

**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 T Masuku (SC) (for Adv Menzi Simelane)  
Adv Vivian Rikhotso (for Adv Menzi Simelane)  
Adv Bridgette Nthambeleni (for Adv Jiba)  
Adv Nwabisa Mtshizana (for Ex-NDPP's Officials)  
Adv Irene de Vos for President Cyril Ramaphosa  
Adv KD Moroka (SC) – DoJ representative  
Adv Tlotlego Tsagae (DoJ representative)  
Adv Motlalepule Rantho (for SAPS)  
Adv Varney (SC) – The Calata Group  
Adv D Pillay – The Calata Group  
Mr Jao Venter – The Calata Group  
Mr Siphon Tlhaole – The Calata Group  
Ms Vuya Nako– The Calata Group

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PROCEEDINGS ON 19 MAY 2026

CHAIRPERSON: Good morning. Mr Semenya?

ADV SEMENYA: Good morning, Chair and Commissioners. Today we have Reverend Chikane to help us with the work of the commission and Mr Soni will take him through.

CHAIRPERSON: Thank you.

ADV SONI: Good morning, Chairperson and Commissioner Kgomo and Gabriel. Our witness today is Reverend Chikane. May he be sworn in, Chairperson?

10 CHAIRPERSON: Thank you. Good morning, Reverend.

REV CHIKANE: Good morning.

CHAIRPERSON: How are you?

REV CHIKANE: I am okay now.

CHAIRPERSON: Fine. Are you going to take an oath or affirmation, Reverend?

REV CHIKANE: I will take an oath.

CHAIRPERSON: Yes. Do you swear that the evidence that you will give 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  
20 God.'

REV CHIKANE: So help me God.

FRANK CHIKANE: duly sworn states

CHAIRPERSON: Thank you. Mr Soni?

EXAMINATION BY ADV SONI: Thank you Chairperson. Reverend, before you is a file which contains an affidavit and you will see that on

the top right-hand side of the affidavit there are page numbers, starting with page 1902.

REV CHIKANE: That is it.

ADV SONI: Now is that an affidavit you made in respect of the evidence you are to be giving today?

REV CHIKANE: Yes, I did.

ADV SONI: Can I ask you to turn to page 1925? Is that your signature towards the end of that page?

REV CHIKANE: Yes, it is.

10 ADV SONI: Do you confirm that the contents of this affidavit are true and correct?

REV CHIKANE: That is it.

ADV SONI: Now, Reverend, before you start to give your evidence, it would be instructive to briefly place on record the backdrop against which you were asked to make this affidavit and now to give your evidence. In essence, that backdrop is as follows. Evidence has been led at this commission on the prosecution of some of those from the apartheid police force who were part of a plot to murder you by applying a deadly chemical substance to clothing you would go on to  
20 wear in order to stop your resistance to the apartheid state.

That is one of the few prosecutions that had been instituted after the TRC process in respect of conflicts of the past was finalised. You have written about these and related matters in your book, *The things that could not be said*, both from the perspective of a victim as an activist who later served the country's first democratic

government. As emerges from your book and your affidavit, you have reflected deeply on the pre- and post-TRC matters and have written on these matters very elegantly.

In the circumstances, in leading your evidence, I intend sticking to the script, as it were, and invite you to feel free to simply read from the affidavit where you wish to do so and, of course, amplify any issues that you want to. With that approach in mind, I am going to ask you to please turn to your affidavit. Now, in paragraph 2, Reverend, you indicate in your long service to the country and to the church and to the people of South Africa the positions you presently  
10 hold. Will you place those on record, please?

REV CHIKANE: Ja. Currently, I am an Emeritus Pastor of the Apostolic Faith Mission. It is one of the largest Pentecostal churches in South Africa, and I have been in the leadership of that church for 23 years as international president of the church, but I am retired now.

And the other current engagement is Chair of the South African Chapter of the Anti-Apartheid Movement on Palestine, and we deal with the crisis in Palestine per request of the Palestinians that  
20 South Africa is better placed to understand what they are going through. And then I am also co-convener of the Africa and African Diaspora Conference. We held it in 2021, bringing all the people of African descent and Africans together. We are meeting again in October.

In terms of the former, at my age, there is lots of formers,

former this and former that. But what is important is that I became moderator of the Church's Commission on International Affairs of the World Council of Churches, and we dealt with conflict situation from 2016 to 2022, which took me to all these places where there is conflict – Middle East, Latin America, and other places. I will not go through the details.

I was general secretary of the Council of Churches Institute for Contextual Theology, and I was part of the Independent Electoral Commission for the first democratic South Africa, and then became  
10 part of the United Democratic Front, were founders of it, and I was vice president of the United Democratic Front. And then 97 I was elected into the National Executive Committee of the African National Congress.

In government, which is more relevant, I served as a special advisor. That is how I went into government of President, Deputy President Mbeki then, and then became director general in his office. When he became president, I became director general and secretary of cabinet, secretary of cabinet.

During Mandela's time, I was deputy towards the transitional  
20 management. They made me deputy, the secretary of cabinet a short while before he resigned, so I could take over that responsibility. Ja, that is about the background.

ADV SONI: Now, Reverend, one of the perspectives on which you have talked about in your affidavit and in your book is one as a victim of apartheid crimes against the people of South Africa; and secondly,

the role you played in the struggle to bring an end to the apartheid system. So, those are the two perspectives from which you, on which you base your book and your affidavit.

Now, Reverend, at paragraph 7 of your affidavit, at page 1904, you point out that, notwithstanding the fact that you have come through these trials and tribulations that were imposed on you, this is still a painful memory for you. Can you explain to the Commissioners why that is so?

REV CHIKANE: Ja, I do not have to read the paragraph, but I just  
10 want to say that, firstly, because my case ended up in court, so it becomes of interest, but I have been asked to give evidence in various investigations, commissions, court cases where they review the cases of the old time, and I mean all the time I am asked to come here, like I do today. It is a painful thing to repeat. I want to go past, the past must go, but it never goes, because you have to keep on repeating it, go to...

COMMISSIONER KGOMO: The past is haunting you.

ADV SONI: I think Commissioner Kgomo is...

COMMISSIONER KGOMO: I am saying the past is haunting you.

20 REV CHIKANE: Oh, ja, ja. It is actually a problem. So my dear wife said I must write it, so that I do not have to repeat it. She said I will not travel with you if you talk about your torture, poisoning, and *et cetera*, and she is here today. But the case that is before us is the one I really wanted to know about.

You know, the torture in prison, John Vorster, Krugersdorp,

third degree methods, injuring my back up to now. Third vertebra is still a pain. It is not difficult to deal; it was not difficult, because I knew the people who tortured me. If you spend six months with them torturing you, you end up calling each other by first name.

It is strange when you are in their custody. And some of them I met after the liberation and I went to one event where the guest and the security that took care of our guest was one of those who tortured me. And that is the nature of the settlement we arrived at where the people who fought against each other now work together; and it is quite an experience.

But that is what, when you look at my book, it is not what I was worried about. I was worried about what I did not know and it is how I was poisoned, how it happened; and that was the real focus for me. But indeed, it is not a nice thing to go through the details about people putting poison in your underwears, chemical weapons, stuff, and you get hit by it. Ja, the details are history. I do not need to repeat them. But I survived in any way, so I call it a miracle.

I did meet, it is not in the statement, but I did meet the scientists who produced those chemicals. And one of them entered the room and said 'you are', and I will use his language. I do not normally use this language. 'You are damn lucky you are alive, because the chemicals we produced were meant to kill.' And if you look at the plea agreement, they do say that when they looked for a chemical to do with me, they asked for one that kills. They said so in court, but I survived; and that is a miracle for me.

COMMISSIONER KGOMO: And you did not say to him: if God is with you, who can be against you?

REV CHIKANE: Well, I did not put it in that way. I said I am a miracle. I mean, the Bible says they could use chemicals against you, poison, and you will survive. And this is a case where, but it was painful. Ja, I mean, when I came out of Namibia, where the doctor spent five hours keeping me alive, and they were the only two doctors in the hospital, and they had to fly. I had to be flown to Johannesburg, and they had to have a nurse with the equipment to  
10 keep me alive in that plane, to come back to a hospital here. And it hit me three times before it was found out what it was.

ADV SONI: Reverend, now, your statement does not contain these details, and it was done deliberately so as not to exacerbate the trauma that you have been through, but details of that are contained or some details are contained in the plea and sentence agreement that was entered into. And that is Annexure A to your affidavit, am I correct?

REV CHIKANE: Yes, that is correct.

ADV SONI: And that is referred to in paragraph 8 of your affidavit.

20 REV CHIKANE: Ja.

ADV SONI: And then in addition, one of the issues that you address in this affidavit and express concern about is the manner in which the prosecution itself was handled. And that is contained in an affidavit or in a letter you sent to the then Minister of Justice. And that letter, which we will get to in a little while, is Annexure B to your affidavit.

And you point out that you will, in paragraph 9, that you will refer to both these documents a little later in your affidavit. But again, Reverend, it is important, because you are one of the few people who has, who can look at the matters that the commission is dealing with through various prisms – one as a victim and secondly as a person who thereafter was in government at the time the TRC process had been finalised.

REV CHIKANE: Ja.

10 ADV SONI: And those are the matters that you deal with in your affidavit.

REV CHIKANE: Ja.

ADV SONI: Am I correct? Okay. Now, can I ask you, Reverend, is the fact that you had a foot in several, well, one foot in the position of a victim and another in the position of those who were dealing with TRC matters, what effect has that on the perspective you now have of the post-TRC process? I think you deal with that in paragraph 10 of your affidavit.

20 REV CHIKANE: Well, I must start by saying that my advantage, firstly, before 94 was that I was involved in the struggle when there was a war; and I was detained, tortured many times. So I understood that we were in a war. So it was that when they catch you, you are like a soldier. They have caught you and they torture you; and if you survive, you continue fighting.

And so, that is why this particular matter would have taken about 18 years for me to crack it. So we started investigating whilst I

was sleeping in the hospital in Wisconsin. Interestingly, it hit me here and we are going to go and meet Bush, President Bush, for comprehensive sanctions against South Africa. And that is when they hit me with it and they deal with it in their affidavits, which says they wanted to stop me from doing that.

After I recovered here, I went to, people felt I must go and rest. My wife was studying in Wisconsin. Go early, so that I can meet the rest of the team, Desmond Tutu, Beyers Naude and others. And I went early, but the baggage I had, which was, which had the  
10 clothes that were poisoned, came back from Namibia. And I packed new clothes on it, I did not empty it. And first night in the United States, when I woke up the following day, it hit me again. And it was three times before.

So we started being suspicious. And when it was confirmed that this was the chemical weapon stuff, my communication with South Africa was that we must investigate this. So if you are in a liberation movement, investigation was part of it. It was counterintelligence and investigation. So by the time I returned, we  
20 knew there were three laboratories in South Africa which produced this. So I am just giving a picture that this story did not start after the new government.

When we went into the new government, I had an advantage that I ended up in the president's office. And you will see in my affidavit that I do refer to people I wrote letters to. Now those people, you know, President de Klerk, former police, head of the defence

force, deputy ministers, I wrote to all of them. They could not avoid responding to say I want to know. I was asking them whether or not they knew about my poisoning and if they could assist me. I had to write it carefully so that I am not sued for accusing people. And it went on until we went into government.

Now once I was in government, I mean in government you could interact with the prosecution team and other people. So in government, at the presidency, you discuss these issues; and at the same time, I am a victim. So what I would hear, of course, it is where  
10 it involves the president, where we have to do some work. The details are in the affidavit. And I did not look at this matter waiting for somebody in government to assist me. I took it upon myself that I am going to crack this thing. And we worked very hard on it. I used all the available means until we cracked it and found the names.

Now, I do refer to it in the statement, but the interesting thing for me is that the first name I got was the person with three names. They are in the affidavit; and it sounds like one person. So we are looking for one person. And then we discovered later, decoded it, that those were surnames of three people.

20 And then once I got to know who these people are, we then wrote to their lawyers. I wrote to their lawyers to say I have reason to believe that your clients know about my poisoning. I did not say, accuse them, to make sure I am on the safe side. And they resisted initially, but ultimately they accepted it. So I was dealing with ...[intervenes]

COMMISSIONER KGOMO: Sorry, was Wagenaar one of the lawyers at that time or not?

REV CHIKANE: That was their key lawyer and I believe he was the one who was commissioned to protect all these perpetrators. And I believe that he would have had this file of the National Executive Committee, minutes of the ANC and we will come to that particular matter. But I, before, in my affidavit, I talk about I was involved in thinking about a Truth Commission before it was there during the apartheid days.

