

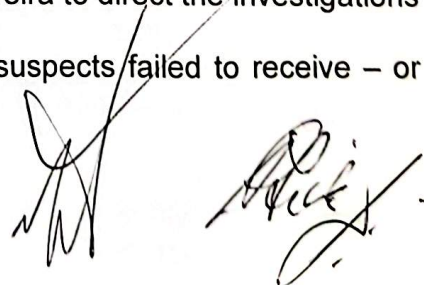
**AFFIDAVIT TO THE KHAMPEPE COMMISSION OF INQUIRY INTO THE DELAY IN
THE INVESTIGATION AND PROSECUTION OF TRC CASES**

I, **PAUL HENDRIK HERMANUS FICK**, do hereby make oath and state as follows:

1. I am a career prosecutor. I served as a prosecutor in the lower courts and as an advocate in the Office of the then-Attorney General. I was later promoted to the rank of Deputy Attorney General, which was after the enactment of the National Prosecuting Authority Act 32 of 1998, changed to the rank of Deputy Director of Public Prosecutions.
2. I was located at the Office of the Attorney General and Office of the Director of Public Prosecutions in Pretoria from approximately 1978 until my retirement in 2014.
3. The most relevant prosecution that I conducted must be the so-called Boeremag trial (State v Du Toit and others). The trial was heard in the Pretoria High Court and presided over by Justice Eben Jordaan. The trial ran for 10 years and resulted in the conviction of 22 accused on charges of High Treason
4. I confirm that I was approached by Carl Martin Kriel, the Chief Executive Officer of AfriForum, a non-profit civil rights organisation, and that we consulted on 22 September 2025.
5. During the consultation, we discussed matters relating to the Truth and Reconciliation Commission ("TRC") that are relevant to this enquiry.



6. I confirm that Mr Kriel deposed to an affidavit, which I have perused, and that I confirm the correctness of the contents thereof insofar as they relate to me, specifically paragraphs 17 and 27.
7. I was subsequently approached by Adv. Gerrie Nel, who informed me that he had received a request from Advocate Bait seng Rangata on 15 May 2026 for a substantive affidavit from me confirming the role I played in the prosecution and direction of investigations into the TRC matters. Adv. Nel indicated that he was informed that I would not be required to testify but that my statement is necessary for the record purposes of the evidence referred to by Mr. Kriel. I was further informed that this affidavit would suffice and that I would not be required to testify as a witness before the Khampepe Commission.
8. Unless the context indicates otherwise, the contents of this affidavit fall within my personal knowledge and are, to the best of my knowledge and belief, both true and correct.
9. The purpose of this affidavit is to place before the Commission information within my personal knowledge in order to assist it in fulfilling its mandate, namely, to enquire into any attempts to impede the investigation or prosecution of persons who were not granted amnesty by the TRC or who failed to apply for amnesty.
10. This affidavit was drafted based on my recollection of events that took place in 2003. I had no access to any files and documents relating to these events.
11. During 2000 – 2001, I served as a Deputy Director at the Office of the Director of Public Prosecutions and was tasked by Dr De Oliveira to direct the investigations and prosecutions of those matters in which the suspects failed to receive – or



apply for – indemnity for matters relating to crimes committed by members of the ANC and other non-statutory forces that participated in the armed struggle.

12. Two members of SAPS were assigned to investigate these matters and they, together with the relevant case dockets, were “transferred” to my office. Director Nel and Senior Superintendent Britz, as far as the investigation of these matters was concerned, reported to me. I know that both Nel and Brits passed away. We followed the concept of prosecutor-guided investigations, and I remember that we were confident and took steps to prosecute those individuals responsible for the Ellispark bombing of 2 July 1988. I emphasise that I rely on my memory and am unable to provide more details.
13. As part of the process, because there was no consolidated record of amnesty outcomes, we drafted an updated list of all the individuals who applied for and received amnesty through the TRC process.
14. In or about 2003, while I was in my office, the then National Director of Public Prosecutions, Mr Ngcuka, entered my office unannounced and without prior arrangement. He arrived with a prepared document and informed me that I would no longer deal with these matters, and that all such matters would be handed over to an investigative committee for consideration of any further prosecutions. The SAPS investigators were given instruction to vacate their office and remove all the case dockets, which they have done. The letter stated that the NPA would not investigate the matters further. The original letter accompanied the docket to, as far as I remember, the office of the then Security Police.
15. Mr Ngcuka was, as far as I can remember, accompanied by the then Director-General of the Department of Justice, adv Pikoli and other police officers.



16. The case dockets were removed to the Headquarters of the SAPS, where it was kept according to Brigadier Nel and Superintendent Britz until their contracts were terminated.
17. I was thereafter fully immersed in other office work and later the prosecution of the Boeremag and received no further updates regarding the status of the investigations or any possible prosecutions. I cannot remember how many case dockets were assigned to Nel and Britz, and I was never officially consulted on any of the matters after the instruction issued by Mr Ngcuka.

I know and understand the contents of this declaration.

I have no objection to taking the prescribed oath.

I consider the oath to be binding on my conscience.

SIGNED AT PRETORIA ON THIS 10th DAY OF JUNE 2026



PAUL HENDRIK HERMANUS FICK

I certify that the deponent has acknowledged that he knows and understands the contents of this declaration, which was sworn to before me, and the deponent's signature was placed thereon in my presence.



Beck
SIGNATURE

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PAUL HENDRIK HERMANUS FICK
FULL NAMES

Commissioner of Oaths

Thalitha De Jongh

Designation (rank)

Date

Place

Business address

Signature
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