



EXHIBIT J 2

BRIAN CURRIN



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

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INDEX: EXHIBIT J 2

#	Description	
1.	Affidavit of Brian Currin	01 to 20

J2

STATEMENT OF BRIAN CURRIN

1. My name is Brian Currin. I worked as a Human Rights lawyer and activist for 18 years – until 1995.

Since 1995 I have been involved internationally in peace process facilitation and conflict resolution in many parts of the world; numerous African countries, the Middle East, Northern Ireland, the Basque Country and Colombia.

In the past 5 years my focus has been conflict resolution and trust building between the private sector, the public sector, civil society and communities, predominantly in the Southern African region.

2. I am currently based in Berlin Germany as a Richard von Weizsäcker Fellow at the Robert Bosch Academy where I am researching international trends in private sector/public sector relationships; how the quality of those relationships often reflects either political order or political decay, and if political decay, what remedies may be used to reverse the trend by building trust and mutually beneficial relationships between governments and business.
3. Whilst presenting my evidence to the Commission I am mindful that there are two whistle-blowers to whom South Africa owes a huge debt of gratitude.
4. It is unfortunate and indeed an indictment of our political institutions that the whistle-blowers do not feel sufficiently protected to be able to present much of this evidence themselves.

Having said that, they have much to add, which I sincerely hope the people of South Africa will hear one day.

I have got to know the two whistle-blowers relevant to this affidavit, I have interacted with them over a period of time and I know that they both fear for their lives.

To the best of my knowledge the two whistle-blowers may be willing to testify in July 2019 when certain circumstance have changed.

5. Early in February 2017 a friend and colleague whom I have known and worked with for a number of years approached me.

He mentioned to me that someone with whom he had been acquainted for a relatively short period had spoken to him very confidentially about a hard drive [1] in his possession.

I cannot recall his precise description of the content of the hard drive. [1] However, I was left with the impression that the content of the hard drive [1] dealt with the affairs of the Gupta family and their corrupt relationship with senior politicians and State-owned Enterprises.

6. I will henceforth refer to this person who approached my friend as "Stan" (not his real name). I'll refer to my friend as "my friend" since he does not want to be identified.

7. Stan approached my friend because he was the only person he knew personally who seemed to move in the socio-political space and who might be able to advise him.
8. My friend did not feel that he had the experience, expertise or network of contacts to add the sort of value that he believed Stan needed.

Therefore, he approached me. He believed that I was the appropriate person due to the nature of the work I have been doing for decades.

An example is the work I did with others for Captain Dirk Coetzee when he blew the whistle on the Vlakplaas activities in the 1980s under command of Colonel Eugene de Kock, as head of the secret task force C1 (formerly C10) also referred to as the third force or death squad.

9. My friend and I met with Stan a few days later. It was during the week of February 13, 2017.

I was introduced as someone who could advise and assist Stan.

Stan clearly had a need to offload, which was not surprising since he had been in possession of the hard drive [1] for many months.

He was undecided as to what he should do.

10. Although Stan could not have read all 300,000 emails, he had read enough to be very well informed about what appeared to be corrupt relationships involving the Gupta brothers, Duduzani Zuma, certain Cabinet Ministers and some of the CEOs of our major State-owned Enterprises.
11. He also indicated that the information on the hard drive [1] appeared to comprise emails from Mr Ashu Chawla, the then CEO of Sahara Computers.
12. Stan was visibly nervous, shocked and deeply concerned by what he had gleaned.
13. At the first meeting I learned how Stan had come into possession of the original hard drive [2]. I do not wish to provide detail in this regard because a full description may lead to the true identity of Stan and others becoming known.
14. I then enquired where the original hard drive [2] was. I was told that it was in the safekeeping of a trusted friend of Stan's, together with its clone [3].
15. Stan then informed me that in time he would share with me details in regard to the safekeeping of the original hard drive [2] and its clone [3], as well as password and codes to allow access to the content.
16. Stan informed me that, in due course, and if all went accordingly to plan, he would share with me details of the safekeeping of the original hard drive [2]

and its clone [3]; passwords and codes which would allow access to their content; and the original hard drive [2] and its clone [3].

17. The plan referred to was his request that I would be able to facilitate his departure from South Africa to live abroad for a period of time, in safety.

There was clearly an understanding that in order for us to work together, there would have to be a relationship of trust between us.

18. Stan also informed me of the following:

18.1 He had kept in his possession two data hard drives [4] [5] with content identical to the clone [3] of the original hard drive [2].

