


AFFIDAVIT

I, the undersigned, PATRICK CHARLES PRIOR [REDACTED] state under oath as follows:

1. I am an advocate of the High Court of South Africa practicing as such from the Intsika Group of Advocates, 13th Floor, The Marine Building, Durban.
2. I reside at [REDACTED].
3. I depose to this affidavit at the request of the TRC commission of enquiry as per email dated 28 October 2025 and simply convert the contents of my email into affidavit format.
4. I was employed by the TRC firstly as an evidence leader in the Amnesty Committee and later during 2000, as its Legal Officer.
5. As I have already explained to Ms Yasmin Sooka and Ms Thembekile Graham, when I was first contacted by them, *inter alia* that:
 - (a) The enquiries and/or subject matter regarding the matters listed in the attached schedule, occurred more than twenty years ago and due to effluxion of time my memory is not clear.


PCP

- (b) In addition, I was not the author of the schedule to which reference is made and for which I am regarded as being supposedly responsible.
- (c) When the work of the TRC came to an end and when I left the Commission, all documents in the possession of the Legal Department was handed over to the Department of Justice (Archive Dept).
- (d) Save that my handwriting appears on document FA14, in manuscript format, I do not have any independent recollection of any factual details of the matters referred to in the schedule pertaining to the two hundred and twenty-six TRC cases.
- (e) I never personally dealt with or was involved in any Amnesty Hearing concerning the subject matter of the cases referred to in the attached schedule. I point out that the Human Rights Investigations Section of the TRC was headed by Advocate Dumisa Ntsebeza and his professional team of investigators. In fact, a perusal of the TRC records of those matters and TRC files would indicate who was involved.
- (f) The procedure as I recall, was that the application for amnesty for violations of human rights (such as Murder) would be identified according to the information provided in the written Application for

A handwritten signature consisting of a large, stylized loop with a crossbar, followed by the initials 'KVM' and the number '2'.

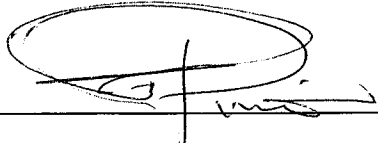
Amnesty. The hearings would be then linked to a specific geographical region by themes such as political grouping and/or perpetrators. This process would be handled by the investigation Unit. The public amnesty hearings would then be managed by the Amnesty Department of the TRC who would then schedule hearings in the areas where the violations took place.

- (g) I was appointed as Legal Officer of the TRC, only after the resignation of Mr Haneef Vally who relocated to the United Kingdom.
- (h) In June 2022, I was contacted by Ms.Yasmin Sooka who was one of the Commissioners about this matter. She said that she had done so because it appeared that I had apparently dealt with these individual matters as there was correspondence between myself and Adv Ferreira of the NPA. I told her that I had no recollection of drafting such a document.
- (i) I informed her that my memory after such a long time was patchy, however the email appeared to be a photocopy of a document that had contained my handwriting in the manuscript portions.
- (j) The email marked FA 14 is undated but refers to receipt of correspondence by the TRC dated 31 August 2000.



KVM 3

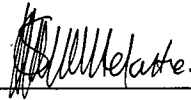
- (k) The email is purportedly signed on my behalf by someone with the initials RB, (as a CC -carbon copy) this indicates that I was either not available nor present at the time when the email was composed and/or the information was forwarded to Adv Ferreira. The initials RB were the initials of the late Robin Brink who was also an evidence leader with the TRC.
- (l) I find the format of the email unusual. It was not the usual way my Office as the Legal Officer of the TRC would communicate with the National Prosecuting Authority, which I submit would have been in the nature of a more formal letter.
- (m) The word "Files" in the heading of the email was mis-spelled and clumsily corrected in manuscript.
6. Unless specific questions or matters are identified, I cannot be of any assistance in respect of any the matters listed in the attached schedule.



DEPONENT

KUM

I CERTIFY THAT the deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and sworn to before me at DURBAN on this 4TH day of OCTOBER 2025 under compliance with the Regulations contained in Government Notice No. R. 1258 published in the Government Gazette No. R.3619 dated 21 July 1972 as amended.

A handwritten signature in black ink, appearing to read "M. Melate", is written above a horizontal line.

COMMISSIONER OF OATHS

From: Paddy Prior <paddyprior@law.co.za>
Sent: Tuesday, 28 October 2025 12:23
To: Investigations <investigations@trc-inquiry.org.za>
Subject: RE: TRC CASES INQUIRY

Dear Themvikile

Your email dated 21/10/25 refers.

