and our contributions to the deliberations in as far as those related to the NPA mandate, NPA Act, and Policies. After listening to the verbal report and if the NDPP deemed it necessary, he would have, he would request a written report. I do not remember what the NDPP's response was to the verbal report and I also do not remember submitting a written report of the meeting.”

ADV SALUKAZANA: Please read 17 for us?

MR DYOSI: Paragraph 17:

20 “Although I cannot remember the resolutions of the DGs Forum Meeting, I know that the unsigned minute of the DGs Forum Meeting purportedly resolved to constitute the ATT as set out in the Calata Affidavit. The unsigned minute also states that I was part of the ATT. I could not have consented to being part of the ATT, first for

reasons stated in paragraph 15 above, secondly because I could not take such a decision by myself - the NDPP himself would have had to make the decision of who would represent the NPA at the ATT if he agreed to the concept of the ATT. The unsigned minute of the DGs Forum was never circulated to me. Had it been circulated, I would have corrected the insinuation that I consented to serving in the ATT without the required delegation by the NDPP.”

10

ADV SALUKAZANA: Paragraph 18 please?

MR DYOSI:

“Other than the DGs Forum Meeting I attended, I never attended any other meeting regarding this matter. I certainly do not remember attending any ATT meeting. I have not been furnished with any signed register or minutes of an ATT meeting reflecting my attendance.”

ADV SALUKAZANA: Paragraph 19 and 20, so we conclude.

20

MR DYOSI:

“In conclusion, as a South African and in my previous role as the Strategy and Legal Advisor to the NDPP, I have always held in high regard the supreme sacrifices made by the martyrs and their families referred to in the Calata affidavit and many

other known and unknown South Africans to the liberation of our country in general.

I therefore deny any suggestion or allegation that by attending the DGs Forum Meeting in February/March 2004, I in any way participated in or contributed to the efforts or attempts to stop the investigation or prosecution of TRC cases.”

ADV SALUKAZANA: Taking into account or having gone through the terms of reference of the Commission, do you have anything to add
10 about any activities or terms of political interference that you may have heard about, may have witnessed or may have been involved in?

MR DYOSI: Chairperson, there was no such attempts or even, yeah, there were not even attempts to influence any prosecutorial decision of the NPA during our tenure. We were quite strong on that. We would have rejected it immediately if not prosecute the person who is attempting to do that.

ADV SALUKAZANA: Thank you. That is the evidence.

CHAIRPERSON: Thank you, Mr Salukazana. Mr Gwala, or is it
20 Ms Ntloko or Mr Gwala?

ADV NTLOKO: Mr Gwala has delegated to myself, Chairperson.

CHAIRPERSON: Yes, Ms Ntloko.

ADV NTLOKO: I just have two questions for clarification for this particular witness. At the end of your evidence, Mr Dyosi, you are speaking to Ms Ntloko. At the end of your evidence you just indicated

that if anyone had attempted to influence you, you would have prosecuted. Was that the standard operation in the NPA? If there was influence, then the decision would then be to either reject it or prosecute?

MR DYOSI: Chairperson, we regarded the independence of the NPA jealously. We were coming from an era where prosecutors were viewed as persecutors. In fact, in vernacular, Prosecutor/Mchuchi's. And we wanted to transform the NPA. And there was a lot of distrust by members of the public, black people in particular, because of the
10 history of the prosecution services during the apartheid era. We wanted to change that image.

We were clear, and our policies were clear that we prosecute without fear, favour or prejudice. And so we regarded that independence quite jealously. And I think the track record from the period that then the new National Prosecuting Authority was formed, which is 1998, to the period when we left in 2004, the track record speaks for itself in that regard.

ADV NTLOKO: And then the most direct of questions. During your tenure then, do you know of any interference? Because I think the
20 terms are quite broad. It is any interference with the work of the National Prosecuting Authority.

MR DYOSI: Chairperson, I am not aware of any interference or attempt to interfere with the work of the National Prosecuting Authority during that period.

ADV NTLOKO: And then in your evidence, you had spoken about

during the meeting, there was a question in relation to the prosecution of the former president, in which you then responded that, and I paraphrase.

COMMISSIONER KGOMO: Former president Mbeki.

ADV NTLOKO: Yes, well, former president Mbeki. And then you indicated that in that meeting, you were very firm about not discussing NPA decision to prosecute. If you can just elaborate for us, was the question that was phrased in that meeting, one that sought to influence, or was it a question seeking clarity on, or an update of what
10 was happening in relation to that matter?

