
THE COMMISSION OF INQUIRY INTO ALLEGATIONS REGARDING EFFORTS OR ATTEMPTS MADE TO STOP THE INVESTIGATION OR PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES

I, the undersigned,

Mr Loyiso Mhlobo Thando Jaftha
with ID Number 670802 5712 086

do hereby state the following under oath:

1. I am an adult male employed as a Deputy Director General of the State Security Agency of the Republic of South Africa ("SSA").
2. The facts deposed to in this affidavit are, unless indicated otherwise, within my own personal knowledge and are true and correct.

Brief Background

3. Around July/August 2001 to July/August 2007, I served in the Policy Coordination and Advisory Services (PCAS) Unit in the Presidency. In brief, the PCAS was responsible for facilitating:
 - 3.1 Integrated policy development across government departments, including across the different spheres of government;
 - 3.2 The determination of priorities;
 - 3.3 The coordinated implementation of priorities;
 - 3.4 Coordinated monitoring and evaluation; and
 - 3.5 Providing advisory services to the Presidency.
4. In the PCAS, I was specifically responsible for the cluster of government departments responsible for the administration of justice, law enforcement and national security. This is the cluster known as the Justice Crime Prevention and Security Cluster (JCPS).

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This cluster coordinated its work with the other clusters at the national level and it also coordinated its activities at the provincial and local government spheres.

5. In order to discharge my functions, I had to interact with and attend meetings of senior officials of the relevant departments, their Accounting Officers and Ministers responsible for the relevant portfolios.
6. My attending the meetings referred to above was entirely within the remit of the functions of the PCAS, as a unit in the Presidency. It had nothing to do with anything else, notably my background in the civilian intelligence agencies of the country.
7. The departments that made up the JCPS, and indeed the other clusters, discharged their responsibilities in accordance with the provisions of Constitution and national legislation. In this context, I have no recollection of any meeting or instance where in a meeting, formal or informal, anyone ever suggested a contravention of the law. Similarly, I have no recollection of an instance where, irrespective of context, one department sought to prevent another from carrying out its mandate provided for in law.

The Truth and Reconciliation Commission

8. The findings and recommendations of the TRC straddled many departments of the state, including in the provincial and local government spheres. Some of the findings and recommendations fell within the mandates of the departments that make up the JCPS. Some of these related to the following:

- 8.1 Trying to determine the remains of people who remain unaccounted for;
- 8.2 Investigating and prosecuting people involved in abuses of the pre-1994 era; and
- 8.3 Investigating networks and resources that remain unaccounted for.

9. The other findings and recommendations broadly fell within the ambit of the social cluster. In the main, the recommendations in this regard concerned the following:

- 9.1 Provision of housing;

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- 9.2 Provision of education to descendants of victims of apartheid; and
- 9.3 Provision of health care.

10. The harm visited upon countless people by apartheid is multi-layered, complex and difficult to be resolved in a comprehensive manner. As a consequence, many recommendations of the TRC, in my view, remain unfulfilled.

The Specifics of the Allegations against Me

11. Paragraphs 222 to 225

11.1 I attended several meetings that dealt with matters related to the work and report of the TRC. I also was in attendance when a meeting took place at the residence of the late Minister, Dr Z Skweyiya. Although I have no specific recollection of the specific details of what transpired in the meetings referenced, I broadly recollect the following:

11.1.1 That matters arising from the TRC should be managed in a way that would not materially undermine the transition into a democratic South Africa;

11.1.2 A proposal or idea that, in order to finalise cases arising from the TRC, two prominent individuals (one from the apartheid regime and other from the ANC) could be identified for prosecution. In this way, I understood, any party to the conflict over apartheid would not feel more prejudiced than the other side. This would have been raised as a point of principle and no names of people were mentioned

11.1.3 There was a need to pay attention to important or strategic fault-lines, arising from the conflict of the past that retained the potential to undermine the sovereignty of the democratic state and its institutions;

11.1.4 The transition to a democratic South Africa was attended by serious and painful compromises; and

11.1.5 That functionaries of the former regime continued to wield considerable influence, by virtue of the resources that had been available to them.

11.2 I am unaware of a particular concern being raised about the attempted murder of Rev F Chikane. I am aware that this matter was proceeded with, including by Rev Chikane himself. In this regard, as far as my recollection is concerned, Rev Chikane was once

approached by officials of the NPA with a view that he, Rev Chikane, should desist from pursuing the matter.

- 11.3. Although I don't remember the precise dates, I also assisted the NPA with an inquiry into relevant details about a murder of an ANC operative in Lesotho around 1987.

12 Paragraph 230

- 12.1 A reading of this paragraph is unfortunate. In the first instance, that I have an intelligence background is fact. Intelligence is a vital resource for any country. I attended meetings of the JCPS not because of my background in intelligence but because it was part of the tasks I had to fulfil.
- 12.2 Secondly, my attending meetings of the JCPS had no malice on my part or on the part of the Presidency. I should reiterate, many are meetings and engagements that I participated in, strictly for purposes of advising on the integrated implementation of government programmes.
- 12.3 The events canvassed in this affidavit occurred quite a number of years ago. It is nearly impossible to have a precise recollection of deliberations, particularly when minutes of meetings in question, where appropriate or reasonable, are not available. Under the circumstances, should I have better recollection, I shall do a supplementary affidavit.

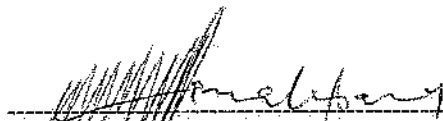


SIGNATURE OF THE DEPONENT

I certify that the above statement was taken down by me, after putting the following questions to the deponent:

- 1. Are you familiar with the contents of this statement and do you understand the statement? Whereupon the deponent replied... YES
- 2. Have you got objection against the prescribed oath? Whereupon the deponent replied... NO
- 3. Do you consider the prescribed oath as binding on your conscience? Whereupon the deponent replied... YES

After the deponent had answered the abovementioned questions verbally to me, the statement was attested to in my presence and the deponent signed it in my presence at Pretoria on this 18th day of February 2026.



SIGNATURE OF COMMISSIONER OF OATHS

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