I point out that in spite of your indication that the evidence leader's office would be approached to specify the aspects that require my attention, no-one has contacted me since we were last in communication.

It may be of some assistance if I reiterate what I mentioned to you at the very outset when you contacted me.

- (a) The enquiries and/or subject matter regarding the matters listed in the schedule occurred more than twenty years ago and due to effluxion of time memory is not clear.
- (b) In addition I was not the author of the schedule.
- (c) When the work of the TRC came to an end and when I left the Commission, all documentary evidence and/or intellectual property was handed over to the Department of Justice (Archive Dept).
- (d) I do not have any independent recollection of any factual details of the matters referred to in the schedule .
- (e) I never personally dealt with or was involved in any of the human rights violation matters referred to in the attached schedule. I point out that the Human Rights Investigations Section of the TRC was headed by Advocate Dumisa Ntsebeza and his professional team of investigators.
- (f) What would usually happen was that the specific violations of human rights (Murder) would be identified according to the information provided in the Application for Amnesty and it would be then linked to a specific geographical region. The public amnesty hearings would then be scheduled according to the location of the next-of-kin and/or of witnesses.

- (g) I was appointed as Legal Officer of the TRC only after the resignation of Mr Haneef Vally.
- (h) In June 2022, I was contacted by Ms.Yasmin Sooka about these matters. She said that she had done so because it appeared that I had apparently dealt with these individual matters as the was correspondence between myself and Adv Ferreira of the NPA.
- (i) I informed her that the email appeared to be a photocopy of a document that contained my handwriting (manuscript portions).
- (j) The email is undated but refers to receipt of correspondence dated 31 August 2000;
- (k) The email has the initials RB who signed (as CC) on my behalf. This indicates that I was not available when the email was composed or sent. RB were the initials of the late Robin Brink who was also an evidence leader with the TRC;
- (l) The email was not the usual way the TRC would communicate with the National Prosecuting Authority which would usually be in the nature of a formal letter;
- (m) The heading of the email was mis-spelled.

I shall await any further requests or enquiries in this regard.

Yours faithfully

Adv. PC Prior

application in which Thembi Nkadimeng was the lead applicant, which will be dealt with below.

- 97 In early 1999, a working group called the Human Rights Investigative Unit (**HRIU**) was established within the NPA by the then NDPP, Bulelani Ngcuka, on the initiative of the then Minister of Justice, Dullah Omar. The part-time head of the Unit was Adv Vincent Saldanha, and his deputy was former prosecutor, Adv Brink Ferreira. It was mandated to review, investigate and prosecute TRC cases in which perpetrators had been denied amnesty or in which perpetrators had not applied for amnesty.
- 98 During February 1999 a meeting took place between the TRC, represented by Commissioners Sooka and Ntsebeza, and the NPA. At this meeting, NDPP Bulelani Ngcuka introduced Adv Saldanha who had been appointed to lead the HRIU. The meeting discussed the process for identifying potential cases for prosecution.
- 99 On 8 or 9 March 1999, Sooka met with Adv Saldanha to discuss the report prepared by the TRC dated 7 March 1999 titled "Report for the Office of the National Director of Public Prosecutions," a copy of which is annexed hereto marked **FA9**.
- 99.1 This report indicated that the Commission had "*begun a process of establishing mechanisms for identifying potential cases.*" It added that the TRC had "*identified a range of categories and/ or issues around which we believe prosecutions can be considered*" and that there should be "*discussion around these categories to determine viability as well as prioritisation.*"
- 99.2 The report proposed categories and the types of gross human rights violations that should be investigated, including:
- 99.2.1 Torture;

- 99.2.2 Post-Caprivi hit squads;
- 99.2.3 Security force cover-ups;
- 99.2.4 Unlawful destruction of documents;
- 99.2.5 Gun-running;
- 99.2.6 Target identification and assassinations;
- 99.2.7 Cross-border raids;
- 99.2.8 Recipients of section 30 notices and persons who were the subject of section 29 investigative enquiries; and
- 99.2.9 Amnesty applicants who were denied amnesty.

99.3 The report also referred to cases identified by regional offices and attached preliminary work-in-progress lists from the KwaZulu Natal, Eastern Cape and Western Cape regions, copies of which are annexed here to marked **FA10**, **FA11** and **FA12** respectively.