10           We debated it in the church, because we wanted to work out how we are going to live together after this war. It was terrible. People died, people disappeared. And then we ended up debating with activists, we researched what happened in Latin America in particular. This morning I had to check it again about that information we used during that time before 94. And when 94 came, we had debated this issue about the Truth Commission.

          It might interest you to put on record that what came out of the parliamentary process was not what we had agreed upon. What came out of the parliamentary process equalised, you know,  
20           perpetrators of those who were resisting apartheid and those who were defending apartheid. We were talking about the apartheid perpetrators; and so I participated. My advantage is that I participated in the development of the Truth Commission. We knew the weaknesses post the Truth Commission.

          We had to talk about what do we do with the perpetrators we

do not have evidence against. You know that they did something, but they do not have evidence that will stand the test of the court. And that is where the issue of guidelines, so that was my advantage. I will be involved in the debate about the guidelines and then how we get people who have not come out to tell us the truth.

ADV SONI: Reverend, in fairness to the Commissioners ...[intervenes]

COMMISSIONER KGOMO: Just before that, Mr Soni; Reverend, the way you speak of the outcome is not what was initially envisaged. Is  
10 it what you deal with at paragraph 32? The last sentence, if I could read it at 1912, where you say:

“Such a result could be achieved in the name of equality, namely by balancing people to be charged between the perpetrators of gross violations of human rights on the one side and of the apartheid regime and ANC leaders who were involved in or who commanded the war of resistance against apartheid regime on the other.”

Is that what you are referring to?

20 REV CHIKANE: That is correct.

ADV SONI: Reverend, as I say, in fairness to the Commissioner, you deal with all these matters that you have talked about in general in a systematic way in your affidavit, and I think it would be more helpful, and I say this with respect to the Commissioners, if we more or less follow that, so that when they are writing their report they are

able to put it all together because, as I said, your statement elegantly sets out these matters, but in a more systematic manner.

REV CHIKANE: I agree. It is only that the story is in my head.

ADV SONI: Yes, and unfortunately ...[intervenes]

REV CHIKANE: I agree.

ADV SONI: As the person leading your evidence, I have a duty, and of course that is a bit obstructive to your thinking at the moment, but I have a duty to the commission and especially the commissioners to ensure that the evidence comes out as comprehensively and as systematically as possible. So you will forgive me ...[intervenes]

REV CHIKANE: No, let us do it that way.

ADV SONI: As it were, hold you on a tight leash. Now, one of the things that I wanted you to stress, Reverend, is a matter that is referred to in paragraph 11 of your affidavit; and that is that you point out that straddling all those positions that you had both as an activist in your earlier days, as, for example, a detainee and so on, and thereafter being an actual victim, and your victimhood is a slightly different one from many of the others. For example, and I know at the time that Dr Aggett was detained, you were also detained, as I understand the position.

REV CHIKANE: Yes.

ADV SONI: And but you survived, as it were, and many people like Ahmed Timol and Dr Aggett did not survive. And I mean that is the tragedy of our history. But what you are able to do, having survived and wearing the hat of a victim and then seeing the perpetrators

brought to book, and I am not going to say justice, because we deal with your concerns about the manner in which the prosecution is dealt, but putting all of that aside, putting all of that together, I understand you have a better understanding of the times that we came from; and you reflect that in paragraph 11 of your affidavit.

REV CHIKANE: Yes, I do. You want me to go through it?

ADV SONI: I would. It would be quite helpful.

REV CHIKANE: I say that, be that as it may, which is up to paragraph 10, my involvement in the two roles that I have identified  
10 above gave me a better, and I dare say sharper understanding than many others of the complex and emotive issues that such cases involved.

I was also aware of and participated in debates that took place relating to what the TRC process sought to achieve; and when those expectations were eventually not wholly fulfilled, how to nevertheless protect the gains we had made when we sought to transform a racist, autocratic and authoritarian state, dedicating to minding the interests of a small minority into a transparent, caring, and democratic state that would see to the needs of all its people.

20 ADV SONI: Then in the next section of your affidavit, you have alluded to parts of it. You deal with the pre-transition period. If I could just ask you to look at paragraph 12 to 14, reflecting on the early days of the birth of the TRC idea, if you could tell the Commissioners how that came about.

REV CHIKANE: Ja, in paragraph 12:

“I submit that for the purpose of putting things in context and perspective, it will be helpful to begin by briefly reflecting on how it came about that the TRC process was brought into being.”

In 13:

10 “I was part of those who engaged in debates and workshops about the idea of a truth and reconciliation mechanism to prepare for the time when we would have to create a society where those who fought each other, against each other, bitterly for that matter, would live together in peace. This happened within the church first, as I said, then with activists involved in the struggle. We grappled with the dilemma of the need to know about what happened to victims of the apartheid system, especially where we did not have the evidence, and the need to ensure justice was done, on the one hand, and on the other, strategies to cross the bridge from a violent, 20 unjust, oppressive system to a just and peaceful society. During the negotiations in the early 90s, the matter of how to deal with crimes of the past came to the table and debates on some sort of Truth and Reconciliation Commissions to help us cross the bridge from a violent apartheid society

to a just and democratic society were considered.

The consensus was that we would never know what had happened to those who were assassinated, killed, or who have disappeared without the cooperation of the perpetrators.”

What it means is that if somebody disappeared, unless we got that evidence, we would not be able to find out how that person died, because most of the cases were done covertly.

10 “Where there was sufficient evidence of gross human rights violations, the prosecution authority would prosecute the perpetrators because you have sufficient evidence.”

Can I go to 15?

ADV SONI: Yes, please.

REV CHIKANE:

20 “On the first category of cases, a major compromise had to be made by offering amnesty to the perpetrators in return for information or the truth. The sacrifice that had to be made was that we would not bring the perpetrators to justice once they had volunteered to tell us the truth. Hence, the commission was set up and called Truth and Reconciliation Commission.”

I must elaborate here, because it was a painful discussion. If you are not going to know people will die and you will never know, but if you

got them to give you the information, the strategy was; give us the information and then you get amnesty. But if you do not give us all the information, we find out later you committed other crimes, you will be charged. And the case in point is former Minister Vlok, who went into the Truth Commission, spoke there, but never spoke truthfully about my case; and when we got more information, he had to be charged.

So it was a question of how you get the information you cannot get, unless they cooperate. I think that was the debate. And  
10 for victims it was painful before, because you get to know about it, but then you cannot charge them. And I will not go into that detail, Commissioners, but I went to that court where the five were charged, plea bargaining, suspended sentences, and they walked away and went home.

I went back to my office and the deep depression that went with it; that that is the end. They have gone home, you know. It is a very painful exercise. And I had to leave at two o'clock from work and said I cannot continue working, I am going home. But that was the price that we had to pay.

20 And in 16:

“It is important to point out that at this stage the final TRC Act was not what we wanted, as I have said. One of the key issues that was of major concern was that the TRC Act equalised gross violation of human rights and the response of

those who were resisting the violence of the apartheid system against the masses of our people.”

ADV SONI: This is a point that Commissioner Kgomo made to you a little earlier when he asked about the equality you were referring to, I think in paragraph 32. Is this the same issue?

REV CHIKANE: That is it. It is the same issue.

ADV SONI: And then in paragraph 17, looking at all the dilemmas that the activists and victims faced, you set out how the process or  
10 how you envisaged the process would unfold. Could you tell the commission about that?

REV CHIKANE: In paragraph 14:

“Based on the reasoning in 14 above, we began to talk about giving an opportunity to perpetrators of gross violations of human rights to come clean and disclose everything they did or knew in return for amnesty. Anyone who failed to disclose or take advantage of this opportunity would face potential prosecution once evidence became  
20 available. We thought that in this way we would motivate perpetrators.”

Or maybe the word ‘motivate’ caused the perpetrators. Maybe it would be a better word, caused the perpetrators to come forward out of the woodwork, as I called it.

“We also expected that once one individual did

so, the others would be compelled to follow suit, as information from their colleagues would implicate them or make them witnesses. We anticipated that the strategy would have a domino effect and the approach became a key element of the TRC Act.”

I need to add, it does come later that my pain, when you read my letter to the minister, is that the plea agreement gave more information about others when you read it. And I expected that the  
10 prosecution authority would pursue those cases based on that plea agreement. Nobody did anything about it, and I do refer to it.

And I also refer to the issue of talk to media, to say in my book we have the list of chemicals which were ordered. 49 of them with dates, *et cetera*. They were very meticulous. They did not just take the chemical and not record. They were very meticulous. And mine was in that list, which was used against me. Nobody up to today ever asked: against whom were the rest of the other chemicals used? Nobody; and I published them in my book at the end.

ADV SONI: And you also, as we come to in a moment, refer to the  
20 fact that a list of intended victims, which included you, had existed.

REV CHIKANE: Was referred to.

ADV SONI: But it was not pursued.

REV CHIKANE: Ja, in there. I mean if there is a plea agreement that says there is a list in court, I expected the police and the prosecution to pursue that and say: give us the list. You have talked

about a list. Who are the names of the people? We do not know up to now. It is only my case that is known. I have had, I mean I have had people like from Netherlands coming to me and say after hearing my experience, saying, you know: 'I have experienced something like this. Can I understand what happened to you?'

For the Commissioners, the plea agreement states very clearly. And we got to know that, that this project was a military project. The military were in charge. Production of the chemicals were sergeant general's office, whom I also wrote letters to; and the  
10 army was to deal with those outside the country and the police to deal with those of us who were in the country.

Nobody has asked what the army, who did the army deal with? Nobody has asked that question. And I thought that that plea agreement had all the information that you need to do further investigation, but they walked home and then nobody worried about it.

ADV SONI: Now, Reverend, you have indicated how painful it is to watch people who wickedly intended to poison you in order to kill you and then walk free. You indicated how painful that process is. In  
20 paragraph 18 you point out why, nevertheless, such compromises had to be made.

REV CHIKANE: I should perhaps point out that the decision to make compromises arose against the following backdrop. First, our transition to democracy and a transformed society was going to be through a negotiated settlement, not a 'winner-take-all' war. We did

debate the issue about Nuremberg Trials during that time, to say you only have Nuremberg Trials if you have won a war. You could not do Nuremberg Trials if you did not win the war.

As a result, it was necessary to assure those in power and the beneficiaries of the old South Africa that, notwithstanding all the wicked deeds that had been committed in defence of an evil system, the transition would not lead to a period of some type of revenge against them, which would be very lawless, and being the masses taking those people on. The take in this regard was that actions by  
10 the liberators that would be classified as illegal in a legal system that the majority saw as inherently unjust would be similarly protected.

So there was no expectation, except for people who really just committed crimes. I mean, people did things that were straightforward criminal, which had nothing with the struggle. But for those who fought apartheid, you cannot equate the violence of resistance against the violence of the oppressor.

Ja, and we deal with this now in the Middle East as I do today. There is a difference, and people expect that those who are powerful or have power, legitimise their violence; and those who are victims  
20 cannot legitimise their violence.

ADV SONI: The philosophical basis for that, obviously, is that freedom is an essential quality of good human life.

REV CHIKANE: Ja.

ADV SONI: In paragraph 19 you point out that, notwithstanding the sort of sacrifices being made and the fact that revenge was not going

to be the order of the day, many of the perpetrators did not come forward.

REV CHIKANE: Ja, that is correct.

ADV SONI: And as a result, the post-TRC period became quite an important issue, because it had to deal with those who defied the hand of friendship that had been extended.

REV CHIKANE: Ja.

ADV SONI: And then you deal with that in paragraph 20. What is the expectation after the ...[intervenes]

10 REV CHIKANE: Paragraph 20?

ADV SONI: Yes.

REV CHIKANE: Ja.

“After the TRC process had been finalised, there was an expectation that prosecutions of those who had been denied amnesty or had not applied for amnesty would proceed, as had been recommended by the Truth and Reconciliation Commission in their final report. This of course depended on availability of evidence to secure a conviction.”

20

ADV SONI: And you point out that things did not go according to expectations, and you deal with that in paragraph 21.

REV CHIKANE: Ja.

“Unfortunately, some parts of the TRC recommendations were not acted upon as

recommended by the TRC or in the form in which the TRC recommended, for various reasons. Some would be that government modified the recommendations in terms of the quantum of the grant victims would get.”

ADV SONI: And this refers to the fact that the TRC recommended that victims of human rights abuses ought to be compensated financially.