18.2 He had made two CDs [6] [7] which contained a few hundred emails which he would share with me to back up his story.

For my part he required me to be willing to assist in somehow making this information available in such a way that trustworthy political leaders and law enforcement agencies with integrity would hold to account those in both the private sector and public sector who were involved in corrupt relationships.

18.3 Stan informed me that there was a second person, his assistant, referred to as "John" (also not his real name) who could also provide information.

John, I was informed, was not yet ready to meet me.

19. Although Stan and his story appeared to be authentic, my friend and I needed to peruse the CD's [6] [7] before deciding on what to do.
20. Stan produced the CD's, [6] [7] if I remember correctly, the very next day.

My friend studied them first. I did likewise over the weekend of 18/19 February 2017.

We swapped notes early the following week. We agreed that the emails we had read certainly provided good reason to further investigate the authenticity of the emails.

21. We met with Stan again on 23 February 2017. At that meeting:

- 21.1 We shared with him our conclusion. This was that to us, as lay persons, the emails appeared to be genuine.

- 21.2 We discussed the feasibility of surrendering the evidence to the country's law enforcement agencies and/or political leadership in government.

- 21.3 We agreed that we could not trust either the law enforcement agencies or the political leadership.

21.4 We decided that in order to exert public pressure on government to investigate State Capture, the emails would need to be made public.

21.5 Stan was adamant that neither he nor John would want to be identified either at all or, possibly, until their safety could be ensured;

21.6 Stan stressed that both whistle-blowers and their wives would want to leave the country before there was any publication of or concerning the emails; they would need financial support to be able to do that.

21.7 It was acknowledged that there was a good chance, depending on the response to publication of the emails, that they may never return to South Africa.

21.8 We agreed that support for a period of 2 years should be enough to enable them to re-establish themselves financially elsewhere.

21.9 I undertook to approach people that I knew who might be willing to assist with funding.

21.10 We discussed various options regarding the publication of the emails but came to no firm decision.

22. In the light of the political situation in the country in 2017 we were deeply concerned that if the authorities where somehow to learn about Stan's possession of the original hard drive [2] and its clone [3], it might be seized by them.
23. On 1 March 2017, Stan provided me with 2 hard drives [8] [9].
- These hard drives [8] [9] contained copies of the recovered files on the original hard drive [2] that was being held for safekeeping by a certain Mr T.
- Both were password protected. I was not given the password.
24. Stan and I realized that given our meetings both he and I may be able to be identified. We therefore agreed that both copies [8] [9] would be held in safekeeping by others.
25. We agreed that one copied hard drive [8] would be taken abroad. This I did on 3 March. I handed it to a very good long-time friend living in London.
26. At around about that time I delivered the other copy [9] to Mark Heywood a well-known social activist. He had agreed to keep it until needed.
27. I also requested Heywood to approach his contacts at the Save SA Campaign to assist with funds for the whistle-blowers.

28. I still needed an outside expert opinion in regard to the probable authenticity of the emails.

I knew that the Daily Maverick, Scorpio and amaBhungani were leaders in investigative journalism in South Africa and that they had written much about the Guptas.

29. I wanted quick access to these journalists and needed someone to facilitate that. So, during a meeting with Heywood, I asked him whether he could assist.

30. Heywood immediately, facilitated a meeting with Branko Brkic, editor-in-chief of the Daily Maverick.

I wanted to discuss with Branko, ~~firstly~~ their ability to analyse the emails and give a *prima facie* view, ~~and secondly funding for the whistle-blowers.~~

31. At that meeting I gave Branko a CD [6] previously given to me by Stan. ^{Branko requested some evidence. we met again shortly thereafter and}

He then shared it with Stefaans Brummer co-founder of the amaBhungani Centre for Investigative Journalism.

Within a few of days, they reverted to me advising that the emails fitted very neatly with Gupta investigations and articles they had written over the past few years.

In their view the authenticity of the emails was highly probable.

32. Both Branko and Brummer also undertook to approach their contacts for funds in support of the whistle-blowers.
33. During the course of March 2017, Stan and I met regularly to discuss the progress that he and John were making with their planned departures from South Africa and progress I was making in raising the funds he and John would need.
34. Understandably, Stan was not willing to provide me with the password which would enable one to access the full content of the copied hard drives [8] [9] until he knew that funds were available for both him and John to leave South Africa.
35. I approached a number of potential funders. As already stated, one of these was Mark Heywood of the Save South Africa Campaign. I also approached amaBhungane and Daily Maverick to source funders.
- It seemed that all three were able to secure funding sufficient for two years abroad for Stan and John.
36. After careful consideration, Stan and I decided that the investigative journalists at amaBhungane and Daily Maverick would be best placed to review, analyse and report on the content of the copied hard drive [9] that remained in South Africa.

37. Stan was persuaded that he would have to reveal the password/code so that progress could be made.

At my request Heywood returned to me the copied hard drive [9] in his possession on 18 April 2017. I in turn ^{made the content of the hard drive} ~~handed this~~ to Branko. Shortly ^{available} thereafter I was able to provide the password/code.

38. Within a few of days, I received a very positive response from Branko and Brummer in regard to the content of the copied hard drive [9] that remained in South Africa.

39. Branko and Brummer now became aware of the full richness of the trove of emails and their potential impact on the political landscape of South Africa.

They informed me of their decision to locate a large team of experienced investigative journalists abroad to systematically work through all the emails and write as many in-depth articles as the emails would deliver.

They said they would only start publishing once they had finished this task. They anticipated this would be around September 2017.

40. The concern Branko and Brummer shared with us was that if they were to remain in the country, once they began publishing, the copied hard drive [9] may be seized by the authorities and efforts might be made to locate and seize the original hard drive [2].

They also believed that they could do the greatest justice to the emails if they spent the first couple of months acquainting themselves with the entire content and only thereafter began writing articles.

41. The other advantage of delaying publication was that it would give Stan, John and their wives more time to prepare for their moves abroad.

42. At that stage few people knew about the Gupta emails.

43. Those that did, I trusted, either directly or indirectly.

I had received assurances from Stan, Branko, Brummer and Heywood regarding the trustworthiness of all that had subsequently become involved.

44. Nevertheless, although publication would not commence before the end of August 2017, we all wanted Stan, John and their wives out of South Africa by the latest the end of May 2017.

45. The amaBhungane / Scorpio team was gearing itself to leave South Africa early in June. Brummer and Branko kept us fully briefed.

46. Funds had, I was told, been secured to support a team of about 20 experienced investigative journalists to work out of a safe house in Ireland for up to six months.

47. In April 2017, I took legal advice in regard to the legality of Stan's possession of the original hard drive [2] and of the potential publication of its contents.

48. The advice I received was that Stan's possession of the original hard drive [2] was legal.

I was also advised that publication of its content would be justifiable on the basis that it was in the public interest to do so.

49. On 20 April 2017, Stan informed me that his associate John, who had previously been reluctant to get involved, was willing to meet with me.

I met him shortly thereafter and on a number of occasions subsequently.

50. On 28 May 2017 the Sunday Times broke the Gupta Leaks story.

Shortly before midnight on 27th May an agitated Branko called me to ask if I had any idea where Sunday Times had got the story and contents of the copied hard drive [9].

I was equally shocked and deeply concerned since both Stan and John were still in South Africa.

51. I do not have direct knowledge as to where or how the Sunday Times received its information.

52. The unanticipated early breaking of the Gupta emails caused huge anxiety for Stan, John and their families. Their plans to leave the country had to be fast-tracked.
53. However, two urgent outstanding matters required to be attended to prior to their departure.
54. Firstly handing over the original hard drive [2] and its clone [3] for safekeeping.
55. Secondly the obtaining of affidavits from both Stan and John.
56. I was later told that Mr T was holding a second cloned hard drive [4].
57. I was informed that both the cloned copies [3] [4] might end up being as valuable, if not more valuable than the original hard drive [2].
58. I was also informed that the reason for this was that in the process of making the clone [3] of the original hard drive [2] the original hard drive [2] had collapsed completely.
59. Further I was informed that it was unlikely that one would ever be able to access significant data from the original hard drive [2] again.
60. On 29 May 2017 Stan handed over to me the original hard drive [2] and one of the clones [4].

61. He had collected these from Mr T.
62. On the same day, without them leaving my sight, I delivered both hard drives, [2] [4] in other words, the original hard drive [2] and the clone [4] I had received, to Greg Nott's office at Norton Rose Fulbright for safekeeping.
63. I was concerned that if my possession of the original hard drive [2] and the clone [3] I had received became known by the security/law enforcement authorities, they could be seized and might never be seen again.
- I believed they would be safe from an attachment order if held by an attorney appointed by me.
64. I finalized both affidavits with Stan and John on 15 June 2017. They were attested to on Friday 23 June.
65. Both whistle-blowers understood that the evidential value of the original hard drive [2] and the two cloned hard drives [3] [4], would be enhanced by their testimony.
66. From my perspective, in the event of a credible forum being unable for whatever reason to secure their testimony, I would then present their affidavits as the best evidence – this in the public interest.

67. The election of President Ramaphosa as President of the African National Congress, his subsequent elevation to the position of President of South Africa, the appointment of Deputy Chief Justice Zondo as chairperson of the Commission of Enquiry into State Capture, the naming of the evidence leaders and finalisation of the Commission's terms of reference, were all positive indicators of an inquisitorial judicial process that would indeed be independent and credible; a process with which I could engage with absolute confidence.

68. I travelled abroad and met with Stan on 15 January 2018 to discuss the next steps and essentially to get agreement that I contact the Commission in order to inform them about the existence of the original hard drive [2] and two clones [3] [4]. Stan was in communication with John.

69. American authorities visited my office in Johannesburg out of the blue when I was abroad meeting with Stan.

On my return I contacted the person who had left contact details. I met with her at the end of January 2018.

Although I suspected that the visit may be related to the original hard drive [2] I was nevertheless surprised that the American authorities knew about my identity, Stan and our roles in relation to the evidence.

She claimed not to know a second whistle-blower and also claimed not to know about Stan's true identity.

70. The American authorities explained to me that they were conducting certain investigations.

They wanted to meet with the whistle-blower whose identity they claimed not to know. They also wanted a copy of the original hard drive [2].

71. I immediately contacted Stan.

He agreed to meet with the American authorities to establish exactly what they wanted on condition that his identity would not be revealed and that the evidence would not be made available, at least not at that first meeting.

72. We met with the American authorities on 19 February 2018 in a third country.

At that meeting Stan agreed that we would make available to the American authorities on a later date the first clone [3] of the original [2], which according to our assessment was the best and most reliable evidence at that time.

73. Stan and John also met in that third country after I had left, when I believe Stan briefed John on developments.

74. It was further agreed that the American authorities would undertake a forensic imaging process to copy the data onto their own hard drive [10].

The American authorities would bring with them the necessary expertise and high-quality data recovery equipment.

This was to ensure the integrity of the process to prevent damage to the clone [3] of the hard drive [2] and data loss.

75. We agreed on Nairobi as the location for this exercise because it was the country convenient to all and where the required equipment was available.

76. Working with the American authorities did create a dilemma.

The position of both whistle-blowers has always been that this is a South African affair and should never be driven or seen to be driven by any other country and/or its law enforcement agencies.

77. It was at this stage that Stan and I agreed, in all the circumstances prevailing, to remove the original hard drive [2] and the clone [3] from South Africa.

78. It was for that reason that I uplifted the original hard drive [2] and the clone [4] from safekeeping at Norton Rose Fulbright on 16 March 2018.

79. I took the sealed package containing these items [2] [4] to my home in Pretoria on the same day and kept it in a safe place.

I then took these items with me to OR Tambo airport 2 days later for a flight to Nairobi.

80. Before leaving my home for the airport on the morning of 18 March I decided that it might be safer to open the single package and make two packages – in case of an interception at the airport.

I would carry the clone [4] and my attorney Greg Nott, whom I would meet at ORT, would carry the original hard drive [2].

81. That is what we did until our arrival at the hotel in Nairobi.

Here the hard drives [2] [4] were again repackaged together and retained overnight by Nott until we met with a Nairobi attorney the following morning.

82. The day after my return to South Africa I, for the first time, contacted this Commission and made arrangements to meet with members of its legal team.

83. Those meetings gave rise to a subsequent trip to Nairobi.

This took place from 10 to 12 April 2018.

It was attended by three Commission representatives, three representatives from the American authorities and both whistle-blowers.

84. The purpose of the trip was to secure the handover of the original hard drive [2], which my attorney and I had taken to Nairobi, to the Commission.

85. This handover occurred on our return to South Africa.

My attorney and I gave the original hard drive [2] and clone [4] to Mr Terence Nombembe, the Head of Investigations at the Commission at a secure venue.

Mr Nombembe then arranged for its high security safekeeping.

86. At the meeting in Nairobi, it was agreed by all present that the original hard drive [2] and clone [4] would be handed over to the Commission immediately on our return to South Africa and that they would be held in safe keeping by the Commission for use as evidence as deemed fit by the Commission.
87. It was furthermore agreed by everyone present at the meeting that the Commission would, at a later stage, after consultation with Stan, attempt to undertake a successful recovery and forensic imaging of the original hard drive [2].

(SGD)

B. Currin

26 September 2018