100 On 11 March 1999, Sooka sent a letter to Adv Saldanha seeking feedback on the report "*regarding potential prosecutions*" and undertaking to take steps to procure the information he requested. A copy of this letter is annexed hereto marked **FA13**. The TRC commenced referring cases for potential prosecution to the NPA and also alerted them to sources of possible evidence in relation to the crimes.

101 The HRIU continued operations until 2000, however it instituted no prosecutions. In 2000, the dockets held by the HRIU were transferred to the DSO, more widely known as the Scorpions. A working group was established within the DSO to handle

the TRC cases known as the Special National Projects Unit (**SNPU**), which was headed by Macadam.

102 The NPA, per Adv CB Ferreira, addressed a letter dated 31 August 2000 (but date stamped 11 September 2000) to the TRC in relation to the cases that had been referred for further investigation. We are not in possession of this letter. However, the TRC's legal adviser and evidence leader, Adv PC Prior responded by way of an undated letter (presumably in September 2000) titled "*Human Rights Files and other Relevant Records*". In this letter Adv Prior acknowledged receipt of the NPA's letter and indicated that the TRC would respond in due course. Attached to Adv Prior's letter was a list of 226 TRC cases in table format. This list appears to have been compiled from the TRC Amnesty database. A copy of the letter and table are annexed hereto marked **FA14**.

103 Notwithstanding the above evidence confirming that various lists were handed over to the NPA by the TRC, on 17 September 2024, Adv Rodney de Kock, the Deputy NDPP, stated before a 'TRC matters update meeting' of the Justice and Constitutional Development Portfolio Committee that the NPA had gone through all available TRC information but stressed that no list of cases of perpetrators were referred to the NPA. A copy of the Parliamentary Monitoring Group summary of this meeting is annexed hereto marked **FA15**.

104 It appeared that the NPA devoted few resources to the SNPU. According to the author, Ole Bubenzer (**Bubenzer**) in his 2009 book, *Post-TRC Prosecutions in South Africa*, this was because the NPA was concerned that some cases would have to be withdrawn if amnesties were granted, since at that time the Amnesty Committee was still concluding its work. A copy of Bubenzer's confirmatory affidavit

1. Adv. Ferreira
(012) 321 9988

FA14

3175000

3211848

tions

Attention : Adv. C.B. Ferreira

Per Telefax: (012) ~~328-9940~~ 3211848

Advocate Ferreira

HUMAN RIGHTS VIOLATION FILES AND OTHER RELEVANT RECORDS

Your letter dated 31st August 2000 (and stamped 2000-09-11).

We acknowledge receipt hereof and shall respond in due course.

Yours faithfully

P. P.C.

ADV. P.C. PRIOR

106 Adderley Street, Cape Town, 8001. Tel:(021) 245 161 Fax:(021) 233 280 / 245 225.

Sanlam Centre, 10th Flr, Cnr: Von Wielligh & Jeppe Str., Johannesburg, 2001. Tel:(011) 333 6330 Fax:(011) 333 0832/6341.

Metlife Building, 9/10th Floor, 391 Smith Street, Durban, 4000. Tel:(031) 307 6767 Fax:(031) 307 6742/49.

NBS Building, 5th Floor, 15 Terminus Street, East London, 5200. Tel:(0431) 43 2885 Fax:(0431) 43 9352/27.

E-mail: mjoyi@global.co.za Internet: <http://www.truth.org.za>

C S S SS PH S N.
RAN RE S A

N S

Date & Place	Offence(s)	Victim(s)	Perpetrator(s)	Organisation
12/2/1992 'Stormberg' Verkeerdevlei	Murder & severe assault	Mr RJ Fourie killed & Ms May	Amnesty applicants: Mishek May Hendrik Leeuw Daniel Magoda Order: John Showa (deceased)	
January 1991	Murder	Mr M Rampallile	Convicted: JJ de Ru, ex-SAP police officer AM1780/96 who implicated his superior as having given orders to have the victim killed. Another person mentioned is Officer Mafaje who was present at the killing, but did not participate.	SAP Security Branch
1990, Date unknown Brandfort	Murder	Councillor Susan Phelane Patrick Phelane (11 years) Edward Phelane	Jack Menera (amnesty applicant) & underground structure of the SDU	UDF/ANC

