COMMISSION OF INQUIRY INTO CRIMINALITY, POLITICAL INTERFERENCE AND CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM

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IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF CRIMINALITY, POLITICAL INTERFERENCE AND CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM
HELD AT PRETORIA

In the application of:

THE EVIDENCE LEADERS OF THE COMMISSION OF INQUIRY INTO ALLEGATIONS OF CRIMINALITY, POLITICAL INTERFERENCE AND CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM Applicant

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NOTICE OF MOTION
APPLICATION FOR THE EVIDENCE TO BE HELD *IN CAMERA*

KINDLY TAKE NOTICE that the Applicant hereby applies to the Chairperson of the Commission, in terms of Rules 4.2 and 4.3, read with Rule 11 of the Commission's Rules, for the relief set out below:

1. Condoning any non-compliance with the Rules of the Commission regarding the timeframes set for making applications of this nature.

2. Directing, in terms of the Rules of the Commission, that the evidence of witnesses scheduled for 6 November 2026 be heard completely *in camera*;

3. Directing that the *in camera* proceedings, including any transcript, recording, or documentation, be treated as confidential, and that all persons present during the *in camera* proceedings be prohibited from disclosing any information arising from the hearing, subject to the directions of the Chairperson;

4. That such further and/or alternative relief be granted as the Chairperson of the Commission may deem fit.

TAKE FURTHER NOTICE that that the accompanying affidavit of **TAMMY MART JANTJIES** will be used in support of this application.

TAKE FURTHER NOTE that anyone who intends on opposing this application should do so by Wednesday, 4 November 2026 at 19:00.

DATED AT PRETORIA ON THIS 3rd DAY OF NOVEMBER 2026.



APPLICANT
EVIDENCE LEADERS

TO: **THE CHAIRPERSON OF THE JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY, POLITICAL INTERFERENCE, AND CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM.**

AND TO: **THE SECRETARY OF THE JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY, POLITICAL INTERFERENCE AND CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM.**

FOUNDING AFFIDAVIT

IN SUPPORT OF THE APPLICATION FOR *IN CAMERA* HEARING

I, the undersigned,

TAMMY MART JANTJIES

Do hereby make oath and state that:

1 I am an adult attorney practising at Diale Mogashoa Inc, the attorneys of record of the Commission.

2 The facts contained herein are, unless otherwise stated or the context indicates otherwise, within my personal knowledge and are to the best of my belief both true and correct.

Introduction and relief sought

3 The evidence leaders respectfully request that the witnesses scheduled to testify before the Commission on Friday, 6 November 2026, give their evidence entirely in camera, with only the Commissioners and evidence leaders present. Both witnesses already have permission to testify partly in camera. Further protection is sought for the remainder of their testimony, which primarily concerns ongoing investigations.

4 The Rules of the Commission expressly provide for hearings to be held in camera in appropriate circumstances.

5 Rule 4 provides:

4.1. Subject to rule 4.2, the hearings of the Commission will be held in public and there must be physical attendance of all parties involved.

4.2. In an appropriate case, the Chairperson may make an order that a hearing be held in camera or via electronic means. In such a case, the Chairperson shall specify in the order those persons who will be permitted to attend the hearing in camera or by some other means.

4.3. At the request of the witness whose evidence is to be heard in camera, or,mero motu, the Chairperson must order that nobody may, directly or indirectly, disclose the identity of the witness who is to give evidence in camera.

Grounds for the application

6 Given the sensitive nature of the evidence and the need to safeguard the integrity of the proceedings, the evidence leaders submit that an in camera hearing is necessary and appropriate.

7 The application rests on two principal grounds: protecting ongoing criminal investigations and protecting confidential informants and sources.

Protection of ongoing criminal investigations

8 First, the Commission's investigations concern individuals and entities involved in criminal syndicates. The witnesses will testify about the operations of those syndicates and their connections within law enforcement agencies.

9 The evidence for which protection is sought directly concerns ongoing criminal investigations. Public disclosure in real time could alert suspects, facilitate the



destruction of evidence or otherwise compromise the work of law enforcement authorities.

10 Transparency at this stage would undermine the public interest in accountability and justice if it prejudiced the successful prosecution of offenders. A temporary closed session would allow the Commission to receive vital evidence without jeopardising parallel criminal proceedings.

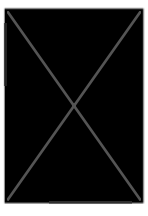
Protection of confidential informants and sources

11 Second, some of the evidence draws on information provided by confidential informants and sources whose identities must remain secret. Disclosure could endanger their lives and undermine investigators' ability to obtain information in future. Informants and whistle-blowers assist law enforcement on the assurance of anonymity. Breaching that assurance would expose them to harm and discourage others from approaching the SAPS with information about organised crime, or the Commission with information relevant to its Terms of Reference.

Previous application and media correspondence

12 In October 2025, the evidence leader applied for three witnesses to testify in two parts: the first partly in camera to protect their identities because of safety concerns, and the second entirely in camera to address sensitive evidence concerning ongoing investigations.

13 The legal representatives of the media houses agreed to a draft order permitting, among other things, in camera testimony concerning ongoing investigations. The correspondence is marked "**X**".



14 In light of that agreement, the evidence leaders do not anticipate opposition to this application.

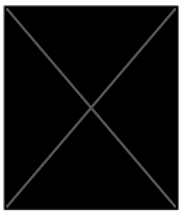
Condonation for late filing and shortened opposition periods

15 The existing ruling permits the witnesses to testify partly in camera, but authorises only one of them to give sensitive evidence concerning ongoing investigations entirely in camera. That witness is now no longer unavailable to testify. The ruling previously granted does not extend to the two remaining witnesses who can give that evidence. The evidence leaders mistakenly understood it to cover all three witnesses. This application therefore seeks the authorisation needed for the remaining witnesses to give that evidence in camera within the Commission's limited time. The evidence leaders accordingly seek condonation for the late filing of this application and the shortened periods afforded to those wishing to oppose it.

Justification and safeguards

16 For these reasons, the Evidence Leaders submit that hearing the evidence of the witnesses scheduled for 6 November 2026 in closed session would serve the interests of justice, protect witnesses and safeguard the integrity of the Commission's work and ongoing criminal investigations. The witnesses and their testimony fall within the following categories, each of which can be substantiated by evidence given in camera:

16.1 Witnesses whose identities, if publicly disclosed, would expose them to a serious threat of harm;



16.2 Witnesses whose testimony concerns ongoing investigations that could be prejudiced by disclosure at this stage;

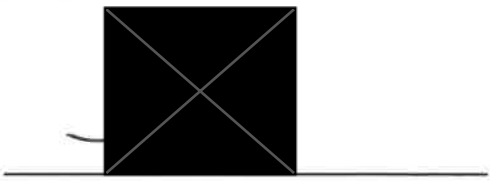
16.3 Witnesses whose testimony would disclose police techniques for investigating organised crime cartels; and

16.4 Witnesses whose testimony could identify police informants and expose them to a risk of serious harm.

17 The evidence leaders recognise the importance of transparency. Information will be disclosed publicly wherever this can be done without compromising investigations or endangering individuals. This may include publishing redacted statements, transcripts, annexures or other underlying material that can safely be disclosed.

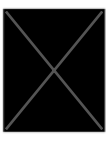
Order sought

18 The evidence leaders respectfully request an order under Rule 4.2 directing that the hearings for 6 November 2026 be conducted in closed session, with only the Commissioners and evidence leaders present, and that the identities of the relevant witnesses be protected under Rule 4.3.



DEPONENT

I hereby certify that the above signature is the true signature of the deponent and that she has acknowledged that she knows and understands the contents of this affidavit which affidavit was signed and sworn to before me in my presence at Cape Town on 3rd November 2026 in



accordance with Government Notice No. R1648 dated 19 August 1977 as amended by Government Notice No. R1428 dated 11 July 1980, and by Government Notice No R774 of 23 April 1982.