MR DYOSI: Chairperson, as I have mentioned, the context was that there was media reports at the time that the NPA had taken a decision to prosecute former president Mbeki and some 37 ANC members. And that caused a lot of noise within the cluster. At least that was our understanding at the time of why the DGs Forum meeting was called. To, one, understand whether such a decision has been taken, or maybe two, yeah, to understand whether that decision was taken, and yeah.

ADV NTLOKO: Then one final question, just to close that off. So
20 there was no particular person in that forum that then indicated that you cannot take that particular decision, was there?

MR DYOSI: No, Chairperson, I do not think it got to that point, because as I have said, I have made it clear that we do not, in the normal course, communicate decisions before a person is brought to court. But I made an exception to confirm that no such decision had

been taken with regards to former president Mbeki and the 37 ANC leaders.

ADV NTLOKO: I know I said that was the last question, I think we just want to clarify, when you say you made an exception, why would you have made the exception?

MR DYOSI: Because it was a high-profile matter, and it was not a secret, and we wanted to quiet the noise, so to speak.

ADV NTLOKO: Thank you. That would be all our clarification questions.

10 CHAIRPERSON: Thank you, Mr Propy?

ADV PROPHY: Thank you, Chair, no questions.

CHAIRPERSON: Thank you, Ms Tsagae?

ADV TSAGAE: Thank you, Chair, no questions from our side.

CHAIRPERSON: Yes. Mr Varney?

ADV VARNEY: Chair, just a few questions, by way of clarification. Mr Dyosi, firstly, thanks for cooperating with this Commission. Now that we have heard your evidence and seen your statement on behalf of the families, we do not regard you as a person of interest or implicated in any fashion.

20 And we also thank you and the NPA at the time for taking a principled stand in relation to the Amnesty Task Team. You made reference in your evidence-in-chief to the fact that you would have reported to then NDPP advocate Bulelani Ngcuka, but clearly that was more than 20 years ago and you cannot quite recall what happened. But I would like to put to you what advocate Ngcuka said

when he appeared before this Commission and just to hear from you whether you are on the same page as advocate Ngcuka. He said that when he received the report from, we met with you and I think Gerhard Nel, he said his instructions were very clear that they should not participate any further in the Amnesty Task Team. Is that also your recollection?

MR DYOSI: That is probably correct, Chairperson, because as I have mentioned, we never attended any meeting, whether it was the DGs Forum or the ATT thereafter.

10 ADV VARNEY: And advocate Ngcuka also put up, essentially two reasons for his decision. The first one was that individuals participating in these meetings may well be implicated in cases that the NPA was looking into. Is that also your recollection?

MR DYOSI: That is correct, Chairperson.

ADV VARNEY: And then his last reason was that participating in meetings were decisions to prosecute or not to prosecute, that would have fettered the discretion of the NPA, which he found objectionable.

MR DYOSI: That is correct, Chairperson.

20 ADV VARNEY: Now, you were referred to the undated 2004 secret report titled The Report of the Amnesty Task Team. Commissioners, that is the report at page 515 of bundle 1. Did you ever have sight of this report back then, in 2004?

MR DYOSI: Chairperson, no. I saw this report for the first time in the Calata papers.

ADV VARNEY: So I just want to put to you just one or two aspects in

this report, and I want to hear from you whether it confirms your fears around fettering the discretion of the NPA. The report recommended the creation of a Departmental Task Team comprising representatives of the DOJ, intelligence agencies... (intervenes)

COMMISSIONER KGOMO: Where are we exactly, Mr Varney?

ADV VARNEY: I can refer you to page 69 of bundle 1, at paragraph 155.

COMMISSIONER KGOMO: Yes, thank you.

ADV VARNEY: So that report recommended the creation of a
10 Departmental Task Team comprising representatives of the bodies listed in 155, 1-7, which is Department of Justice, Intelligence agencies, SANDF, SAPS, Correctional Services, NPA and the Office of the President. I am not going to go through all the recommendations, but let us look at the first one. The proposed task team would have the responsibility of considering the advisability of the institution of criminal proceedings before the institution of criminal proceedings for an offence committed during the conflicts of the past. It must consider the advisability of the institution of such criminal proceedings and make recommendations to the NDPP.

20 So this body in each TRC case would be required to make a recommendation to the NDPP before he makes a decision. What is your response to that requirement?

MR DYOSI: Chairperson, I would never agree to such a process. The NPA Act is very clear that all prosecutorial decisions are taken by the NDPP and delegated to prosecutors below him. Would never

agree to.

ADV VARNEY: And then one more aspect that arises from that report. The report proposed that the Prosecution Policy could be amended to include new criteria to decline a prosecution in the TRC cases. And several new criteria were proposed. I am not going to take you through all of them, but they included criteria such as whether the suspect might have been subject to indoctrination, whether a prosecution would promote nation building and reconciliation.

10 What is your response to the proposal, which in fact happened because the Prosecution Policy was subsequently amended and included such criteria to the carving out of a special legal dispensation just for the TRC cases in which fresh criteria were provided to not to prosecute?

ADV SALUKAZANA: Sorry, Chairperson, I apologise for doing this. But I just want to clarify if the questions are being put as a hypothetical matter that he can opine on because he is already indicated that he is not, at least did not know of the report and its contents before and whilst he was in office. So I just want to
20 understand the context within which they are put. Is he assisting at a theoretical level, as someone who was within the NPA and advising the NPA, or is he commenting on the report as someone who was involved in its conception?

CHAIRPERSON: Yes.

ADV VARNEY: Noted Chairperson, and we accept that this witness

had already left the NPA by the time the policy amendments came into force. But we simply wish to hear from him as a senior legal advisor to the NPA at that time, whether these proposals which were affected confirmed his fears around why the NPA took a decision not to stay in the Amnesty Task Team.

CHAIRPERSON: But Mr Varney, is it really a clarificatory question to what he has given evidence to?

ADV VARNEY: Chairperson, I accept I might be skirting the boundaries in that regard.

10 CHAIRPERSON: I think you are on dangerous territory.

ADV VARNEY: Okay, let me step back from the edge, Chairperson.

COMMISSIONER KGOMO: From the precipice.

ADV VARNEY: From the precipice, because once one goes down, there is no turning back. No further questions, Chairperson.

CHAIRPERSON: Thank you, Mr Varney. Mr Soni.

20 ADV SONI: Chairperson, Ms Seme will ask questions on behalf of the Evidence Leaders, but may I place on record that we have been told that Advocate Rikhotso, who represents Advocate Simelane, is on Teams, and I do not know whether she wants to say anything or ask anything.

CHAIRPERSON: Ms Rikhotso, can you hear us?

MS RIKHOTSO: Thank you, Chair. I can hear, and I just want to place on record that I have no questions.

CHAIRPERSON: Thank you. Ms Seme?

ADV SONI: We understand that Advocate Nthambeleni is also on

Teams.

CHAIRPERSON: On Teams. Ms Nthambeleni?

ADV NTHAMBELENI: Thank you, Chair. I also have no questions for this witness. Thank you.

CHAIRPERSON: Ms Seme?

ADV SEME: Thank you, Chair. Mr Dyosi, you say that you were advising the NDPP at the time on internal NPA prosecutorial decisions, and I would like just for you to clarify for this Commission, when the report was, the final TRC Report was handed over to the
10 president, and the president makes the speech, and following that, there is the decision taken during your tenure to deem the TRC cases priority crimes to be investigated by the PCLU. Would you recall that? Maybe clarify.

MR DYOSI: Chairperson, I think the sequence, because the names, it seems to me, have changed with time. What I do know is in 1999, 1998, late, soon after Mr Ngcuka was appointed National Director of Public Prosecutions, one of the first things he did was to form a TRC unit. We called it the TRC unit. Constituted of three advocates from the NPA. I think it was – we brought one deputy from Free State, and
20 then two were internal, and advised by he is the Judge now in Cape Town.

ADV SEME: Would it be Saldanha?

MR DYOSI: Vincent Saldanha, yes. That is what we did to respond, to analyse first all of the TRC cases, and to develop a strategy on how to deal with them.

ADV SEME: With those cases?

MR DYOSI: Yes.

ADV SEME: So as part – so that is the period in the 1990s.

MR DYOSI: Yes.

ADV SEME: I am now talking about the period in 2003 when the final report from the TRC is handed over to the president, and the president assigns the NPA as the responsible entity to deal with the TRC cases, investigate and prosecute. There is a proclamation that was made, and Ackerman is appointed to head the PCLU. Then later
10 on during your tenure as advisor, the TRC cases are allocated to the Priority Crimes Litigation Unit, and the task is to investigate and prosecute TRC cases.

So I would like you to explain to this Commission the thinking behind that, and who was going to investigate these cases according to your knowledge.

MR DYOSI: Chairperson, according to my knowledge, advocates were assigned to the unit, and I think the investigators would come from the DSO, Directorate of Special Operations, the Scorpions, and some would be investigated by the police. I do not quite remember
20 how the unit worked and the allocation of investigators.