10 REV CHIKANE: That is it. And they had recommended 600 000 per victim and the government ended up with 30 000. And the issue about this, I mean I do not need to elaborate, because it is not in my purview, but the issue here was: how, if you compensate those who are declared victims by the Truth Commission, who were about, you know, in the main about 2 000 people who had appeared there, and those who were referred to, like myself.

I did not appear at the Truth Commission, because I did not think my story needed to be dealt with there, because it was known. My profile made my stories known. There was no need for me to go there, but I am still classified as a victim.

20 And the dilemma was; if you compensated those who appeared at the Truth Commission, what about the millions of victims across the country? How are you going to do that? And that was the dilemma that generated this discussion. And the view was; you give the victims a symbolic amount of money, but make sure the society repairs what was damaged.

And I usually make one example about wheelchair. That instead of having wheelchairs for those who were victims who came to the Truth Commission, you must have a policy that gives any South African a wheelchair who needs a wheelchair. You know, that type of policy that meets their needs in different ways, education, other issues. It was a controversial issue. So I know that, because I was there. It was very controversial. That is why when they asked to pay me the money, I asked them to give it to those who are more needy and not give it to me. That is one of the issues I am referring

10 to that were modified.

And then in addition of victims who qualified for reparations in terms of the TRC report, or because of failure of the system. In other instances, it is the failure of the system to do what it is supposed to do or because of the political complexities of the time. I thought the political complexities are the ones that are more relevant to this commission. My understanding of the terms of this commission is that it focuses, its focus is on the area of failures of the system and the area which I call political complexities of the time.

ADV SONI: And you say you had a first, well, you had an immediate

20 perspective of this in your position as first deputy director-general, I mean deputy secretary of the cabinet and thereafter secretary of the cabinet.

REV CHIKANE: Ja, I state that in paragraph 2. I do not have to repeat that, because I have already said what my role was. But I am saying at the bottom of that paragraph I have views about that difficult

moment. And had to deal with both from my vantage point in government and as a victim who had unfinished business with the TRC processes.

ADV SONI: In the paragraphs thereafter, you set out your observations on the post-TRC processes. That is from paragraphs 23 to 27. Can you tell the commissioners? You can read from it or elaborate to the extent that you want.

REV CHIKANE: Ja. In general, at the end of the TRC process, most departments; and I am expressing my view here, my observation, because I was there. Most departments of government did not see a role in post TRC-related matters. Many had new responsibilities to worry about. You were transforming a huge machinery, transforming the army, the police, departments, reconstruction. And they worried more about what they had to do in each department, particularly regarding the transformation of the apartheid state and its institutions and structures for those ...[intervenes]

ADV SONI: Sorry, before you go there; the persons who were manning these departments in regard to transformation, who were they? In other words, from where did they come? Were they former activists who were now going to build a new South Africa?

REV CHIKANE: Ja. By the time the TRC, I have forgotten the timelines now. By the time the TRC released its report, we had managed to get new people to head most of those departments. So, like, for instance, the security cluster, they were all from the liberation movement, but others were delayed.

You remember the Commissioner of Police was Fivaz for some time, and the army was Meiring. So there are some who stayed a bit longer, but others were new. But in this particular debate about transformation, it is more about the new generation, because the old order was not about transforming the system. That is what I am referring to.

ADV SONI: And they saw their focus to be not TRC matters, but transforming the departments of which they were now in charge.

REV CHIKANE: I do not think it was deliberate. You know, it is almost, it is not like we will ignore the TRC and do the other things. It is that they were so preoccupied with that; that the issues of the TRC for some departments, which are far from it, did not focus on it. I think it is the security cluster in particular that got involved, and if it comes to grants and other things, it also involved the social cluster.

ADV SONI: And then in paragraph 24 you deal with security cluster.

REV CHIKANE: Yes.

20 “For those whose departments were directly affected, especially the Justice and Security Cluster, they got seized with the complexities of issues they had to deal with related to the post-TRC matters. I must state that, as I was not participating in those cluster meetings, I would not know about all the issues they dealt with and how they dealt with them.”

Later, in our restructuring of government, I became the chair of

FOSAD, which was a Forum of Directors-General. So later, you were able to see what is happening in the various departments, but at the beginning there was not such a structure.

And in 25:

10                   “The part I got involved in, in relation to the post-TRC matters as the director-general in the presidency and secretary of cabinet was in discussions relating to the magnitude of the grant, that is why I was referring to it, to victims as defined by the TRC; the cases of people who were denied amnesty in terms of the TRC Act, and those who did not appear at the commission.”

On prosecutions, guidelines were developed. I realised when I read backwards that the guidelines I am talking about, there were more complexities in the security cluster, in the ministers, I was not involved in. But these particular guidelines were developed after the TRC report, and President Mbeki had to go to parliament to say what they are going to do with the TRC issues.

20                   And the guidelines were developed to allow a possibility for those who were prepared to disclose what they did, to arrange for plea and sentencing arrangements to dispose of their cases. Affected victims had to be involved and consulted. This is the approach I used in my poisoning case.

ADV SONI: Reverend, if you could give me a second. Chairperson, I see it is just after 11. Is this a convenient time for the tea

adjournment?

CHAIRPERSON: Yes. We will adjourn and reconvene at 11:15.

ADV SONI: As you please, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Mr Soni?

ADV SONI: Thank you, Chairperson. Reverend, we have just finished with Paragraph 26, but can I ask you to please turn over the previous page to Paragraph 21, where you set out some of the reasons that the TRC recommendations were not acted upon. In the last sentence, you say that part of it was due to what you call the political complexities of the time. You will see that on the top of page 1909.

Then if you turn to page 27, which is the paragraph after the one you have just read into the record, you deal with the political complexities again. Will you deal with that now in your evidence?

REV CHIKANE: Yes. Paragraph 27.

ADV SONI: Yes.

REV CHIKANE:

20           “27. The political complexities which bedevilled the prosecution of perpetrators of gross violation of human rights related mainly to the need of the old order to protect its commanders and foot soldiers, especially those who were at the forefront of committing these dastardly acts, and the

equalisation of violence in support of apartheid system and armed resistance to end the apartheid system. There were threats that if the apartheid order operatives were charged, they would also charge particularly members of the National Executive Committee of the ANC, especially the list of 37 that did not get amnesty in terms of the TRC Act. There was a story that the old order operatives had files of minutes of the ANC NEC in exile which they would use to prosecute leaders of the ANC.”

I mean basically they were saying there are people who did not get amnesty from the apartheid list of operatives, but the 37 also did not get amnesty. And just for record, is that the approach of the ANC was to go and take responsibility for what their operatives were doing. So you do not have to bring them in, we take responsibility. They thought it was the easiest way to deal with those cases, except those of course, who committed crimes which were not political. So that is what I am dealing with in that paragraph.

20 ADV SONI: In paragraph 28 you say they are referring to the above.

REV CHIKANE: Yes.

In the light of Paragraph 26 above and the fact that we ended up with a political settlement, there was a view which was not codified”

And I use that word codified deliberately because it was the

official position that is adopted.

“That we should let sleeping dogs lie to avoid destabilisation of the new democratic order.”

So there was a view.

“Among those who thought like this, as I have said in my book, there was not much appetite for looking back.”

I think there was a view that we have reached a political settlement, we should not do anything that would destabilise the new order. There is one case where I got affected because there was an intention to prosecute Peter Mebothai, if you remember at that time. He had said things that he should not say and the feeling was it is just going to destabilise the country. This man is sick and he was about to die and do not destabilise the country. There was a view like that amongst some.

“It was my observation in paragraph 29 that some within government and the ruling party felt that we should close the post TRC matters and do nothing further. They reasoned that by continuing with the prosecution of these matters, you run the risk of destabilising the country. This was based on their appreciation that while the perpetrators of gross violations of human rights were afraid of being prosecuted, they were themselves prepared to arrange for those on the side of the liberation

movement, that is those who commanded or were involved in MK operations to be charged as well. In respect of this issue, both those from the old order and those from the new order were in agreement, they wanted to let the sleeping dogs lie.”

COMMISSIONER KGOMO: [vernacular - Ka Setswana/Sesotho bare o seka tsosa tse diletseng].

REV CHIKANE: [vernacular - Ja ke tsona]. I think there was, what I  
10 would like to say is that there are those who simplify this matter to say you could have done this, you could have done that, but if you were in that situation at that time where they would say they are planning to arrest the President, because he was part of the National Executive Committee, did you get amnesty? And if you prosecute ours, we prosecute the others and *vice versa*.

There was that tension. I mean, there was a moment where I expected that they would try that, and that would of caused quite a scene. I mean it is like trying to go and arrest the President for security. It is a problem, but remember that the prosecutors were  
20 mixed, the old order and the new order, and there were new old order people more than the new order. The prosecution authority, the police, the same. They had interest, and so we, we had to manage that situation.

ADV SONI: Now you point out in paragraph 30, Reverend, that this view was not only not universally held, but it had moral flaws in it.

And you deal with that in paragraph 30.

REV CHIKANE: Ja,

10 “30. Of course the problem with this position was that there were many South Africans who still saw themselves as victims - rightfully so - and wanted to know what had happened to a next of kin who had either disappeared or died mysteriously. There were still people looking for the bodies of their loved ones or graves or places where they might have been buried or dumped.”

In 31, I say:

“I must put it on record that I was one of those who wanted to know in my case about the poisoning. I could not be dispassionate about it. The reality is that there was unfinished business of the TRC that could not just be swept under the carpet.”

And in respect of the prosecution of the perpetrators, paragraph 32:

20 “In my case those who had poisoned me, some feared that the enthusiasm of urgency with which certain members of the prosecution authority wanted to arrest and charge the three police officers who had been identified as being involved, was part of a strategy to precipitate action against some of the leaders of the new government,

especially the 37 I have referred to earlier. Such a result could be achieved in the name of equality, namely by balancing people to be charged between the perpetrators and gross violations of human rights on the one side, and the apartheid regime and ANC leaders who were involved in or who commanded the war of resistance against the apartheid regime, on the other.”

And I continue in 33:

10 “There was in fact a heated debate between some NPA officials and the command of the police about this matter, as there was an indication that some within the NPA were planning to arrange for the arrest of 37 who had applied for amnesty and did not get the amnesty, but their application did not follow the TRC framework, I think the history is recorded there, and on that basis their application was not accepted. One of those whom they were allegedly attending to arrest was then President

20 Thabo Mbeki for being part of the NEC.”

I have said this before.

Some in 34 believe that those seeking to have the 37 ANC leaders arrested, wanted to create a crisis that would force the ANC leadership to back off from the post TRC cases that fell under the

category of unfinished business of the TRC.

Others wanted to prosecute people for the sake of it without considering the implications thereof, particularly because of the special circumstances of our transition from an unjust, racist system to a just and democratic society. There were at the time many conspiracy theories going around.”

And you can understand that, because we were together with the people who fought us or we fought, and there were many  
10 conspiracies, and it was a bargaining issue to make the new law to charge the old, if you charge them there are consequences, you know, type of approach.

“35. It is against the broad and general backdrop that I have summarised above that I tend now to deal with specific matters related to the prosecution of those who were involved in my poisoning.”

I need to indicate here that you will see from my case, indicate that there was also a fear that the rush to charge people was  
20 charge them and without sufficient evidence let them be acquitted and it ends up there, and you will see in my case that I dealt with myself. I was resisting that approach which will not give me the information I want. You can charge them and lose the case, you do not get the info. I wanted an approach where I could get the info, and that is why we stretched it to the limit in my debate with Advocate Ackerman, who

was the person I had to work with.

ADV SONI: Reverend, the next part of your affidavit deals with the steps you took to ascertain the facts related to your poisoning. Up to now, and I just want to conclude this part, you have sketched for the Commission the entire pre- and post TRC processes that were developing around you and your observations on them and possibly why there appeared to be a coolness towards prosecutions. Would that be a fair summary?

REV CHIKANE: Ja. It was like a combustion chamber, you know, if  
10 you were there. It was like a combustion chamber. You were not sure who was planning what. And I believe even if you integrated the intelligence services, the agents still reported to their former, on both sides. You know, even within the ANC, there were agents who were still reporting to their commanders who were not in that department.

So the uncertainty was huge, the risks were great, and that is why I call it lots of conspiracies.

ADV SONI: Can I just, and I know it is not contained in your statement or in your book, but I understand the philosophy behind the whole TRC process was there would be genuine reconciliation among  
20 the warring factions and the people who conducted that war.

REV CHIKANE: That was the intention, but I mean the word reconciliation became the victim here. We focused more on, when I say we, I am generalising here, we focused more on getting the truth, but that did not lead to reconciliation. So people used the TRC for getting out of it much more than getting reconciled. But you will see

my approach produced that at the end. Maybe it is because of my religious perspective and the way in which I looked at things. Where I would even promise that if you gave me the information, I would not pursue charges against you. And in my religious tradition and my practise, which I do not impose on any activist, is that I have forgiven you anyway. That is why when Vlok came to me, I said, I forgave you, so I do not need to do what you are asking me to do. Because for me forgiveness it is the way of healing. When they cause you pain, you become bitter, your health gets affected, and they are busy  
10 having a “*braaivleis*” and enjoying themselves, the perpetrator. And I did not want to be a victim of the perpetrator or a prisoner. So I was above what they were doing. But that was the intention, yes.

ADV SONI: Can we now get to the poisoning itself? You have given some details of it. If you deal with it in the next section of your affidavit starting with paragraph 36.

REV CHIKANE: Yes.

ADV SONI: Just before we deal with it, I want to emphasise this point which only occurred to me when I was preparing for the leading of your evidence. The steps you took to ascertaining the truth, started  
20 long before even the TRC process was officially accepted as a mechanism to get out of our past.

REV CHIKANE: Ja.

ADV SONI: I just thought I should emphasise that. And then you could then tell the Commissioners how this whole unhappy and sad episode or chapter in your life unfolded. At paragraph 36.

REV CHIKANE: I could, I could summarise this topic because it is factual and it is in the record.

ADV SONI: Yes.

REV CHIKANE: I mean, just for record, the institution of the poison, I do not like calling it a poison because a poison can be anything. But these are organophosphates, chemicals which are meant to kill. And so I had been banned from entering Namibia because I had to go to Namibia to support the churches there before the 435 resolution.

ADV SONI: You said the United Nations 435?.

10 REV CHIKANE: Ja. I got intercepted at the airport not to fly and they gave me a banning order. I am still looking for anybody who had such a banning order from South Africa to enter Namibia. And so when the resolution 435 was adopted and the UN moved in, I thought that order does not apply anymore.

And I got to the airport with Bishop Buthelezi at that time and they allowed us through. But according to the evidence in the agreement, I do not have to speculate about it. They pulled out my baggage, instituted those chemicals, and they chose the item that rubs against your body.

20 And we guessed about whether it is the handbag or a, or a radio. And they used the under wares, five of them. They put that in there. So that is where it hits me. The plan was I arrive in Namibia, sleep over, wake up 5 o'clock, drive to the north, and the calculation was that this chemical would hit me where there are no hospitals in the far north, far from hospitals. So I would die there. Nobody would

have known why I died there. Fortunately, if you do not want to be spiritual, you say, as fate would have it. And for me, it is God's intervention.

It hit me about 20, 30 minutes before we passed the last hospital. And by the time I arrived at that hospital, I was like a lump of flesh. So what it does, it dislocates you completely. And you cannot lift your arms within that hour. So I do not need to go through that particular detail. Then I came back, I was attended to, I recovered, and then I went to the U.S, as I have indicated to you.

10 And I got attacked three times before, and went into the intensive care unit three times, Wisconsin Hospital. And I never forgot, this is a student specialist doctor who picked it up the third time I arrived there, and that this is actually an equano first rate chemical had been sent into California to be tested. And they proved that it was.

So the question was, how do I go back home, because it used to hit me every 30 minutes, 30 hours or so. So those are details now. So my dear wife, who is in here, had to go with the president of the university there, It was Donna Chené, who now became secretary of health, to go and buy me new clothes and take-aways. The FBI  
20 took hold of anything I had and went it to be clothes, and then I never got hit again. So that is the detail which I think I just wanted to summarise.

In 37, it is:

“After returning to South Africa from the United States, I appealed to the apartheid government

and the public in general to trace and identify the perpetrators of the dastardly act. By that time, I had information that there were three laboratories, SUMU and UIUF, I have said before. However, although the police took statements from me, nothing happened.

ADV SONI: Can I ask you, Reverend, you say you made an appeal to the public to come up with facts. How was that appeal made?

REV CHIKANE: Well, it was a press conference, I think, when I  
10 arrived, because it was a major public issue. And I made an appeal, I was saying those who are involved should come out and say it. Those who know the laboratories. We had our own way of investigation, but we are not government, so it was, there is limitations. We could not ask people any questions, but you had to go the soft approach. But there is nothing, nothing happened.

The police took a statement and did nothing.

ADV SONI: And thereafter, paragraph 38, you indicate further steps you took.

REV CHIKANE: Ja

20 "38. Thereafter, once the concept of setting up the truth commission was being discussed, I seized an opportunity to call on and encourage those who were involved in or had information about poisoning to take a bold step and make disclosures. What was important was the truth

about who had carried out the operation. I took the matter further based on my Christian faith and said if they were willing to confess their deeds, I was prepared to forgive.”

Sadly, (intervenes)

COMMISSIONER KGOMO: Sorry, Reverend, can you perhaps give us the year around when this, this happened?

REV CHIKANE: In terms of at the beginning of 38, whilst the concept of setting up the TRC was being discussed, I took that opportunity, so  
10 it would be before, because I arrived back, it would be around 89, I think. 1989.

ADV SONI: Yes, you left for Namibia in April 1989.

REV CHIKANE: Yes, yes. And I came back, went to the United States, came back around June/July.

COMMISSIONER KGOMO: Yes, I think that is sufficient.

REV CHIKANE: And ja, and then the press conference happened, immediately, so it was before there, NEC was unbanned and all the other liberation movements. It might be possible, but some of what I am speaking to in 38 combines the before and after, but it really does  
20 not matter. The point is that I made an effort.

The advantage I had, of course, which is what you were talking about, is that I was a public figure. I would say to the press conference, and it would be published, an ordinary person would not have had that possibility. I also do say in other writings that if I was not having the profile I had, I would have died in Namibia. And I did

not say what saved us. What they did not calculate is that we were going to stop and have breakfast and delayed once that chemical is working on you, delayed arriving where they thought I would die. And that was just an ordinary breakfast, resting, and started driving again.

So even the people in Namibia, the Assistant Secretary of the Council of Churches who was with me, they were all investigating. And my brother was in exile with the ANC. They also investigated from the ANC's side, in exile. So it was not just my lone exercise.

ADV SONI: Now, Reverend, what was the response to your pleas for the truth to be outed?

REV CHIKANE: No, they did not come out. I think it is only paragraph 39:

“Sadly I must record no one came forward except for Paul Ersamus, who revealed in a newspaper article that he was responsible for putting me on the death list of the apartheid security police, on the basis of instructions from his seniors. He said he had joined the police when he was 18 and believed everything he had been told about black people, including that we were dangerous and that whites had to do everything possible to suppress us. He expressed regret about what he had done. I managed to talk to him over the phone. I talked to the journalist who reported about the story, asked to be linked up with him, and then I talked to

him. I assured him that I had forgiven him and that I was prepared to meet with him personally. I disclosed that he had certain knowledge about my poisoning.”

ADV SONI: He had disclosed.

REV CHIKANE: Ja, he had disclosed sorry,

10 “And about the persons responsible for it. Unfortunately, Paul Erasmus was placed in a witness protection programme and we could not take this matter further.”

I have never understood why, if he was put under a witness protection programme, the investigators could not reach him because they should have a way in which they..., and they told me that they cannot reach him.

“Nevertheless, I did get some information from the prosecution authority because I engaged them, some of which would have come from Paul Erasmus.”

20 So the information I have about him also came through the prosecution authority that talked with Paul Erasmus.

“40. But I will not let the matter rest in my quest to ascertain details relating to my poisoning. I wrote letters too and I spoke about that, so you can see the list. I spoke to former president De Klerk, minister Vlok, commissioner of police, Johan van

der Merwe, the minister of defence, deputy minister of defence Roelf Meyer, former surgeon general Niels Knobel and former army chief General George Meiring. All denied knowledge about this poisoning. I recall that I also wrote to members of the new government as a result of the various processes I initiated, like the minister of police, it was Mufamadi at that time, because I thought they also would assist. I gathered enough information to lead me to the police officers who were involved in the actual operation to poison me. I identified them as Christopher Lodewikus Smith, Gert Jacobus Louis Hosea Otto, and Hermanus Johannes van Staden.”

And their code was Smith-Otto-van-Staden. That was the code. So you would have thought it is one person, but we managed to decode it.

“41: When the TRC Act was passed, providing a legal framework for perpetrators to apply for amnesty based on voluntary disclosure, I repeated my call again for information related to my poisoning, but no one responded. Those who appeared before the TRC to apply for amnesty chose to deny any knowledge of my poisoning, apparently because it would implicate many people at the top echelons of the apartheid security establishment and the political leadership. Nevertheless, some bits and pieces of information helped

me to strengthen my suspicion that the apartheid security forces were involved in my poisoning.

ADV SONI: And then you got a response from an unexpected group of sources, these were the scientists.

REV CHIKANE: Yes, the scientists. I have already directed the general in the presidency, and the scientists who were responsible for producing the lethal toxic chemicals and biological substances used in poisoning me, responded by invitation to disclose their involvement.”

10           It was a very interesting but frightening experience. I welcomed them.

“They were led by Dr Andre Immelman. They visited me at the Union buildings and expressed regret for participating in the production of the legal substances that were used against me. And I may add, probably against others as well.”

That is my point that concerns me greatly.

20           “43: Having met the scientists and following the window of opportunity opened by the statement by the President in Parliament about post-TRC matters, which asked the NDPP to negotiate indemnity from prosecution in terms of existing law for those who have made complete disclosures to the NDPP. I believe that this presented an opportune moment to communicate directly with

those who were involved in my poisoning and to appeal to them to disclose their involvement. With all the information I now had at my disposal, it became clear that evidence was building up against the perpetrators of this callous act, which could lead to their arrest and charges being preferred against them.”

ADV SONI: The perpetrators you are talking about are the three, what later became known as the three foot soldiers?

10 REV CHIKANE:

ADV SONI: Smith, Otto and Van Staden..

REV CHIKANE: Correct.

44: “Thereafter, with the help of the NPA, I addressed letters to the three police officers involved, asking them to disclose what they knew. I reasoned that I should use the NPA because it was in contact with the lawyers of the perpetrators, and because I did not want them to say I had threatened them.”

20 So I had to handle it with care. By the way, I did not say it here. Initially, we were told this. We got information that these three police were in a farm in the Eastern Cape. Now, if you are not police, you cannot go to that farm and find them out, so I had to try to be as legal as I could to deal with this matter.

45. In May 2003, through the media, I wrote an

open letter to fellow South Africans in which I said that telling the truth and giving information about what happened to victims and those who disappeared or died during the days of the apartheid system is critical to the process of reconciliation, healing, and transition to a democratic society.

10 I also made the point that those who were still imprisoned by their past deeds should come forward with information so that we may proceed with the building of a new, more humane, and peaceful South Africa for all South Africans. It was really an appeal for, yes, a process of building up a new South Africa. In addition, I made public my offer to waive my rights to sue the dead for damages or seek prosecution to make it easier for the perpetrators who had failed to take advantage of the TRC process to acknowledge culpability or involvement in apartheid-inspired attacks on me.

20 46. In addition, on several occasions, I wrote to the three police officials involved in making the same plea. Despite these repeated efforts, I regrettably received no reply from them.

47. However, as more and more evidence was coming to the fore, preparations were being made

to arrest the three police operatives. It was the  
imminence of the arrests in the latter part of 2004  
that sparked a flurry of activity. Vlok and Van der  
Merwe entered the fray as they believed in taking  
responsibility for those who worked under their  
authority or command. They interacted directly  
with the NPA on behalf of the three and when they  
realised they were not making progress and time  
was of the essence, they started a line of  
10 communication with me based on my letters and  
my offer.”

ADV SONI: What is your position in regard to their coming forward to  
indicate the involvement? You deal with that in paragraph 48.

REV CHIKANE: Ja.

“48. My position was simply deeply personal.”

I do not want to impose it on anybody.

“Just disclose to me the story, then use the  
channel the President announced by presenting  
the disclosure to the NPA, which would be  
20 expected to facilitate a plea bargain arrangement  
to close the matter. Their concern, however, was  
that there was no legal provision or framework for  
what the President had announced and that it left  
the perpetrators vulnerable as there was no  
guarantee that the arrangements with the NPA

would not result in their imprisonment. Besides, a plea bargain arrangement had to go to court, but this exposed them to the risk that a court could make a different ruling that could also result in the persecution.”