<p>1989-1992 Kroonstad</p>	<p>Allegations: Three Million Gang created/supported by SB, as counterinsurgency strategy to undermine UDF & ANC activism. Justice officials worked to undermine criminal prosecutions against gang members. See p. 366-369 TRC report Vol. 3</p>	<p>Affidavits made to Commission: Mr PM Thulo Mr JJ de Ru MS Taka FM Tajc HRV statement of SAP officer Petros Mzosane</p>	<p>see affidavits by persons as mentioned in previous column for details</p>	
<p>October 1987, Parys Police Station & Sasolburg Police Station</p>	<p>Assault & Torture</p>	<p>Isaac Maduma KZN/JRW/058/PS</p>	<p>Cst. Hennie Sochiva & others, Parys police station, assault Torture, Sasolburg Police Station, unclear</p>	<p>SAP</p>
<p>April 1986 Fountain Police Station Bloemfontein</p>	<p>Torture</p>	<p>20 UDF activists incl: White Mohapi KZN/TIS/038/BL</p>	<p>Sgt. Mamome Sgt. Motsamai (both amnesty applicants) Col. Coetzee Col. Stevenson (both gave orders to assault victims)</p>	<p>SAP,SB</p>
<p>1986 (during state of emergency) Bethlehem</p>	<p>Assault</p>	<p>Poledisio Motsoeneng KZN/MR/268/FS</p>	<p>Maj. Stephenson forced victim's father to beat him</p>	<p>SAP</p>

undertaking to obtain information that he had requested. And, commissioners, a copy of that letter is annexed, FA13 to that affidavit. It is also in bundle one at page 381. Do you recall getting any feedback from that letter?

MS SOOKA: No, I did not.

ADV VARNEY: Alright, we then know, and it is set out in the Calata affidavit, that the Human Rights Investigation Unit continued operations until 2000. It did not institute any prosecutions, and the dockets were then transferred to the Directorate of Special
10 Operations, also known as the Scorpions. And within the DSO a fresh unit was set up called the Special National Projects Unit, which was then headed up by Adv McAdam. Did you have any dealings with that particular unit?

MS SOOKA: Yes, I do remember having met with Chris McAdam.

ADV VARNEY: And I am not asking you to recall back some decades, but did you get the impression that that particular unit was forging ahead with its investigations?

MS SOOKA: It is difficult for me to remember, but, you know, I do remember that when I did go to see Chris he had a whole lot of boxes
20 on the floor of his office, and he did say to me that they were working on them. I think it was also the time in the commission where I had kind of handed over responsibility for engagement between them and the Commission to Martin Coetzee, who, I think, appointed Paddy Prior to deal with them directly, but I did not get the impression that they were not working on the cases then.

ADV VARNEY: Please explain who Martin Coetzee is?

MS SOOKA: Martin, you know, each of the committees had an evidence leader, and Martin Coetzee was the person responsible for the Amnesty Committee, and Paddy Prior was one of the advocates attached to the Amnesty Committee. You know, just to explain that the rest of the Commission went into suspension at the end of October 1998, and three of us were transferred to work alongside the Amnesty Committee.

10 Denzel Potgieter, who is now a judge, was transferred to the Amnesty Committee to sit on the Amnesty Committee, and the late Klingi Wenkizi and myself continued to perform our functions, human rights violation functions and reparations functions, but working alongside the Amnesty Committee, and of course there were already two commissioners. And then Chris De Jager and the chairperson were on the amnesty committee already.

ADV VARNEY: Thank you. So then let us proceed, and on paginated page 38 of the Calata affidavit at paragraph 102 it is reflected that Adv CB Ferreira of the NPA addressed a letter dated 31 August 2000 and date stamped 11 September 2000 to the TRC in
20 relation to the cases.

Now it looks as if we are not in possession of that letter, and again we were hoping that the evidence leaders might be able to trace it for the Commission. But we do know that Adv Paddy Prior, who you have just referred to, you mentioned that he was attached to the amnesty committee, and he is described here as a TRC legal

advisor and evidence leader.

He responded by way of an undated letter, although it was possibly during September of 2000, titled "Human rights files and other relevant records". So Adv Prior acknowledged receipt of the NPA's letter and indicated that the TRC would respond in due course.

But then attached to Adv Prior's letter was a list of 226 cases for further investigation in table format, and a copy of Adv Prior's letter and table, commissioners, it is attached as FA14 to the Calata affidavit, and that can be seen in bundle 1 at page 382.

10 COMMISSIONER GABRIEL: What is that page again?

ADV VARNEY: 382.

COMMISSIONER GABRIEL: 382.

