

**BEFORE THE JUDICIAL COMMISSION OF INQUIRY APPOINTED TO INQUIRE  
INTO ALLEGATIONS CONCERNING EFFORTS OR ATTEMPTS MADE TO IMPEDE,  
HINDER OR OTHERWISE PREVENT THE INVESTIGATION OR PROSECUTION OF  
TRUTH AND RECONCILIATION COMMISSION CASES**

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**AFFIDAVIT OF JACOB SKOSANA**

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I, the undersigned,

**JACOB SKOSANA**

do hereby declare under oath and state that:

1. I am major male, enrolled as a legal practitioner, as an advocate of the High Court of South Africa, under the Legal Practice Council with practice number 32151. I am also a member of the South African Law Reform Commission (SALRC) following my appointment as such by His Excellency, President Ramaphosa with effect from 1 February 2024 in terms of section 3(1)(a)(ii) of the South African Law Reform Commission Act 19 of 1973.
2. Save where the contrary appears from the context or is expressly stated, the facts herein deposed to are within my personal knowledge and are, to the best of my knowledge and belief, true and correct.

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3. Prior to the 1 February 2022, I served in various positions within the public service in the Republic of South Africa under the Department of Justice and Constitutional Development (DoJ&cd) and retired from the public service on the afore-mentioned date. I had, prior to my retirement in the public service, served for a period of thirty-four years and held various senior positions within the public service. The last position I held in was that of Deputy Director-General for Court Administration to which I was appointed with effect from 01 May 2016. Prior to my appointment to the latter position I held other various positions in the DOJ&CD which include Acting Director-General, Deputy Chief State Law Adviser and Chief Director for Policy Development. Prior to 1994 I also worked as a magistrate, prosecutor and court interpreter for a cumulative period of 10 years.
4. I was appointed by the then Minister of Justice and Correctional Services, Mr Ronald Lamola, as Acting Director-General of the DoJ&cd with effect from 1 May 2020. I was appointed to this position following the secondment of the then Director-General of the Department, Mr Vusi Madonsela to the office of South Africa's Ambassador to the Netherlands. My appointed was initially for a period of six months (until August 2020), which period was subsequently extended to July 2021.
5. On 2 July 2026 I received, through my private email, correspondence from the Assistant Secretary of the SALRC, Ms Aifheli Dzebu which she had received from Busisiwe Mathebula, admin officer of the TRC Cases Inquiry. The correspondence was issued under the hand of the Chief Evidence Leader of this Honourable Commission, Advocate Ishmael Semanya, SC.
7. Before responding to the contents of the above correspondence, it is important to explain that the correspondence, which is dated 24 June 2026, only reached me on 2<sup>nd</sup> July 2026 after it was brought to my attention by Ms Dzebu of the SALRC.

  


The correspondence was addressed to my OLD Doj&cd email address and not my private email that I currently use. This might have contributed to the delay in the transmission of the afore-said correspondence to me.

8. I also wish to thank the Commission for the assistance it offered to me for purposes of preparation of my affidavit as stated in paragraph 4 of the afore-said correspondence. Similarly, I extend by gratitude to the Acting Director-General of the Department, Ms Kalay Pillay for her advice that I could approach Adv Kgomo tso Moroka, SC, for any assistance that I may require in this regard. I did not solicit the offered assistance as I believed that my response to the correspondence did not warrant any form of legal assistance whatsoever.
9. The said correspondence informed me of, among others:
  - 9.1 the establishment of the above Honourable Commission, by the President of the Republic of South Africa, His Excellency Mr Cyril Matamela Ramaphosa, under Proclamation 264 of 2025;
  - 9.2 the terms of reference of the above Honorable Commission, which among others, required it to inquire into, make findings on, and recommendations concerning:

“ ... whether, and 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”.
10. Specifically, paragraph 3 of the said correspondence required of me to state the following:

- 10.1 my role and responsibilities as Director-General of the Department in relation to TRC cases;
  - 10.2 the manner in which I supported the Ministry in the day-to-day operations concerning TRC cases, including any oversight, coordination, advisory, administrative, or decision-making functions performed by e;
  - 10.3 my overall involvement in, and contribution to, the management, investigation, prosecution, monitoring, or administration of TRC cases, including any steps by me in the execution of my responsibilities;
  - 10.4 any additional information that may assist the Commission in understanding my role, responsibilities, and involvement in matters relating to TRC cases during my tenure.
11. I wish to state the following in relation to the information required of me in the afore-mentioned paragraphs of the said correspondence:
- 11.1 in respect of my role and responsibilities as Acting Director-General of the Doj&cd, I respectfully state that I had no role, whatsoever, in relation to the TRC cases;
  - 11.2 as regards the manner in which I supported the Ministry in its day-to-day operations concerning TRC matters, I wish to state that the NPA falls under the exclusive management and direction of the National Director of Public Prosecutions (NDPP). In terms of its operations, the National Prosecuting Authority (NPA) has exclusive autonomy with regard to its prosecutorial functions, with the Doj&cd's mandate solely limited to administrative matters and financial accountability;
  - 11.3 during my tenure as Acting Director-General, I had no mandate or authority in respect of the investigative or prosecutorial functions of the South African Police Service or the NPA in relation to the TRC cases. I was not involved in any management, administrative, coordination, monitoring, advisory

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investigative, prosecutorial, or decision-making functions pertaining to the work of the NPA. I wish to further state that the outbreak of the COVID-19 pandemic occurred during my tenure as Acting Director-General of the Department. As such, my day-to-day role was largely consumed by the role the Directors-General of the security cluster played in advising the Corona Virus Council and the Cabinet on preventive measures to curb the spread of the virus.

- 11.4 The NDPP reported directly to the Minister of Justice and Correctional Services concerning the activities and affairs of the NPA. To the best of my recollection, I did not attend any meetings for purposes of such reporting. My only engagement with the NPA during my tenure as Acting Director-General was in relation to the consultation with regard to the Directions that Minister was empowered to publish in order to curb the spread of COVID-19 at the time.
12. The only matter relating to TRC cases that was referred to me, closer to my retirement, by the Ministry was in my capacity as Deputy Chief State Law Adviser and related to the *Rodrigues* judgment of the Supreme Court of Appeal (SCA). The judgment made reference to alleged political interference in the TRC cases. I prepared a draft memorandum in which I recommended that the Minister consider appointing an investigative panel comprising a retired judge and a Senior Counsel to undertake the investigation contemplated in the SCA's judgment. The draft memorandum I prepared became part of the matters that I handed over to my successor when I retired from the Department.
13. Other than what I have stated under paragraph 12 above, I am not in position of, nor do I exercise control over any other information capable of assisting this Honourable Commission concerning decisions to proceed with, suspend, discontinue, or otherwise affect the investigation or prosecution of TRC cases during the period of my tenure as Acting Director-General or by virtue of any other



position I held in the Department. Matters of that nature fell outside the purview of my duties and responsibilities as Acting Director-General or in any other official capacity.

**WHEREFORE**, having set forth herein the full extent of my knowledge concerning the matters upon which I have been requested to depose, I respectfully submit this affidavit to the Honourable Commission.

  
JACOB SKOSANA: DEPONENT

I CONFIRM that the deponent has acknowledged that he knows and understands the contents of this affidavit, that the contents thereof are true and correct, that he has no objection to taking this oath, and regards the oath to be binding on his conscience.

THUS SIGNED and SWORN to before me, at Hartbees on this 13 day of July 2026.



COMMISSIONER OF OATHS



FULL NAMES

Mbumba Mole

CAPACITY

WARRANT OFFICER

ADDRESS

SAPC Hercules