I must say that the debate was quite intense because they wanted a process where you would guarantee that they would not go to jail, and the plea bargaining arrangements which the President talked about did not give them that guarantee. They wanted it from me as well. I said I do not have a purpose to give such a guarantee.

ADV SONI: Maybe on on that score, in regard to their requests or demands for that guarantee. Were those communications made to you or through their lawyer, or through the NPA?

REV CHIKANE: Remember they started with the NPA. They could not get that. They thought talking to me directly, because I have said they would be forgiven, etc, I could give them that guarantee. I said I have no legal basis to can. When you do a plea bargain, there is a risk you could agree and the judge could make a different finding.

And so in 49, I say:

20 “For these reasons, they preferred their original position, which they had presented to the NPA and the political leadership, particularly FW de Klerk and Thabo Mbeki, namely a general amnesty. However, they acknowledged that this was a non-starter as it had been rejected even before the

TRC process.”

So you could not do it the way they wanted. They did not go to the Truth Commission before. After, their arrangement is state disclose and then make a plea arrangement. That was the legal route they could take.

10 “50. Another concern that they had was that any disclosure by one person about a particular case was likely to implicate others, and one could then be forced to be a witness in other cases that may be brought to court. They were worried about exposing or giving evidence against one of their own. One could not miss the point that there must have been a pact between the operatives that they would not sell out any of their own or expose them to risk. This illustrated to me the multiple layers of lying and denial in place. This, in my view, was to ensure that the line of responsibility for such processes, as my poisoning, was not traced to the Cabinet, including then President PW Botha, who  
20 chaired the National Security Council.”

Just for record, they made this decision against us in that National Security Council, formerly chaired by PW Botha. I believe the Army would deal with those outside and the police. And Van der Merwe, I think, is the one who was present in that meeting and then went to brief Minister Vlok, I think, and then they appointed the three

police to deal with me.

ADV SONI: And this is Vlok and Van der Merwe?

REV CHIKANE: Ja, the further member was the commissioner of police. My reading is that when Van der Merwe was in that meeting, he was not yet the commissioner. He became a commissioner after that, but he was the police representative in that council.

ADV SONI: This is in the National Security Council?

REV CHIKANE: The National Security Council. So the president of the country was implicated in this, and all those who sat in that  
10 council, but nobody investigated that with all the information that we had about it. In 51:

“In the result, as often happens, the sad reality is that it is usually the foot soldiers who are the first targets when information comes to light because they are the ones who carry out the action. So they will become the first to... This was what initially also happened in this case. It was this police who, I was saying, Smith, Otto and Van Staden who were the first targets. Be that as it  
20 may, however dastardly my poisoning, I have to respect Vlok and Van der Merwe for not abandoning their foot soldiers.”

It was quite extraordinary because the investigation did not show they were involved. But once they realised the police were going to be arrested, he came with Van der Merwe and said they

cannot pardon their food soldiers, like some of their colleagues, especially in the military. They have never done that before.

10 “At a critical moment where the three policemen were accused of Vlok and Van der Merwe came out of the woodwork, took off their masks, moved from their strategic lies (to protect themselves and their food soldiers), to declaring solidarity with their foot soldiers. They admitted what they had denied all along and were prepared to be charged along

10 with their underlings. It is for this reason that they started their negotiations with the NPA, failing which, with myself. This is in stark contrast, as I have already said, from how the defence Force, up to now. We do not know who was killed by the defence force using these chemicals.

20 52. In my discussions with Vlok and Van der Merwe, my discussions with Vlok and van der Merwe turned into a kind of negotiation process about how Smith, Otto and van Staden could respond to my call without opening themselves to prosecution. Their lawyer, Jan Wagner, was also involved.

ADV SONI: Can I ask you to stop there for a moment, Reverend?

REV CHIKANE: Ja.

ADV SONI: Did you have any communications with Mr Wagner?

REV CHIKANE: Ja, I think there is a point at which I directed a letter to him because I was told he is their lawyer, but I had no way of doing it directly and I went through the prosecution authority.

ADV SONI: So you did not communicate directly with him?

REV CHIKANE: That letter was directed to him, but via the prosecution, because the prosecution authority knew how to reach him. I did not. But I also wanted to go through the lawyer initially, rather than directly with those three policemen, because I was careful not to be seen threatening them in any way. But that was critical for  
10 me. I wanted them to come forward and talk to me.

ADV SONI: Wagner, or the evidence before this Commission is that Wagner had told Advocate Ackerman that you are wasting your time with these prosecutions because a deal has been struck that there would be no prosecutions.

REV CHIKANE: Ja.

ADV SONI: Are you aware of that?

REV CHIKANE: No.

COMMISSIONER KGOMO: You better say a deal was struck by whom?

20 ADV SONI: Oh, sorry, you are quite right Commissioner.

COMMISSIONER KGOMO: Ja.

ADV SONI: It was a deal between the ANC and the police and defence force hierarchy. The old police and defence force hierarchy by the deal.

REV CHIKANE: Ja, I do not want to talk about Wagner because I

would not have direct evidence, but I mean, he was the key person who was, if you tracked any perpetrator, you ended up with Wagner.

And so he was part of the strategy to make sure people are not, their people are not prosecuted. And I knew a lot about it, but I mean, I do not have evidence. Intelligence is not evidence. It is going to produce evidence. And so my approach was use the NPA. And I now know that there was a debate amongst them when they wanted to charge those policemen, I think it would have been 2004.

ADV SONI: November 2004.

- 10 REV CHIKANE: Ja, around 2004, my worry was they would charge them to release them. Ja, you see, if the old order charges them, people who were in the old order, they could charge them to release them. So the prosecutor could go and say, this is the only evidence we have, and then they get a righted. I was not interested in their last operation to charge them. I wanted to make sure we get the information from them. So for me, it was not, some people think I resisted that they be charged, no. I wanted them to be charged because even if I had enough information, let us call it intelligence information, I could not go to public and say these people poisoned
- 20 me and they will sue me. I wanted, when they go to court, they must put it on record.

Now I can talk about it because it is in the plea agreement document. That was my target, and I was worried about the rush and consent that I would get all the information. And I think my approach worked because I got the information.

ADV SONI: So in 2004, when the initial proposal was made that they be charged after being arrested or taken to court before being charged, your view was that, let us get all the information before we finalise the prosecution process?

REV CHIKANE: I could dictate to them, to the NPA, the prosecutors. I could not dictate to Ackerman. But I was suspicious that he may do it as part of their strategy to negate this, and I did not trust them. At the point when Vlok and Van der Merwe came to me, I collected more information from Vlok and Van der Merwe, because they wanted to  
10 get help. So I said, I cannot help you, but if you give me the information, then you can go and do plea bargaining.

And that is why, I mean, later in the statement, we get into conflict with Ackerman, because he got to know that I had more information than they had, or he just wanted to punish me because he demanded that I surrender all the information I got from Vlok and Van der Merwe, and I said, no, it is not my responsibility.

ADV SONI: Reverend, we are going to come to that, because all of those matters are dealt with in your letter to Minister Mabandla subsequently. Come to that, because I want to deal with that in some  
20 detail. Just coming back to the matter before the court, were you aware, or did Mr Ackerman tell you, that Wagner had told him that there is this deal between the ANC and the old order police and defence hierarchy, that there would really be no prosecution, we are all wasting our time? That is more or less what happened.

REV CHIKANE: I really do not remember me having a debate with

Ackerman about that matter. I think Ackerman was determined to charge them. The only concern I had is, to what end? What is the strategy? Because there is a strategy. Indeed, what...

ADV SONI: Wagner.

REV CHIKANE: Ja Wagner, that lawyer, he was part of the grand strategy designed before the negotiations to say, if we get there, we are going to have to negotiate that nobody gets prosecuted. That was their strategy, all of them. And so I would not be surprised if he talked to Ackerman to dissuade him from charging the people. On  
10 the other hand, we were suspicious that Ackerman was using the case, my case, to precipitate the crisis, so that they can then go and arrest some of the ANC leadership.

So it is in that, that is why I said you needed to be there to actually deal with this difficult environment.

ADV SONI: And that would come about on the basis of that equality issue that you talked about earlier and that Commissioner Kgomo brought to your attention, that if you are punishing the perpetrators of abuses, then you must also punish the liberators. That is something we thought.

20 REV CHIKANE: Ja, and their weapon was the minutes of the African National Congress, which obviously they had infiltrated and they got the minutes from Lusaka. And they would then use minutes that talk about deploying MK operatives, et cetera, and the consequences of that.

ADV SONI: Let me ask you this, it just occurred to me now. You

talked to Commissioner Van der Merwe, the former Commissioner Van der Merwe.

REV CHIKANE: Ja.

ADV SONI: One of the pieces of evidence that was given here was that Commissioner Van der Merwe had indicated that he had a docket in respect of the members of the ANC-MDC relating to the command structure in Lusaka.

REV CHIKANE: Ja.

ADV SONI: Did Commissioner Van der Merwe ever say that to you?

10 REV CHIKANE: No. I think Commissioner van der Merwe and Vlok were there to plead. I do not know why they thought I can move the whole system to their favour. They were pleading for a way of getting over this without their foot soldiers going to jail. I think that is what they were talking to me about, not the strategy about ANC, the generals and all that. I may know about those conspiracies on the other side, but they were not discussed in my case.

20 So they were very guarded. I pressed hard to get the truth from them, but they were very guarded. They wanted a settlement without going to jail. I think that was their determination and when they failed in the NPA, they came to me. But I handled them in a way that they gave me more information without threatening them. My intention was not to fight with them. It is how was I poisoned? How did it happen? Who was responsible for it? And I was able to get the information.

ADV SONI: And neither Vlok nor Van der Merwe said to you at any

stage that, look, you know, if you are charging us and our foot soldiers, just expect that the ANC leadership too will be charged.

REV CHIKANE: No, they did not play that game with me, I think. I mean, they knew that it would be work with me. They did not come with conspiracy theories. They wanted a way out. And they were not going to be charged. It was going to be the three policemen. They decided to join them because they said we instructed them. And that is why we are here.

ADV SONI: Oh, I see.

10 REV CHIKANE: Ja.

ADV SONI: Okay. And that is why you had so much of respect for them because they came out of the woodwork.

REV CHIKANE: Ja, people do not understand it, how I can have respect for Vlok. But they came out. They made it quite clear to me. He said to me, I am not going to allow my foot soldiers to go to jail when we are the ones who instructed them to do it. So they joined themselves into the case, in essence, the way I understood it at that time. And that is why I respect them because we could have gotten the three policemen prosecuted without them getting involved at all.

20 ADV SONI: Now, then, you deal at paragraph 52 with the fact that, well, you have dealt with that already, that there was a negotiation process And then you say in paragraph 53, there were parallel discussions that went on.

REV CHIKANE: Ja.

ADV SONI: And what were those?

REV CHIKANE:

53. "Parallel to this discussion was an ongoing dialogue between Vlok, Van der Merwe, and Wagner, on the one hand, an NPA, particularly Advocate Ackerman, was responsible for the case on the other. There was also a raging debate between government and the NDPP about a prosecution of policy to deal with the unfinished business of the TRC cases (that is the Principles for Prosecution of TRC related Matters), in line with President Mbeki's speech in Parliament.

10 ADV SONI: This is the April 2003 speech in Parliament.

REV CHIKANE: Ja.

ADV SONI: Now, you say there was a raging debate between government and the NDPP. Who from government would have been engaged in that debate with the NDPP?

REV CHIKANE: You see, I would not present to you evidence because I was not involved, but I knew that there was a raging debate. I mean, being in the presidency, you do get to know, but you do not have first-hand information, so I would not want to talk about something, I do not have first-hand information.

20 ADV SONI: Sure.

REV CHIKANE: But there was, about the guidelines, there were people who were saying that they do not meet the legal muster, those guidelines. You know, there were those who were saying that. Others were saying this is the only way in which you can get the information. Because it was a continuation of the Truth Commission

in another way. Ja, to say, give us the information, do plea-bargaining, that type of stuff. But then the Ackerman and others, I think, were of the view that those guidelines do not pass the muster.

At least I can say Ackerman because he engaged me very angrily in my office, and it did not end well. I said to him, he wanted to charge me, force me to give him the information, and I said, apartheid failed to do it, security police. You will not succeed, try it. So it did not end well, but we had a witness. I do not remember the prosecutor who was with him.

10 ADV SONI: Mr Mahlaka?

REV CHIKANE: He had somebody in the room, and I told them, I am not going to be forced to give you information. If you want to be helpful, we can talk about it, do not force me.

ADV SONI: Ja, we will come to that in a moment when we both through your leg care with them and the... (intervenes)

REV CHIKANE: Yes, ja, ja.