ADV SEME: Yes, I am merely asking that – this question because we have had evidence here that after the decision was made, that it is the PCLU that will investigate and prosecute TRC cases. There were challenges relating to investigators, and that is why I am just trying to probe that. According to you, your evidence is that it was the DSO

that was meant to investigate these cases.

MR DYOSI: That is correct, Chairperson.

ADV SEME: Further to that, when you say TRC cases, now you've got the report, what cases are you referring to?

MR DYOSI: It is cases, Chairperson, that relate to the conflict of the past, where people either did not go to the TRC, who had perpetrated atrocities in the past, who either did not go to the TRC, or were not granted amnesty. Those people would be prosecuted.

ADV SEME: No, thank you. Thank you, Mr Dyosi. No questions.

10 Thank you.

CHAIRPERSON: Mr Salukazana, I dare say, following those clarificatory questions, there is no re-examination.

ADV SALUKAZANA: I would be intimidated this time, Chairperson. I do have two.

CHAIRPERSON: Yes, you may proceed.

RE-EXAMINATION BY ADV SALUKAZANA: You were asked about why you made an exception, ag sorry, thank you very much. You were asked about why you made an exception and gave a response to say there were no prosecutions intended against Mr Mbeki, and
20 you referred to quieting the noise. Could you expand on what this noise was, please?

MR DYOSI: Chairperson, during that time, we were not trusted as the NPA, by our colleagues in the cluster, because of decisions we had made relating to other matters. And so people thought that it is possible that, this "rogue" NPA would prosecute resident Mbeki and

the 37 ANC members. So that was the context. That is the noise I am referring to, within the cluster.

ADV SALUKAZANA: Thank you. And were there any other people in respect of whom there was a concern, or was the focus primarily on former President Mbeki?

MR DYOSI: No, the DGs Forum meeting, Chairperson, only dealt, referred to President Mbeki and 37 ANC leaders.

ADV SALUKAZANA: Were any of those leaders in the meeting?

MR DYOSI: I do not know, Chairperson. That is part of the problem, because I knew only a few people who were there. I knew the DG
10 advocate Vusi Pikoli, I knew Deon Rudman was the deputy to Vusi Pikoli. I knew Ray Lalla, who was, I think, head of crime intelligence in the police. There was a lot of people in that meeting, and I did not know most of them.

I did not know the people who accompanied Ray Lalla. I did not know the people who came from the NIA. I learned from the minutes that there were even people from DOD, Department of Defence. I did not know any of those people. We hardly attended or invited to Criminal Justice Cluster meetings of that nature. Again, it
20 was to protect our independence.

So, our involvement with colleagues in the cluster would go on a case-by-case basis. So, if we need intelligence resources to assist us in an investigation, we will call on that. We had a concept. It is prosecutor-led investigations, and so we would always take charge and take the lead.

ADV SALUKAZANA: Thank you very much, Chairperson, that is, those are my questions.

CHAIRPERSON: Thank you.

COMMISSIONER KGOMO: Yes. Mr Dyosi, you left the NPA in 2004. Did you remain in government service?

MR DYOSI: Commissioner, I left the NPA at the end of August 2004 and went to the private sector. In fact, we left on the same day with the National Director of Public Prosecutions, Mr Bulelani Ngcuka.

COMMISSIONER KGOMO: Oh, yes. I thought maybe you left
10 because you retired, but you did not leave because of frustrations in the NPA.

MR DYOSI: That is a different issue altogether, Chairperson. When Mr Ngcuka decided to leave, it was because, and as his advisor, advised him as well. It was to protect the NPA, because Mr Ngcuka's presence in the NPA was like a lightning rod, and so there were all sorts of attacks to the NPA via Mr Ngcuka. Remember, there were even spy allegations against him that resulted in the Hefer Commission. And so, to protect the NPA, we had to take Mr Ngcuka out, and hopefully the attacks would subside and the NPA could
20 continue doing its work.

COMMISSIONER KGOMO: Okay. Thank you very much. Thank you.

CHAIRPERSON: Mr Dyosi, thank you very much for having agreed to come and give evidence before this Commission. You are excused as a witness for now, but there may be an application to cross-

examine you, in which event we would request you to avail yourself for such cross-examination.

MR DYOSI: Thank you, Chairperson.


CHAIRPERSON: These proceedings are adjourned until Monday, 18 May 2026, at 10 o'clock.

INQUIRY ADJOURNS UNTIL 18 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:

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