[redacted]

COMMISSIONER OATHS

[redacted]

COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
15th FLOOR, CONVENTION TOWER
HEERENGRACHT, FORESHORE
CAPE TOWN, 8001

[redacted]

"X9"

Eulinne May

From: Charl Du Plessis <[redacted]>
Sent: Monday, 13 October 2025 18:27
To: M. Chaskalson SC (Evidence Leader)
Cc: Rajah Hephzibah; Willem De Klerk; Yann Ngameni
Subject: RE: MADLANGA COMMISSION - MEDIA RESPONDENTS' ANSWERING AFFIDAVIT

Dear Matthew

Thank you so much for this, and for all your attention to this issue today.

I have taken instructions and we are happy to proceed with the draft order, as is.

Sincerely,
Charl

From: M. Chaskalson SC (Evidence Leader)
Sent: Monday, October 13, 2025 4:54 PM
To: Charl Du Plessis
Cc: Rajah Hephzibah ; Willem De Klerk ; Yann Ngameni
Subject: RE: MADLANGA COMMISSION - MEDIA RESPONDENTS' ANSWERING AFFIDAVIT

Dear Hephzibah and Charles

Apologies for my delay. I couldn't get a connection to send this email until I was back in Joburg. Here is my proposed agreed order. Please note that when I spoke to you both earlier, I had not been told that one of the three witnesses who testify from 20 to 22 October also wants to have his/her voice anonymised (ie want's the same arrangement as the witness to testify tomorrow and Wednesday). So I have framed the draft accordingly.

Here is the proposed draft:

"By agreement between the parties

1. The evidence of the in camera witness to be called on Tuesday 14 October 2025 and Wednesday 15 October 2025 will be heard as follows:

    a. The witness will testify remotely and off camera
    b. The answers of the witness to questions posed by the evidence leaders will be repeated publicly through an intermediary whose voice will be broadcast live as the s/he repeats the witness's words
    c. The witness's anonymised statement with exhibits will be displayed live on screen as the witness testifies
    d. The transcript of the witness's testimony will be made publicly available after the witness has finished testifying.

[redacted]

2. The evidence of one of the three in camera witnesses to be called in the period Monday 20 October 2025 to Wednesday 22 October 2025 will be heard as set out in 1 above.

3. The evidence of the remaining two in camera witnesses to be called in the period Monday 20 October 2025 to Wednesday 22 October 2025 will be heard as follows:

    a. The witness will testify remotely and off camera
    b. The witnesses will not testify through intermediaries and their answers to questions of the evidence leaders will be broadcast live
    c. The witness's anonymised statement with exhibits will be displayed live on screen as the witness testifies
    d. The transcript of the witness's testimony will be made publicly available after the witness has finished testifying.

4. The parties will attempt to settle their dispute in respect of the witness who will testify on Thursday 16 October 2025 and Friday 17 October 2025 on matters which relate to ongoing criminal investigations. In the event that the parties are unable to settle their dispute, the dispute will be resolved on the following timetable:

    a. The evidence leaders will file their reply to the answering affidavit of News24 and Daily Maverick on or before 13h00 on Wednesday 22 October 2025, together with any written submissions that they would want the Commission to consider.
    b. News24 and Daily Maverick will file any submissions on their application on or before 15h00 on Wednesday 22 October 2025
    c. The Commission will hand down its ruling on the in camera application at the start of proceedings on Thursday 23 October 2025.

5. Apart from the witnesses to which this ruling refers, the evidence leaders will not seek to lead any other witnesses in camera without making a new application to the Commission and making the fact of that application publicly known at least 72 hours before the witness is called to testify."