ADV SONI: Now, I want to then go to the fact that after this quite elongated process starting almost in 1990, sorry, ja, about 1990, in 2003 and 2006, the prosecution takes place.

20 REV CHIKANE: 2007.

ADV SONI: Oh 2007, sorry.

REV CHIKANE: Yes.

ADV SONI: Now, in the next section of your affidavit, you deal with the charges against the accused. They are there, but if you could just summarise what is contained in that section here, and then you know

that the next section is your dealings with Ackerman, we can deal with that in a moment, but let us deal with the charges against the accused. They are set out in Annexure A.

REV CHIKANE: Ja, yes.

ADV SONI: You summarised them.

REV CHIKANE: Ja, then I deal with that matter in Paragraph 57:

10           “The main charge against the accused was that of attempted murder. It being alleged that on or about 23 April 1989, that is the day I went through the airport, at or near the vicinity of the Jan Smuts Airport, the accused unlawfully and intentionally, in furtherance of a common purpose, attempted to murder the Rev Frank Chikane by way of administering a poison, to wit Paraoxon, to his clothing.”

By the way, the FBI, in their investigation, they are the scientists of the police person, the FBI woman who did the investigation from microbes and blood samples and all that, and they reached the same conclusion of that particular chemical.

20   ADV SONI: Can I just ask, because I do not think this has emerged directly, as I understand it, the way they got to your clothes was they intercepted your bag at what was then Jan Smuts Airport while you were on your way to Namibia?

REV CHIKANE: Ja, when they gave me the order not to go to Namibia initially, they stopped me before I luggage my baggage, and

gave me the order in front of the desk where I was going to check in. This time they allowed me to check in, and they do say themselves that they arranged my baggage to be taken out of the, as they were passing to be delivered wherever they have to put in the plane, they would pick up my baggage, put it in a particular room, and the person who picked it up would leave, then the three policemen would come, open the bag, put the chemicals, and left, and the bag was taken and put back on that, ja, and then it went to... (intervenes)

ADV SONI: And you had no idea then that had happened?

10 REV CHIKANE: No idea. At that time, I mean, I suspected they could stop me from going to Namibia, but they did not stop me. But I would not have suspected, we had no information they would do that to my baggage. But they have said it themselves, so it is not speculation.

And in 58:

20 "I need to also record the following. First, that the Accused were charged in the alternative with contravention of section 82(2) of the Riotous Act, and listed that, together with Wouter Basson, Andre Immelman, and persons unknown to the State, namely conspiring to kill Reverend Chikane. Second, all these persons also faced a further charge under Count two, namely conspiring to commit the crime of murder of persons unknown to the State."

And I must say that that second Count which they dropped was strange for me, because it means they knew there are other people, and they did not actually pursue that matter. My intent summarised my interaction with Advocate Ackerman, who made what was a difficult and painful process, even more painful. So in my interaction with Ackerman, ja.

ADV SONI: I will come to that in a moment. I just want to go back to paragraph 58. Do you know why Wouter Basson was not charged, or why the charge against him was dropped?

10 REV CHIKANE: Ja, but that is what surprises me. Actually, when you read the plea-bargaining, they put them on the suite, Wouter Basson, but they charged, you remember they charged Wouter Basson for other matters, and they wanted me to be a witness there, which did not make sense. But, at that stage, it is now my suspicion, At that stage, it looked like they were doing scores amongst themselves, the old order, you know, charged Basson for corruption. I think it had to do with corruption, et cetera.

ADV SONI: Fraud.

20 REV CHIKANE: Ja, so there was a battle between themselves, who got money, and the other one did not get money. I cannot speak to that, because I do not have first-hand information, but there were enough people, there is a, is it Smit, in that plea-bargaining, who was now the chief responsible for this operation.

ADV SONI: Mr Basie Smit?

REV CHIKANE: Ja, they should have charged him as well. So if you

took that plea-bargaining stuff and investigated at that time, there was enough evidence based on the confessions of the five, in this case. That is why I was saying, if you got one to confess, then they implicate others. That is what we thought it would happen. But they implicated others, and no charges were preferred.

ADV SONI: The Andre, I am coming back to paragraph 58, the Andre Immelman is the scientist, one of the scientists who came to the Union buildings to apologise to you.

REV CHIKANE: That is it.

10 ADV SONI: And he had in fact confessed to you that he had been involved, he had been one of the people with the poison available, all the chemicals available.

REV CHIKANE: Ja, he admitted, he did not admit acting against me, but they admitted they produced those offensive chemical instruments, which means they produced, packaged them in a way that they are meant to be offensive, you know, the way they were packaged. Either they put them in a pan or this, there were other methods they used. So the scientists did the packaging, the police came and got an order to say, I want this type of chemical. They may  
20 not know what it is. In my case, they say, we want one that kills. So it is in their confession there, and they were given this type of oxyon, or whatever they called it. So he was there, ja.

ADV SONI: Can we then go, Reverend, to the section of your affidavit where you deal with the... where you address your dealings with the Advocate Ackerman?

REV CHIKANE: With Advocate Ackerman, Ja.

60. As regards the prosecution of the Accused. I had several discussions with Advocate Ackerman. I record that I found that his approach was a punitive one and not within the spirit of the post-TRC processes and the President's call, including the muted prosecution principles related to the unfinished business of the TRC. In contrast, Ackerman's approach was a straightforward prosecution that would make me a witness against the perpetrators.”

Now, I could not be a witness against the perpetrators because I was going to then say what they told me. That is how I then become a witness. So I used the information they get from me to be a witness. It did not make sense to me, because that is the information I wanted in anyway.

“61. My response was that I was not interested in a prosecution for the sake of prosecution. I was seeking the truth about my poisoning. In addition, I had pronounced publicly that I had no interest in sending the perpetrators to jail and was ready to forgive them through Vlok and Van der Merwe and Vlok had already asked for forgiveness from me. Later he went the extra mile and even washed my feet.”

That story is known, I refused to let my feet washed but he said it was for his own, not for me, it was his own. I think Vlok went through some Damascus experience after the passing of his wife, 1994, and that is another chapter.

10           “62. The approach set out above, which I conveyed to Ackerman, seems to have caused him to conclude that I was a hostile witness. He went as far as threatening me with section 205 of the Criminal Procedures Act to force me not only to give evidence against the accused, but to disclose all the information Vlok and others had given me.”

I mean, for me it was funny, but now the victim is getting charged with the whole issue. It did not make sense to me.

ADV SONI: I would have been a (indistinct).

REV CHIKANE: Ja.

20           “This is where the discussion ended. Section 205 reminded me of the old apartment days. I was like putting salt. It was like putting salt on my wounds. I dared him to try it and see whether or not he would succeed, where the apartheid regime had failed to succeed. At this stage, I knew I was just a pawn in the bigger scheme of things they were fighting about.”

ADV SONI: Can I just ask you, what do you convey, what is the biggest scheme that you thought has been played out with you as a

pawn?

REV CHIKANE: Ja, I used my case to precipitate a crisis and achieve their objectives. Ja, that was my feeling. And at the same time, my comrades, some of my comrades were saying, but why are you continuing with this case? There were others who were asking me. I said to them, I have an interest in getting information about my poisoning. That is why ultimately I went to court alone. That is why the book says a long journey. I was alone in that court with a communication officer from the President who chose to accompany  
10 me in his personal capacity. The court was full of journalists.

ADV SONI: And none of your comrades?

REV CHIKANE: Ja, no, none of them. Because I think the, at that time, the feeling was that you are taking this matter too far. I said no. I am not interested in sending them to jail. I want them to put it on record so I can use the information. That is what I wanted and I got that.

ADV SONI: Then you talk about consequences in Dyer. Now, you then say you have set out these, I am talking about paragraph 64 now, you say you set this out in your letter to Minister Mabandla and  
20 you isolate matters in paragraph 64 that are contained in your letter. Rather than dealing with the summary here, may I ask you, Reverend, to go to the letter which is annexure B to your affidavit. It is the last three pages on that file.

REV CHIKANE: It is Annexure B?

ADV SONI: Annexure B.

REV CHIKANE: Ja.

ADV SONI: Can you recognise this letter, Reverend?

REV CHIKANE: Ja, no I do, it is my letter.

ADV SONI: Let us start off with the date of the letter.

REV CHIKANE: It was on 22 October. The case went to court in August of 2007. After that case, I was really, terribly disturbed that there was absolutely nothing that is being done to deal with these cases. Because in essence, let me put it personally, my journey produced evidence that was enough for them to do more work and  
10 nothing was being done about it. I thought I must write to the Minister to identify those areas which were of my concern. Again, it is again the advantage I had. I mean, I could write to the Minister, even if she took one year to respond, but she did respond at the end. But an ordinary victim would most probably not have written that letter.

ADV SONI: Ja. The letter is addressed to Minister Mabandla and would you read the contents of the letter into the record for us again?

COMMISSIONER KGOMO: Ja, I am going to struggle because the letters are very small. Except the last page, which I managed to read. I really struggled through it. These two pages. Well, Counsel is  
20 asking you to do your best. Hopefully your best would be good enough.

REV CHIKANE: Can I hear what you are proposing?

COMMISSIONER KGOMO: No, no, no. Counsel is in a better position.

REV CHIKANE: Ja. If you want me to read it, I can read it, sir.

ADV SONI: Yes.

COMMISSIONER KGOMO: I was just saying the letters are very small.

REV CHIKANE: I will have to turn my (indistinct), but let me read it. It says:

“State v Van der Merwe and Others.

To Ms Mabandla.

As you would know, the case of those who were involved in my poisoning, namely, Johan van der Merwe, Adriaan Vlok, and the rest of those police, was disposed of at the Pretoria High Court on the 17 August 2007, following a plea bargaining arrangement between the accused and the State. Although I am pleased that we have concluded this matter, I am concerned about a number of issues which I would like to raise with you, and hereby, the government of the Republic of South Africa, meaning I am raising it with the government of the Republic of South Africa. I hope that you will find it necessary to share my concerns with Cabinet, as I believe that this would be helpful in handling other matters of a similar nature.”

We have just gone through this, so it should be a way we could learn from it. Ja.

“The first point I would like to raise in the handling of this letter by the National Prosecution Authority, from my interaction with the relevant officials within the NPA, it is

clear to me that the said officials are simply the wrong people to deal with post-TRC matters. My experience with them is that they will not be able to relate to victims of gross violation of human rights or their next of kin with the sensitivity that is required. In fact, they did not seem to understand the nature of the challenge we are facing. Firstly, my court case was used to fight battles between the NPA and the government about the "Guidelines" for dealing with post-TRC cases. Throughout this process, I was left with a feeling that no one in fact cared about me - as a "Victim". What mattered were the politics around the handling of the TRC cases and how people would win their battles.

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As part of the consultative process related to the case of the Van der Merwe and others, and his assistants visited me, instead of just consulting me as a victim, he entered into an acrimonious argument with me about the approach to the government on post-TRC matters and the Guidelines. From this interaction, it was clear that he was radically opposed to the guidelines as agreed upon by Cabinet and the Parliament of the Republic of South Africa. In fact, he seemed to be more interested in prosecution for the sake of it rather than the management of this difficult post-TRC process.

20

What I detested most was that my case was being used to fight their battles with the government. In pursuit of this

objective, a draft letter which was constructed in a manner that would enhance their position in the prescribed forum with other departments was presented to me for my signature. What was more disgusting for me was that when I refused to sign that draft letter, Advocate Ackerman then threatened to use Section (I mix this section 204 and 205 that can be corrected) of the Criminal Procedures Act against me to force me to surrender all of the information I had received from Mr Vlok on my poisoning. I dared him to do so and reminded him that this was tried against me during the apartheid days and it did not work and that there is no reason why it would work now. He backed off and left. His colleague who was with him is my witness in this regard.

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Secondly, I was not consulted about the details of the plea bargaining agreement. The NDPP informed me in writing about the agreements for suspended sentences for the accused. My views were not solicited in this regard. In fact, I was not informed about the basis of the plea bargaining arrangement. I only saw the plea bargaining agreement during the prosecution in court. I was particularly distressed by the submission in section E paragraph, (I think it should be 6.3 or 8.3) of the plea agreement, which claims that I was consulted about it and that I was satisfied with the plea agreement and that I did not wish to make a further representation in connection with the matter. The reality is

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that I could not be satisfied with something I had not seen. Having now considered it, there are naturally a number of issues I have concerns about, which I had no opportunity to deal with. This leads me to the second letter I would like to raise.

10 Failure to consult me before the plea bargaining arrangements were made, resulted in the presentation of documents in court which did not only have factual errors but were politically and philosophically problematic to me as a "Victim." Firstly, my background is presented as if I was both General Secretary of the Council of Churches and Vice President of the UDF, when in fact I held these positions at different times. Secondly, the plea bargaining arrangement falsely argues that it was a stated promise of the UDF to propagate and support violence for the purposes of rendering the country ungovernable."

ADV SONI: Sorry, your point there being that was not the policy of the UDF to promote violence?

20 REV CHIKANE: Yes, but they cannot put a plea bargaining agreement which says this.

ADV SONI: Yes.

REV CHIKANE: Ja, if they talked to me I would have said I do not agree with you. By the way, I am not a lawyer but I thought that if they do a thing like this you would be made to do a complimentary affidavit that I agree on this and they did not ask me to do that.

“There are these three issues I would like to raise on matters of such substance. Firstly, Count two was withdrawn as part of the plea arrangements and by so doing the collaboration between the Security Police Special Unit and Wouter Basson and his team in producing or procuring the lethal chemicals used, was not probed further when it is clear from the plea bargaining agreement document that more information could have been extracted. Secondly, there is a reference in the plea agreement document to a list containing names of “high profile” members of the anti-apartheid movement struggle who were to be acted against and in extreme cases be killed and that is (paragraph 37). There is no indication that in this matter, that this matter was probed further. The state should be interested for instance in the copy of such a list, to determine as to who also was on the list and what happened to them. Thirdly, there is no indication as to what discussions the NPA had with General Basie Smit and Basson to secure more information about their operations and it is not clear here. And fourthly, there is no indication that there has been a process to probe the involvement of the SANDF on

three matters, on these matters and what happened to their list of external targets.

The Guidelines for the post TRC cases make it clear that our objective is not just prosecution but the need to solicit more information about what happened to the victims of gross violations of human rights, especially those who died or disappeared. Moreover, it is to get a better understanding of how the old national security management system functioned to make sure it does not happen again. Although the Van der Merwe and Others case assisted me to know more about what happened to me, failure to follow up, follow the Guidelines (and thereby collaborate with other entities of the State like Intelligence Services, the Police and the Defence Force) made us miss an opportunity to learn more about what befell the other people who might have been affected in the same way.

20 Lastly, I found the Court itself completely 'foreign' and insensitive to me as a 'victim'. Firstly, the Court was completely white from the Judge to the Prosecutors, defence lawyers and the accused. But worse, the proceedings were conducted in Afrikaans without due regard to the 'victim',

especially where technical, legal and court processes are involved. As a result, I missed the greater part of the proceedings of the Court. I am sure that we can make the Court friendlier to victims than what I experienced that day.

10 On the side of Government, I felt that the handling of the State, this is van der Merwe and others' case, was left to me as a 'victim' to explain to the public instead of the State or Government. No effort was made by Government to manage this process or deal with public perceptions about it. No one got involved to make sure that the process achieved the objectives Government had agreed upon. Clearly, once the NPA acted unilaterally, the Government apparently walked away from the matter. I do not think that this hands-off approach assisted us in any way to achieve the objectives set out in the Guidelines.

20 I shall be pleased, Minister, if the Government could deal with all these matters I have raised as well as remedy the situation before another case is dealt with.

Sincerely Yours, not since myself.

My signature.”

ADV SONI: Reverend, you might remember we were at paragraph 64

of your affidavit. And in paragraph 64, you summarise some of the concerns that are raised in your letter.

REV CHIKANE: Ja.

ADV SONI: Can I ask you then to go back to paragraph, page 1923, paragraph 64.

REV CHIKANE: I say:

“64. The consequences of this breakdown were dire, including factual errors in the plea and sentencing agreement. Views were attributed to me without any supporting affidavit to ensure their accuracy. I have set out in my letter to Minister Mabandla, which I  
10 noted amongst other letters, the following.

ADV SONI: And we have dealt with all those matters. Can I then ask you, Reverend, to... Chairperson, I see it is 13:00, but I am in the point of nearly concluding.

CHAIRPERSON: Yes, you may conclude.

ADV SONI: As it pleases the Commission. Also find it, oh sorry, you then say in paragraph 65 you find it necessary to record certain matters. What are those?

REV CHIKANE: I say there:

20           65 While my struggle with the NPA was going on, a campaign was launched from other quarters of government to stop the case without considering my enduring need for a recorded confession, especially on an official court record. Besides, there are still too many, mainly whites, who

doubted that a government that claimed to be Christian would commit such an inhuman and treacherous act. Many of those who came to confess to me and ask for forgiveness said they did not know what the government had committed, that the government had committed such acts in their name, and that their worst sin was that even when it was made public that government had committed such inhuman acts, they did not believe it.”

10

And I need to cite my colleague in the church who led the white church before we united, that he said afterwards he never believed, as I was going through tension and torture and poisoning, he never believed this government could do that and classify it to just terrorists, basically. So this case was very critical to confirm that indeed this is the Christian government that did what they did.

“66. I felt caught between the three parties, those who perpetrated gross human rights violations against me, the NPA officials, and the government officials who held conflicting views.

20

67. Throughout these processes, I interacted with the NDPP from time to time. I also sent a letter to the Minister of Justice to raise my concerns at the end of the case. I also kept the President informed about what I was doing without involving him in the

matter.”

So when it came to this matter, the only discussion I had with the President is to keep him informed, so that he is not surprised, I am going to court, etc., but he did not get involved in the matter.

ADV SONI: Then finally...

REV CHIKANE: The conclusion?

ADV SONI: Yes.

REV CHIKANE:

10 “68. I have on numerous occasions noted the trauma that has been caused to me, not only by the apartheid state, but also by the manner in which the case against the perpetrators of this heinous act against me was dealt with.

69. As a victim of such an act, I submit that I was entitled to be treated with empathy and understanding. After all, I had suffered enough at the hands of my apartheid tormentors.

20 70. I hope that what I have set out in this statement is taken note of and other victims of apartheid abuses are not put to the second round of torment.

71. The South Africa that we have created, with all its imperfections owes all of us at least. That is a value that members of the security cluster, especially the SAPS and the NPA, must instil in its

members.”

ADV SONI: Chairperson, that is the evidence that we intend to go through... (intervenes)

CHAIRPERSON: Yes.

ADV SONI: With Reverend Chikane.

CHAIRPERSON: Thank you. We will take a lunch adjournment and reconvene at 14:00.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 CHAIRPERSON: Ms Rikhotso, any clarificatory questions for the witness?

ADV RIKHOTSO: Thank you, Chair, we have no clarificatory questions for the witness.

CHAIRPERSON: Thank you. Ms Nthambeleni?

ADV NTHAMBELENI: Thank you, Chair, we have no clarificatory questions.

CHAIRPERSON: Yes. Ms Ntshizana?

ADV NTSHIZANA: Thank you, Chair, I only just have one clarificatory question.

20 CHAIRPERSON: Thank you.

ADV NTSHIZANA: Good morning, Reverend Chikane.

CHAIRPERSON: We cannot hear you, speak up.

ADV NTSHIZANA: Good morning, Reverend Chikane. I would just like to ask if from your concerns that you raised in Annexure B to the minister, I just would like to know if you have received any responses

regarding all issues you ventilated in the letter. Did you receive any response from the minister?

REV CHIKANE: Commissioners, yes, I did receive an acknowledgement. I do not have that letter, so I cannot refer to the details, but it was more of an acknowledgement of my submission to her. But I cannot say anything further because I do not have that letter now.

COMMISSIONER KGOMO: I thought you said a year later, or you spoke about a year?

10 REV CHIKANE: Ja, she did respond, yes, she respond roughly almost a year later, because these issues were like happening continuously and she responded at the time when she was able to respond to that.

ADV NTSHIZANA: Okay, thank you so much.

CHAIRPERSON: Ms Ntloko, any clarificatory questions?

ADV NTLOKO: Thank you, Chair, we have one or two. Good afternoon again, reverend. Firstly I think on behalf of the NPA we would like to apologise for the trauma that you experienced both during apartheid and what you described during the prosecution of  
20 the van der Merwe matter. So in your statement, reverend, you indicate that there was political complexities that surround post-TRC prosecutions. Can you kindly elaborate what those complexities were, in your views?

REV CHIKANE: Ja, I do have that paragraph that deals with those complexities, but I would never, I cannot remember which paragraph.

But if I will sum it up, this was a political project which was completing our struggle and the war, so we were ending a war. And there were conflicting interests at play of the old order and the new order.

We think the old order, they differed amongst themselves as well and we think the new order, but in the new order you had the old and the new in the same place. So there were even differences within the execution. You might all be NPA or the police, but the interests would be different.

10 But I think what is more complex is that we set up the TRC not in the way the act ultimately, you know, did it. It is a compromise, the TRC Act, it is a compromise document. And then we developed it to get the generals, you know the perpetrators to come forward and say what they had done. But they had another interest to say we want also the liberation movement.

So it was complex and then we were dealing with a fragile transition and there were others who were saying let us not go back. Let me use an expression that was used during that time, it is 'do not let the past kill the future'. I think it was like do not stop the future by going back to the past.

20 So there were people who felt like that, but remember those generals were in place, all of them who commanded this place, this operation we were in, in the prosecution authority, in the police, in government for that matter. So I call it a political complexity and people had different views, perspectives.

I did indicate that I differed with my own comrades. Some of

them were saying no, but why do you pursue this case? And I said no, you see you were not a victim like I was, you were victims in other forms, but I want to know who did it. And now I know everything, the laboratory that was used.

And just as a by-the-way, Commissioners, the irony about this is that I became director general secretary of cabinet and I had to deal with this vault of chemical weapons, create a policy for it and how we managed the keys to control it. I mean it is a real irony, that is the nature of our transition and I had to talk to Steyn and other  
10 people who managed that particular place. So the transition was complex, it was not just an easy one.

COMMISSIONER KGOMO: Yes and reverend, when counsel led you, you intercepted the last part of paragraph 21, last part of it with paragraph 27, this is where these paragraphs you speak to the political complexities.

REV CHIKANE: Ja.

COMMISSIONER KGOMO: Yes.

CHAIRPERSON: Yes, Ms Ntloko?

ADV NTLOKO: Thank you, Commissioner Kgomo, we just needed  
20 the elaboration on that. And then reverend, to get back to that, because your statement is of course a statement. You then indicate, as you just did, are you able to give any further examples of how these complexities in actual fact played out in the government and in your matter in relation to the NPA?

REV CHIKANE: Ja, the problem with this case is that there were

various things at different places happening at the same time. And you know, if you watch a film, they show you that part as it happens the other side, I did not have the privilege of seeing all sides of the story. What I know, I can only talk about myself.

What I know is that there were debates about how we should handle this matter. There were differences before the Truth Commission, differences after and there were those, I remember in the meeting of DGs where there were others who were saying, whilst my case was running, you know, why should you pursue this matter, because they are going to use it to charge the leadership of the ANC.

So it is complex because you had in a sense there was too much uncertainty. People were still having plans to destabilise the new order. There were still plans to compromise those who are coming in. Two years I arrived in government about that time, I wrote a letter to President Mandela and copied to President Mbeki to say the old is corrupting the new. I observed it.

And so as we were working together, if I was corrupt, I must corrupt the new so that they cannot deal with me, you know, so that transition was complex.

20 CHAIRPERSON: Thank you, reverend. Ms Ntloko?

ADV NTLOKO: Thank you. Then speaking of that issue on destabilisation, you deal with that primarily in paragraph 28 of your statement.

REV CHIKANE: Paragraph?

ADV NTLOKO: 28.

REV CHIKANE: 28, ja.

ADV NTLOKO: Of your statement, there you describe concerns that some individuals had about destabilisation and the implications on prosecutions for the broader political transition. Can you assist the commission by giving context, because it is not as... it is there but it is not fully articulated? In what context exactly did these arise and where were these discussions happening, because as I understand, you were not party to certain structures that we have dealt with in this commission. Were there other structures where these debates were  
10 taking place in the government and do you remember who would have been part of those discussions?

REV CHIKANE: No, I cannot go into government and where those things were discussed formally. I mean what I am talking about it is informal discussions, it would have been for instance, I think there were debate about should we negotiate or not negotiate. Should we execute the war to the end. What will be the end look like.

And it was a struggle to agree amongst ourselves that negotiations was the best route, but we are still accused today that that was not the best route, some called it sell-out. And so the debate  
20 it is much more, what I am talking about it is a much more complex debate. Can we settle with them without taking them to prison, because in the winner takes all, like World War II you ...[indistinct] trials, you charge all of them, but we could not do that.

