



Office of the State Attorney Pretoria

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28 SEPTEMBER 2018

Enq: T. NHLANZI
Email: TNhlanzi@justice.gov.za

My Ref: 400/2018/Z32
Your Ref:

Head Legal
Judicial Commission of Inquiry into
State Capture

Dear Mr Pretorius

**RE: REQUEST FOR DECLASSIFICATION OF DOCUMENTS AND
INFORMATION PERTAINING TO THE CABINET MEETING OF 9 DECEMBER
2015 FOR PURPOSES OF MINISTER NHLANLA NENE GIVING EVIDENCE
BEFORE THE COMMISSION ON 3 OCTOBER 2018**

I write to you in relation to a request made by you on 29 August 2018 for the current Minister of Finance Mr Nhlanhla Nene ("Mr Nene") to give evidence to the Commission on his removal as Minister of Finance during December 2015 and the relevant circumstances surrounding his removal, including his visit to Ufa, Russia for the BRICS Summit, the nuclear deal and SAA Airbus Contract.

In the course of assisting Mr Nene, the legal team comprising Advocate Wim Trengove SC and Advocate Adila Hassim and Advocate Hephzibah Rajah, and more specifically in relation to the facts and circumstances surrounding the Russia Summit and the Nuclear Deal Procurement, Mr Nene has referred to the events that took place in Cabinet on 9 December 2015, hours before his removal. In his evidence Mr Nene will, *inter alia*, refer to:

1. the Cabinet meeting that began at 8:30am with a full programme, including the presentation of the budget and the nuclear build programme;
2. the memorandum he prepared on the appointment of a new board for SAA which recommended removing Ms Dudu Myeni as the Chairperson of the Board of SAA but retaining her as an ordinary member of the Board; and
3. the discussions and events that occurred in Cabinet on that day.

The above evidence relates to matters that are classified as secret or top secret as referred to in your letter of 29 August 2018 and for that reason I request your assistance to obtain the declassification thereof before Mr Nene gives evidence to the Commission on 3 October 2018. I further request that you assist in obtaining access to memoranda, minutes, submissions, reports, presentations, statements or any other relevant documents that served before Cabinet on 9 December 2015 that relate to the matters that Mr Nene will be covering in his evidence as indicated above.

Your assistance in this regard will be highly appreciated.

Yours Faithfully



Ms T Nhlanzi

FOR STATE ATTORNEY



JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE OF CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE

17 Empire Road, Parktown
Hillside House, 2nd & 3rd floor
Johannesburg

Email: general@statecapture.org.za
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28 September 2018

The Director-General and Secretary of the Cabinet
Attention: Dr Cassius Reginald Lubisi
per email: directorgeneral@presidency.gov.za
cc: nelly@presidency.gov.za
nokukhanya@presidency.gov.za

cc: Advocate Nokukhanya Jele
per email: njjele@law.co.za
nokukhanyaj@presidency.gov.za
mavis@presidency.gov.za

Dear Dr Lubisi

DECLASSIFICATION OF MINUTES OF CABINET MEETING OF 9 DECEMBER 2015 AND DELIVERY OF SUCH MINUTES AND OTHER DOCUMENTS

We approach you in your capacity as Secretary to the Cabinet, and as such the person with authority to declassify the Top Secret status of Cabinet meeting minutes and accompanying reports, memoranda and other documents presented to Cabinet.

We respectfully request you to declassify the following:

1. Those portions of the minutes of the Cabinet meeting of 9 December 2015 which pertained to the nuclear deal under consideration at that time;
2. All memoranda, reports and other documents, in whatsoever format, presented at the Cabinet meeting of 9 December 2018 in support of, or accompanying, the consideration of the nuclear deal;

3. Any memoranda, reports or other documents which emanated from the consideration of the nuclear deal by Cabinet on 9 December 2018.

We require your urgent authorisation regarding declassification of the documents listed, followed by the urgent delivery to us of such documents, by 12 noon on 2 October 2018. The reason for the urgency of our request is that Minister Nene is due to testify before the Commission at 10h00 on 3 October 2018. The purpose in calling for these documents is to enable Minister Nene to give full and frank evidence to the Commission regarding the circumstances surrounding his dismissal and/or removal as Minister of Finance on 9 December 2018.

Kindly contact the attorney to the Secretariat, Mr Nick Robb, regarding delivery and receipt of the documents. His contact details are nick.robb@webberwentzel.com and his mobile number is 082 457 9832.

We thank you in advance for your co-operation.

Yours sincerely



DR. K. De Wee
Secretary of the Commission



JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE OF CAPTURE,
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1 October 2018

The Director-General and Secretary of the Cabinet
Attention: Dr Cassius Reginald Lubisi
per email: directorgeneral@presidency.gov.za
cc: nelly@presidency.gov.za
nokukhanya@presidency.gov.za

cc: Advocate Nokukhanya Jele
per email: njjele@law.co.za
nokukhanya.j@presidency.gov.za
mavis@presidency.gov.za

Dear Dr Lubisi

DECLASSIFICATION OF MINUTES OF CABINET MEETING OF 9 DECEMBER 2015 AND DELIVERY OF SUCH MINUTES AND OTHER DOCUMENTS

Our previous letter of 28 September 2018 refers.

In addition to the declassification and supply of the documents we refer to in that letter, we also request the following documents to be declassified and supplied:

1. The memorandum prepared by Minister Nene on the appointment of a new board for SAA which recommended removing Ms Dudu Myeni as the Chairperson of the Board of SAA but retaining her as an ordinary member of the Board;
2. Those portions of the minutes of the Cabinet meeting of 9 December 2015 which pertained to discussions around that topic; and

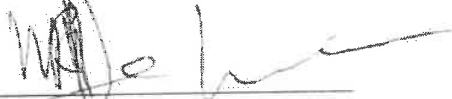
3. Any other reports, memoranda and other documents which emanated from the discussions around that topic.

We require your urgent authorisation regarding declassification of the documents listed, followed by the urgent delivery to us of such documents, by 12 noon on 2 October 2018. The reason for the urgency of our request, as you know from our previous letter, is that Minister Nene is due to testify before the Commission at 10h00 on 3 October 2018. The purpose in calling for these documents, as you also know from our previous letter, is to enable Minister Nene to give full and frank evidence to the Commission regarding the circumstances surrounding his dismissal and/or removal as Minister of Finance on 9 December 2018.

Kindly contact the attorney to the Secretariat, Mr Nick Robb, regarding delivery and receipt of the documents. His contact details are nick.robb@webberwentzel.com and his mobile number is 082 457 9832.

We thank you in advance for your co-operation.

Yours sincerely



DR K De Wee
Secretary of the Commission