ADV VARNEY: Ms Sooka, it seems that this is probably the most comprehensive list at our disposal, and it also seems that this was, at least in terms of the available records, the last communication between the Commission and the NPA. Do you know per chance whether Adv Prior ended up responding further to the information requests from the NPA?

20 MS SOOKA: No, I have no knowledge of it, and it was also probably around the time that the Amnesty Committee was itself winding up its affairs. So it is likely that, you know, it might have been quite problematic at that stage, But I do not know.

ADV VARNEY: Yes. And again this is something that we would appreciate the Commission's help in tracing, as to whether there were further communications, and if so, whether they are on the record,

perhaps in the National Archives or within the NPA. But, commissioners, there is a statement made out by Adv PC Prior which is before the Commission and on the website under statements and then under NPA, and then under amnesty task team.

It is not clear to us why Mr Prior is listed under the amnesty task team because he was not a member of that team, but nonetheless, that is where you will find his statement. The documents under the NPA are not organised in volumes or bundles, but that is the best we can do to assist you in finding it.

10 The statement of Adv Prior essentially says that this was a very long time ago, and he has no further information than what we have discussed today. We did ask for him to be called before this Commission, although we understand that for the moment the evidence leaders do not plan on calling him.

And while we are on statements, Judge Vincent Saldanha has also made out a statement, and that can be found under the statements tab, and then if you go to NPA and then to NDPP, you will see the statements of C Saldanha.

20 So, Ms Sooka, we now reach the end of the information we have on hand in relation to what the TRC did to get cases over to the NPA, and, in fact, we know from the NPA annual report, I believe of 2006, that, sorry, the annual report of 2002/2003, that according to the TRC, some 459 cases were registered, relating to the TRC were registered with the Priority Crimes Litigation Unit at the NPA, and that we gleaned from the, as I said, the NPA's annual report of 2002/2003.



ADV PADDY PRIOR
paddyprior@law.co.za

03 October 2025

Dear Adv P Prior

REQUEST FOR ASSISTANCE WITH INFORMATION IN AID OF THE JUDICIAL COMMISSION OF INQUIRY TO INQUIRE INTO ALLEGATIONS REGARDING EFFORTS OR ATTEMPTS HAVING BEEN MADE TO STOP THE INVESTIGATION OR PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES.

- 1 On 29 May 2025, the President of the Republic of South Africa, Mr Matamela Cyril Ramaphosa, issued Proclamation Notice 264 of 2025 establishing a Commission of Inquiry to Inquire into Allegations Regarding Efforts or Attempts Having been Made to Stop the Investigation or Prosecution of Truth and Reconciliation Commission ('TRC') Cases ('**the Commission**').
- 2 The attached Terms of Reference of the Commission require that, among other things, the Commission must inquire, make findings, report and make recommendations concerning:

"1.1. ...whether, why and to what extent and by whom, efforts were made to influence or pressure members of the South African Police Service or the National Prosecuting Authority to stop investigating or prosecuting TRC cases."; and

"1.2...whether any members of the South African Police Service or the National Prosecuting Authority improperly colluded with such attempts to influence or pressure them."

- 3 At the relevant time specified in the Commission's Terms of Reference, you may have had access to information concerning decisions, discussions, or policies affecting the investigation and prosecution of TRC-related cases.

- 4 The Commission therefore requests your assistance with furnishing any material in your possession, or to which you had access during your tenure, that may be relevant to its inquiry. This includes memoranda, correspondence, minutes of meetings, or other audio and/or documentary records relating to the TRC cases referred by the Amnesty Committee for investigation or prosecution.
- 5 In addition to providing any relevant material, the Commission would also appreciate receiving, in the form of an affidavit, your own account of any discussions, decisions or considerations during your tenure that may bear on the matters set out in the above-mentioned paragraphs 1.1 and 1.2 of the Terms of Reference.
- 6 For the purposes of preparing this affidavit, the evidence leaders would like to have a consultation with you. Such a statement will assist the Commission in understanding the context within which decisions relating to TRC cases were taken. Please advise on a date and time suitable to you during the course of this week, but preferably before 10 October 2025.
- 7 Should you require any further clarity please do not hesitate to contact the secretary of the commission by sending an email to secretary@trc.org.za or to investigations@trc.org.za.

Yours faithfully,

(ELECTRONICALLY SIGNED)
CHIEF EVIDENCE LEADER

Advocate I Semanya SC