

**IN THE COMMISSION OF INQUIRY INTO STOPPED TRC INVESTIGATIONS AND/
OR PROSECUTIONS**

STATEMENT: APPLICATION TO CROSS-EXAMINE LOYISO JAFTA

I, the undersigned.

ASMITA THAKOR

do hereby make oath and state that:

1. I am an adult female attorney practising as a Partner at Webber Wentzel at 90 Rivonia Road, Sandton. I am the attorney of record for the families and survivors of apartheid-era crimes (known as the "**Calata Group**").
2. The facts contained in this statement are within my own personal knowledge unless the context indicates otherwise and are to the best of my knowledge true and correct.
3. I am duly authorised to depose to this statement on behalf of my clients
4. This statement is made in support of an application in terms of Regulation 8(3) of the Commission's Regulations, read with Rule 3.7 of the Commission's Rules, to cross-examine Mr Loyiso Jafta when he testifies before the Commission on 1 July 2026 ("**Mr Jafta**"). Mr Jafta filed a statement with the Commission dated 18 February 2026.
5. On 24 June 2026, the Commission informed the parties that Mr Jafta's cross examination will follow immediately after his evidence in chief. The parties were requested to submit cross examination applications based on Mr Jafta's statement.
6. Our clients wish to question Mr Jafta about certain aspects arising from his statement, as well certain matters which were not dealt with in his statement. These include:
 - 6.1 Mr Jafta's previous role as an intelligence officer; and his responsibilities while employed at the Presidency.

- 6.2 While he worked in the intelligence community or elsewhere, whether he was aware of meetings between former generals of the apartheid-era security forces and senior members of the ANC to discuss alternatives to prosecutions of apartheid-era crimes from the mid to late 1990s to the early 2000s.¹
- 6.3 His awareness of the concern within government that the NPA might prosecute the ANC 37, including then President Mbeki.
- 6.4 Why investigating and prosecuting people involved in abuses of the pre-1994 era (para 8.2 of his statement) was part of the purview of the Presidency.
- 6.5 His view on the establishment of the Amnesty Task Team; and its recommendations to the Directors General Forum, including:
- 6.5.1 Inserting new prosecution criteria in the NPA's prosecution policy to provide additional criteria not to prosecute the TRC cases;
- 6.5.2 the composition of the proposed Departmental Task Team; and
- 6.5.3 its role in advising the NDPP of the advisability of prosecutions in the TRC cases before the institution of any criminal proceedings in each case.
- 6.6 Meeting at the Presidency in mid-2006
- 6.6.1 What he can tell the Commission about a meeting held at the Office of the Presidency in mid-2006 to attend to various problems in pursuing the TRC cases as identified by NDPP Adv Vusi Pikoli. These problems included:
- 6.6.1.1 Problems investigating cases since the SAPS had not made dedicated members available to assist the NPA.

¹ Authors Bubenzer and Schmidt interviewed former SAP and SADF generals and detailed accounts of such meetings in Calata Group [Bundle 7](#) and [Bundle 8](#). See also Hofstatter interview with attorney Jan Wagenaar in the Hofstatter bundle.

- 6.6.1.2 The role of other state departments on the “Task Team” in particular the SAPS and NIA who held the view that the Task Team should play a role in the prosecution decision-making process.²
- 6.6.2 National Police Commissioner Selebi, the NDPP, the Directors-General of the Presidency Justice, NIA, and Mr Jafta of the Presidency, attended this meeting. It was agreed that a Working Committee should be established.
- 6.6.3 Knowledge of what transpired thereafter.
- 6.7 At para 11 of his statement, Mr Jafta confirms that he attended a meeting later in 2006 at the home of Minister Zola Skweyiya, then Minister of Social Development.
- 6.7.1 According to Adv Pikoli, the meeting was attended by the Minister of Police Charles Nqakula, Minister of Defence Mosiuoa Lekota, Thoko Didiza, Acting Minister of Justice (representing Minister Brigitte Mabandla who was indisposed) and Mr. Jafta. The meeting was called by Acting Minister Didiza. Pikoli was advised that the meeting was going to deal with the prosecution in the Chikane matter.
- 6.7.2 Mr Jafta will be asked to comment on Pikoli’s account of that meeting:

“At this meeting it became clear that there was a fear that cases like the Chikane matter could open the door to prosecutions of ANC members. I quote hereunder from my affidavit filed before the Ginwala Commission as to what transpired at this meeting:

“The Minister of Safety and Security was concerned about the decision to proceed with the prosecution and with Advocate Ackermann’s involvement in the process and the issue of whether it was Advocate Ackermann or me who was behind the decision to prosecute.

The Minister of Social Development was concerned about the impact of the decision to prosecute on the ranks of ANC cadres who were worried that a decision to prosecute in the Chikane matter would then give rise to a call for prosecution of the ANC cadres themselves arising out of their activities pre-1994.

² According to Pikoli these departments wished to implement the proposal of the Amnesty Task Team (“ATT”) that the ITT advise the NDPP on the advisability of a prosecution in each TRC case, before a decision is made. See Secret Internal Memo from Pikoli to Minister Mabandla dated 15 February 2007 (Calata Group Bundle 2, p56) at paras 4.1 – 4.2.

The Minister of Defence had concerns about where the decision to prosecute rested – did it rest with me or did it rest with Advocate Ackermann.

I explained to the Ministers that the decision to proceed with the prosecution rested with me as did all other decisions in regard to post-TRC prosecutions being considered by the PCLU. I assured them that no prosecution would be undertaken without my specific direction and reiterated my concern about the delay in the process particularly in view of the requirement that I report to parliament on these matters.” (Bold added).³

- 6.8 Any further meetings on the TRC cases in 2006 at the Presidency and a meeting of Ministers in the security cluster at the office of the Minister of Safety and Security.⁴
- 6.9 Why it was necessary to have a *Cabinet Committee on Post TRC matters*, (a subcommittee of the Justice, Crime Prevention and Security Cluster).
- 6.10 Role on the TRC Committee⁵
 - 6.10.1 Who appointed Mr Jafta to the TRC Committee, also known as the Interdepartmental Task Team (ITT)?
 - 6.10.2 Why was he appointed as a principle member of the TRC Committee (also known as the Interdepartmental Task Team)?
 - 6.10.3 Why it was necessary for a member of the Presidency to be on this committee?
 - 6.10.4 The role he played on this committee.
- 6.11 His statement in para 11.2 states that officials of the NPA approached Rev Chikane suggesting that “he should desist from pursuing the matter.”
- 6.12 Any further details he may have in relation to the case he mentioned in para 11.3 of his statement.

³ Pikoli affidavit dated 6 May 2015 at paras 32 – 33 at page 12 of Calata Group Bundle 2.

⁴ Ibid, paras 34 – 36.

⁵ See list of members at Bundle 14, PC Jacobs, p 1781, PCJ12.

- 6.13 Any comment Mr Jafta may have on the fact that very few of the TRC cases were taken forward following the winding up of the TRC, with only a handful of cases prosecuted in the ensuing decades.
7. The questions that our clients wish to put to Mr Jafta may venture beyond clarification. We therefore apply to cross examine him.
8. The issues on which our clients seek to question Mr Jafta go to the heart of the Commission's terms of reference.
9. It is in the best interests of the work of the Commission to permit our clients to cross-examine Mr Jafta.

ASMITA THAKOR

The Deponent has acknowledged that the Deponent knows and understands the contents of this affidavit, which was signed and sworn to or solemnly affirmed before me at _____ on _____ 2026, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1977, as amended, having been complied with.

COMMISSIONER OF OATHS

Full Names:

Business Address:

Designation: