

**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 (TRC CASES INQUIRY)**

HELD AT:

Sci-Bono Discovery Centre, corner Mirriam Makeba & Helen Joseph Street,
Newtown, Johannesburg

BEFORE:

The Honourable Justice Sisi Khampepe (Judge RTD) – Chairperson

The Honourable Justice Frans Diale Kgomo (Judge President RTD)

Adv Andrea Gabriel (SC)

AFFIDAVIT: KALAYVANI PILLAY

I, the undersigned,

KALAYVANI PILLAY,

do hereby make oath and say:



1. I am an adult female, currently serving as Acting Director-General in the Department of Justice and Constitutional Development ("**the DOJ&CD**") since 27 August 2025.
2. Save where the contrary appears from the context or is expressly stated, the facts deposed to herein are within my personal knowledge and are, to the best of my knowledge and belief, both true and correct.

PURPOSE OF THIS AFFIDAVIT

3. This affidavit is in response to a letter that I received from 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* ("**the Commission**") dated 18 June 2026 wherein I was requested to assist the Commission and to furnish the Commission with an affidavit that deals with my knowledge of relevant events and matters. In particular, the Commission requested that I set out the following in my affidavit:
 - 3.1 My role and responsibilities as Director-General of the Department in relation to TRC cases;
 - 3.2 The manner in which I support the Ministry in the day-to-day operations concerning TRC cases, including any oversight, coordination, advisory, administrative, or decision-making functions performed by me;



- 3.3 My overall involvement in, and contribution to, the management, investigation, prosecution, monitoring, or administration of TRC cases, including the steps taken by me in the execution of my responsibilities; and
- 3.4 Any additional information that may assist the Commission in understanding my role, responsibilities, and involvement in matters relating to TRC cases during my tenure.
4. The Commission requested that I submit this affidavit by no later than 25 June 2026. Unfortunately, I was unable to file this affidavit timeously due to family commitments in KwaZulu Natal. I humbly apologise for the delay in filing this affidavit.

MY BRIEF BACKGROUND

5. In addition to acting as Director-General, I am currently also the Acting Chief Master of the High Court which position I assumed effective from 23 April 2025.
6. I am the appointed Deputy Director General of Legislative Development and Legal Services, which position I have held since August 2013. Whilst I serve in the abovementioned acting positions, Mr Stephen Ralekwa has been appointed to act in my substantive position.



7. I have the following academic qualifications, namely, a BA(LAW); LLB; LLM; MM(PADM).
8. I am an admitted attorney, having been admitted in 1995. I left private practice in 2000 and have been employed by the DOJ since 1 November 2000. Since 2000, I have worked in different capacities in the DOJ including Chief Director of Legal Services from 2010 to 2013. In 2000, I was employed as a Senior Legal Administration Officer and thereafter as a Principle Legal Administration Officer in the Branch Legislative Development.
9. Between 2017 and 2019, I was appointed to act in the branch Constitutional Development as the Deputy Director-General. I also retained responsibilities in respect of my substantive position as the Head of the branch Legislative Development.
10. I also served as acting Director-General in the DOJ&CD between 1 August 2020 to 28 February 2021.

MY ROLE AND RESPONSIBILTIES IN RELATION TO TRC CASES

11. In my role as the Acting Deputy Director-General in branch Constitutional Development (between 2017 and 2019), a unit was established to deal with the implementation of TRC recommendations in respect of Parliament-approved reparations. This unit facilitated the payment of individual



reparations, educational assistance, and currently deals with reparations including housing reparation.

12. In my substantive position, as Deputy Director-General of Legislative Development and Legal Services, I am responsible for the development of regulations that provide the legal framework for the payment of those reparations.
13. My work in respect of the above does not include any interaction with prosecutorial matters which is within the domain of the National Prosecuting Authority ("**NPA**").
14. As Director-General, I have no direct role in the prosecution of TRC cases. The NPA operates independently under the National Director of Public Prosecutions ("**NDPP**").
15. My role includes responsibilities under financial administration support, and not investigative or prosecutorial oversight.
16. In terms of section 36(3)(a) of the National Prosecuting Authority Act, the Director-General: Justice shall, subject to the Public Finance Management Act, 1999 (Act 1 of 1999), be charged with the responsibility of accounting for State monies received or paid out for or on account of the prosecuting authority. As part of this responsibility, the budget of the NPA is part of the Vote of the Department of Justice. This includes the submission of reports and budgets to the National Treasury.



17. On occasion, I am called upon by Parliament to address matters of the budget, and on these occasions, I am supported by NPA officials themselves.
18. The NPA functions as a separate independent body possessing exclusive authority in respect of prosecutorial and investigative decision-making.
19. Consequently, there is no reporting relationship between the NDPP and I, in my capacity as acting Director-General.
20. In my capacity as the acting Accounting Officer of the DOJ&CD, I bear certain responsibilities in relation to the financial administration of the NPA and, in that regard, I render such support as is appropriate in assisting the NPA in its engagements before Parliament.

MY OVERALL INVOLVEMENT IN THE TRC CASES

21. As the acting Director-General, I possess no statutory authority of oversight in respect of the investigative or prosecutorial functions of the NPA in relation to any matter under its consideration, including TRC cases.
22. Nor do I, at any time seek to exercise any such authority, whether directly or indirectly. Furthermore, I do not participate in, nor am I involved with, any management, administrative, coordinate, monitoring, advisory, investigative, prosecutorial, or decision -making function pertaining to the work of the NPA. I do not participate in or influence decisions regarding TRC case investigations or prosecutions, nor have I ever done so.



23. The NDPP reports directly to the Minister of Justice concerning affairs and activities of the NPA. I am not present at those meetings, nor do I attend meetings convened for the purpose of such reporting.

THE MANNER IN WHICH I SUPPORT THE MINISTRY IN THE DAY-TO-DAY OPERATIONS CONCERNING TRC CASES

24. In addition to the financial administrative support that I referred to above, the Commission has requested information from the DOJ&CD. I have assigned employees with the responsibility of compiling the information.
25. It is ultimately my responsibility to ensure that the DOJ&CD complies with the Commission's request.

ANY ADDITIONAL INFORMATION THAT MAY ASSIST THE COMMISSION IN UNDERSTANDING MY ROLES AND RESPONSIBILITIES

26. In addition to the above, I was also responsible for the drafting of the Terms of Reference for the Commission and regulations.
27. Save as aforesaid, I do not possess any additional information which may assist the Commission in understanding my role, responsibilities, and involvement in matters relating to TRC cases during my tenure, given that I am not involved in the investigation or prosecution of TRC cases.

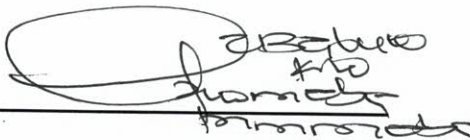


28. I respectfully submit this affidavit to the Honourable Commission in compliance with the Commission's request in the letter dated 18 June 2026.



DEPONENT

I hereby certify that the deponent has acknowledged that the deponent knows and understands the contents of this affidavit, which was signed and sworn before me at Pretoria on the 03 day of JULY 2026, the regulations contained in Government Notice No. R 1258 of 21 July 1972, as amended, and Government Notice No. R 1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS

FULL NAMES: MISS MATHO MABA

BUSINESS ADDRESS: 137 PRETORIUS STREET

OFFICE: WARRANT OFFICER
137 PRETORIUS STREET
PRETORIA