Please confirm that this is in order, alternatively get back to me with any suggested changes

Best regards
Matthew

Matthew Chaskalson

Commission of Inquiry into Criminality, Political Interference

and Corruption in Criminal Justice System

Brigitte Mabandla Justice College, 5th Floor,332 Johannes Ramokhoase St, Pretoria, 0002

Email: [redacted]

[redacted]

Website: Criminaljusticecommission.org.za

From: Charl Du Plessis <[redacted]>
Sent: Monday, 13 October 2025 15:12
To: M. Chaskalson SC (Evidence Leader) <[redacted]>
Cc: Rajah Hephzibah <[redacted]>; Willem De Klerk <[redacted]>; Yann Ngameni <[redacted]>
Subject: MADLANGA COMMISSION - MEDIA RESPONDENTS' ANSWERING AFFIDAVIT

Dear Mr Chaskalson

Please see attached hereto the respondents' notice to oppose and the duly commissioned answering affidavit.

There were a few minor issues that were fixed with regard to the referencing at n17, n33 and 35. Also, we seemed to have lost the reference to S v Shinga at paragraph 25, which has been corrected. My sincerest apologies for these oversights.

I further copy our counsel Hepzibah Rajah above. I have informed her about the arrangements we discussed and I believe she will also give you a call some time this afternoon.

Thank you ever so much.

Sincerely,

Charl du Plessis
Junior partner
Email: [redacted]

PO Box [redacted]

Westcliff Johannesburg
Tel [redacted]
Fax [redacted]

[redacted]

Eulinne May

From: Charl Du Plessis <[redacted]>
Sent: Tuesday, 14 October 2025 20:50
To: M. Chaskalson SC (Evidence Leader)
Cc: Willem De Klerk; Yann Ngameni
Subject: MADLANGA COMMISSION - IN CAMERA TESTIMONY SCHEDULED FOR THURSDAY AND FRIDAY

Dear Matthew

Thank you for the conversation. I confirm that:

1. The media respondents do not intend to oppose the in camera hearing of the evidence of the particular witness scheduled for 16 and 17 October 2025, provided that:

    i. The agreement and order governing the testimony of witnesses embodied in the first, by-agreement order handed down by the Commission on 14 October 2025 remains the same; and
    ii. The commission confirms the procedure embodied in paragraph 5 of that order will remain in place and will be generally applicable at the commission. As discussed, if you were to make that announcement on Thursday morning and the Commissioners confirm that position, that would be sufficient.

2. If circumstances around Independent's involvement cause a shift in such a way that we are called upon to submit any argument, our intention would be to focus on the procedural issue around in camera witnesses generally.

Sincerely,
Charl

Charl du Plessis
Junior partner
Email: [redacted]

PO [redacted]
Westcliff Johannesburg
Te [redacted]
Fa [redacted]

[redacted]

JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY, POLITICAL INTERFERENCE AND CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM ARISING FROM THE SPECIFIC ALLEGATIONS MADE PUBLIC BY LIEUTENANT GENERAL NHLANHLA MKHWANAZI ON 6 JULY 2025

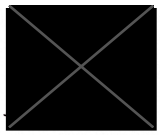
NOTICE IN TERMS OF RULE 4 OF THE RULES GOVERNING THE PROCEEDINGS OF THE COMMISSION

TAKE NOTICE THAT the legal team have brought an application before the Commissioners for an order in the following terms:

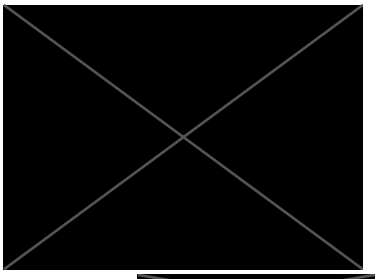
1. Directing that the testimony of unidentified witnesses whose testimonies are scheduled for 06 November 2026 be heard in-camera.

PLEASE TAKE NOTE THAT the legal team will rely on the supporting affidavit attached hereto in support of the order sought.

DATED AT PRETORIA ON THIS 03RD NOVEMBER 2026.



DIALE MOGASHOA ATTORNEYS
Attorneys for the Commission
1st & 2nd Floors



Tel: [redacted]

Email: [redacted]

TO: **ALL MEDIA**