So that is what I am talking about, the complexities that it was not as easy as we have warned them or let us charge all of them.

And so others would say the negotiations have achieved what we wanted to achieve, so why do you want to continue fighting. My view was victims are victims and if a family member disappeared, they cannot stop looking for the family member. And I also want to know how I was poisoned.

So I had a different perspective, I wanted stability, yes, but you cannot have stability and the cause of not knowing what happened. And knowing what happened was not just a personal issue, it is how you stop this happening in the future. It was more  
10 about future, how do we make sure this thing never happens again, you need to know to stop it, that was the objective. So it was not just for my personal interest, but to make sure nobody does this in future.

CHAIRPERSON: Thank you, reverent. Ms Ntloko.

ADV NTLOKO: Thank you. And then just to clarify, these debates happened one, before the TRC which is the transition period, but also post the TRC sittings?

REV CHIKANE: Yes.

ADV NTLOKO: And our last question, you indicated that at some point you felt like you were being used as a pawn to achieve and you  
20 said their objectives. Just for the record, whose objectives and what were those objectives?

REV CHIKANE: I know then that the security network was not dismantled to deal with us and their objectives was not, there were those who did not want the settlement amongst the old order in any way, some fought to the end. Bombs exploded a week before our

elections, so there were differences amongst themselves, there was a plan to destabilise us and to a certain extent some of those plans were achieved, that is why we are where we are today.

So those plans were there and we needed to overcome that without ignoring what happened in the past, but making sure that the future does not get arrested by the past. I think it is, they could have decided we are going to fight to the end and destroy each other and there were changes in the world as well, which forced us into that situation.

10           That is the complexity for me, is that it was not just a technical issue about charging people for the sake of charging them, but it was getting them to tell the truth. If they cannot and we have sufficient evidence, charge them. But if you do not have sufficient and you may know that this person did this, but you do not have the evidence, then you lose the case in court.

And the Court also, as I described it, it is not your court, you know. We were still working on transformation of the judicial system as well.

20           ADV NTLOKO: Thank you so much, reverend, that will be all from our side.

CHAIRPERSON: Thank you. Ms de Vos?

ADV DE VOS: Chair, Commissioners, no questions from us.

CHAIRPERSON: Thank you, Ms de Vos. Ms Moroka?

ADV MOROKA: Thank you, Chair and good afternoon, Ntate Moruti. I want to find out, we do know that on 15 April 2003 the President

made a speech to parliament, the unfinished business of... the TRC unfinished business, you do not refer to it in your affidavit. Am I correct?

REV CHIKANE: I think I do refer to it, maybe not clearly. I say that the President addressed parliament on the implementation of the outcomes of the Truth and Reconciliation Commission and that is the speech which informed the debate about the guidelines and how you do it, because it is beyond the Truth and Reconciliation Commission.

ADV MOROKA: And according to you this was not a vision of the  
10 TRC process then?

REV CHIKANE: No.

ADV MOROKA: Or the amnesty, a general amnesty for those who did not come forward. You did not understand that speech to mean that?

REV CHIKANE: No, it was not providing for general amnesty, otherwise Vlok and van der Merwe would have got it. There was no general amnesty, you need to present the info and do plea bargaining. So it was going through a court process, it was not just you have got an amnesty, because there was no Truth Commission to  
20 do that part.

ADV MOROKA: And therefore the speech could not have been understood to be interference in prosecution of TRC cases?

REV CHIKANE: No, I did not understand it that way. It is, my understanding is if you have evidence, you do not need to follow this process, even the guidelines. Charge them, because you have got

evidence. But if you do not, you want information, you go through the plea bargaining approach.

ADV MOROKA: We now move on to your relationship or your interaction with Adv Ackerman.

REV CHIKANE: Ja.

ADV MOROKA: If I may, in his evidence before this commission the advocate had this to say, it is day the 17<sup>th</sup> of, or 26 March, Chairperson and at page 6 of his evidence.

REV CHIKANE: What year is that?

10 ADV MOROKA: No, no, I am reading what he told this commission.

REV CHIKANE: Oh, okay.

ADV MOROKA: I just want to get your views on what he told the commission.

REV CHIKANE: Okay.

ADV MOROKA: He says:

“By all accounts I accept that they have been successful to bring about the reconciliation, but the TRC Act has run its course and has been concluded and is now part of the history of South Africa.”

20

That is the first part of this paragraph. Would you agree with this statement that the TRC has run its course and has been concluded and it is now part of the history of South Africa?

REV CHIKANE: No, I would not understand it in that way. There are bodies we are still looking for. You know, we are still looking for

people who disappeared. So in a sense it cannot come to an end, it is not the TRC per se, but the recommendations, people are still working on those, they have not finished. As far as I can remember. So it is history in terms of it happened at a particular time, but the consequences thereof are still with us.

ADV MOROKA: He then goes on to say he believes in truth and justice and that there is fundamental difference between reconciliation and justice. Do you think there is a difference between the two concepts?

- 10 REV CHIKANE: I would not contrast them in that way. Remember we agreed on sacrificing pursuing people who give us the information, because we want the information. Without it we cannot do justice in anyway. So there is a point at which the construct of the TRC allows for a person to tell you that I murdered so and so and you give them amnesty if it was political.

- I think that is how I understood it. So contrasting reconciliation with justice, my understanding, that is why I am saying we never achieved reconciliation, TRC did not achieve reconciliation. It achieved the objective of getting people to come and say what  
20 happened to them and say what they did to others.

We still are struggling with reconciliation up to now. I mean that is why people still believe that you should forget about the past, do not fix the economy, do not do preferential, you know, policies that... [intervenes]

ADV MOROKA: [Indistinct]

REV CHIKANE: Ja. So you cannot forget that. So in my view reconciliation is completely different. I would say the distance we went with Vlok would be said to be close to what reconciliation will be about, where he feels sorry about it, ask for forgiveness and even smuggled his skotteltjie with a towel to come and wash my feet. That is beyond the TRC. So the fact that the person, those police said yes we did this, does not mean there is reconciliation. So in my definition of reconciliation it is completely different.

ADV MOROKA: Thank you for this. And then you were asked a  
10 question by of the legal representatives here present whether Minister Mabandla ever responded to your letter. You do not know whether she referred the letter to the NPA or not, because we have evidence here that in fact she did refer that letter and asked for their response to the letter of complaint.

REV CHIKANE: Ja, I have no doubt, I expect the minister to do that, I mean she could not answer all those questions.

ADV MOROKA: Thank you.

REV CHIKANE: In state craft she would have referred the letter in a  
20 normal situation to those people who need to respond and her response would have been based on the information that comes from government. I do not know what happened, so I cannot speak to it.

ADV MOROKA: I was just informing you that for the record she did send the letter to the NPA and the NPA took your complaint seriously.

REV CHIKANE: Ja. No, thank you.

ADV MOROKA: Thank you. Thank you, Chair.

CHAIRPERSON: Thank you, Ms Moroka. Ms Rantho?

ADV RANTHO: Good afternoon, thank you Commissioners. Good afternoon, Ntate Moruti.

REV CHIKANE: Good afternoon.

ADV RANTHO: Mine, I will start by the meeting held with Adv Ackerman and at your offices with Adv Mhaga.

REV CHIKANE: Ja.

ADV RANTHO: What did Adv Ackerman say was the purpose of that meeting?

- 10 REV CHIKANE: By the way it is not the only meeting. We held a number of meetings with Ackerman, he came I think three times or so and the last one was when we crossed paths together. In the past it was, you know, talking about the prosecution asking for information and what my views are. It is, I will not remember that detail.

I remember the details of the last meeting because it was nasty, I could not have forgotten that. So he clearly, he had a different view about this things of guidelines and et cetera that they do not meet the muster in terms of the law and I do not think he was interested in doing that.

- 20 I think he just wanted to do a prosecution and it is his job to prosecute. And I have said so that my worry was that I was suspicious that his prosecution for the sake of prosecution and they might go free because there may not be enough evidence to pin them down.

I did say that I had no patience about getting the maximum

outcome on this matter, because I had now sufficient information to press on it and once they knew they would be charged, they would come out more clearly. It was a, it is a gamble, it is a game and it was not a nice game though.

ADV RANTHO: And perhaps if I may just get clarity, the meeting that you are referring to as the last one, is the one of January 2007?

REV CHIKANE: Ja.

ADV RANTHO: Okay. And the reason why I was interested to understand as to the purpose of the meeting or how it was  
10 communicated to you is because evidence has been led before the commission is that Adv Ackerman was assigned to ascertain what your position was in relation to the prosecution of the matter. Hence I wanted to understand as to what is it that he said was the purpose of that meeting?

REV CHIKANE: If you go to the, I mean when I wrote the letter to the minister, it reminds me that there was a document that was supposed to be signed or something like that, I had forgotten about it, but it is in the letter I referred to. And I think that document, I cannot remember the contents thereof, but I could not agree to sign it. And that is when  
20 I think he turned around and became more hostile and declared me a hostile witness.

ADV RANTHO: So the meeting was more about getting you to sign some sort of document?

REV CHIKANE: Part of it, not the only thing, no.

ADV RANTHO: Okay. Alright and then you also spoke of conflicting

views within the government's practice in relation to your case, remember that?

REV CHIKANE: Ja.

ADV RANTHO: What I want to just understand from you is that, well having listened to your evidence, the view expressed during that period, I would say 2006, 2007 that about your reluctance to pursue the case was not incorrect in a way, is it not?

REV CHIKANE: Can you... what is the question?

ADV RANTHO: The question is, that view, because coupled with  
10 other issues that were raised, which situation led to an assignment being given to Adv Ackerman to go and consult with you, was to ascertain what your attitude was towards the prosecution in relation to your case. Now my question is, having listened to your evidence, it would not be incorrect for those from government structures, it would not be incorrect to say that it was indeed your view that we did not want to pursue the case, is it not? Partly maybe?

REV CHIKANE: Ja, I would not put it in that way. I would say there were those who were concerned that the case was going to be used to destabilise the country. It is different from we will not pursue the  
20 case, it is a question of what are the implications of pursuing the way in which Ackerman wanted to pursue that case, is he not intending to destabilise the country.

Remember that the police also were not integrated fully, in fact the liberation movement had no police to deploy, they had military people. So at the beginning the police force, the prosecution

authority was mainly old order. So there was uncertainty about what is he intending to do actually, what are the implications and they had information about what Wagenaar, I do not pronounce that name properly. So I do not think there was a bad intention, there were different approaches.

ADV RANTHO: Okay.

REV CHIKANE: That is how I would put it. And really with me, that is why I do not want to specify a particular meeting because a lot of the discussions could have happened in all sorts of informal situations, even when we are at home and somebody visits you and you talk about this thing. There were views that were different and there were differences amongst the liberation movement. If I say movement, then the differences even becomes wider. And there were differences within the government.

ADV RANTHO: Okay.

REV CHIKANE: Ja.

ADV RANTHO: And there was also evidence led that during one of the meetings of the interdepartmental task team the resolution was taken that your position be ascertained, in other words that there should be some engagement with you to ascertain what your position is in relation to your case. Now I want to check with you as to whether in your view that resolution that was taken that your position be ascertained, was not a reasonable request, is it not? In other words there was a need to ascertain... [intervenes]

CHAIRPERSON: Ms Rantho.

ADV RANTHO: Thank you, Chair.

CHAIRPERSON: I think your question may not be a clarificatory question in stricter sense, in fairness to the witness.

ADV RANTHO: Okay, I withdraw. Thank you, Commissioners.

CHAIRPERSON: Thank you.

ADV RANTHO: That will be all from our side, thank you.

CHAIRPERSON: Mr Varney?

ADV VARNEY: Chair, from our side some of our questions will traverse the bounds of clarification, so we will apply to cross-examine  
10 the reverend.

CHAIRPERSON: Yes, thank you.

ADV SONI: We have no re-examination, Chair.

CHAIRPERSON: Thank you, Mr Soni. Reverend Chikane, we recognise how difficult and traumatic it is to come before this commission to give evidence as you have given and to that end we wish to thank you profoundly for having come to give evidence under those difficult circumstances. For now you are excused as a witness, but you may be recalled to be cross-examined, as you have heard there is an intention to lodge an application for your re-examination.  
20 We thank you, dear reverend. Mr Semenya?

ADV SEMENYA: That will be the formal proceedings for the day, Chair.

CHAIRPERSON: Yes. These proceedings are adjourned until tomorrow at 10:00.

INQUIRY ADJOURNS UNTIL 20 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

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