EXHIBIT LL 8

FANA HLONGWANE

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

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COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

PARKTOWN, JOHANNESBURG

10

07 OCTOBER 2019

DAY 178

20

PROCEEDINGS RESUME ON 7 OCTOBER 2019

CHAIRPERSON: Good morning Mr Mokoena, good morning everybody.

ADV PHILLIP MOKOENA SC: Good morning DCJ.

CHAIRPERSON: Before we start with the oral evidence I am going to make an order that has got nothing to do with the witness who will be giving evidence today. It is an order relating to some application for Leave to Cross-examine. Let me deal with that and then we can start. The order that I am going to make relates to an application that was brought by Mr Kevin Wakeford for Leave to Cross-examine Mr Angelo Agrizzi and Mr Frans Hendrick Steyn Vorster who previously gave evidence in this commission in relation to Bosasa. I am going to make this order and will only give reasons if it becomes necessary at a later stage. The order I make is that

1. The applicant's non-compliance with the time frames provided for in the rules governing the commission's proceedings in relation to the orders set out below and to the extent necessary extending such time frames - okay I am going to rephrase that. He applicant's non-compliance with the rime frames provided for in the rules governing the commission's proceedings in relation to applications for Leave to Cross-examine a witness is hereby condoned.
2. The applicant is hereby granted in terms of Rule 3.3.6 read with Rules 3.4, 3.5, 3.6, 3.7 and 3.8 leave to give oral evidence and to cross-examine the witnesses who have given evidence and implicated him names Mr Angelo Agrizzi and Mr Frans Hedrick

Steyn Vorster on such terms as the Chairperson will give at the commencement of the cross-examination.

3. The applicant is granted leave in terms of Rule 3.9 to make written and oral submissions on the possible findings and conclusions that the commission ought to make on the evidence placed before it insofar as that evidence relates to him.

The cross-examination of Mr Agrizzi will take place on Wednesday this week and at the commencement of the proceedings I will announce the amount of time that I will give the applicant to cross-examine each one of those two witnesses.

Yes Mr Mokoena.

ADV PHILLIP MOKOENA SC: Mr Chair on the 15th August 2019 the commission dispatched correspondence to Mr Duduzane Zuma and his legal team wherein Mr Duduzane Zuma was invited to appear before this commission and to answer questions by the commission's legal team. And on the 5th September 2019 the commission dispatched a letter to Mr Zuma and his legal team responding to a letter which was inadvertently not responded to of the 20th June 2019 where Mr Zuma and his legal team were assured that today when we commence with the proceedings they would not be postponed and that we will – you will never stand down the matter as there were queries relating to the previous sittings. Fundamentally Mr Chair Mr Zuma was also informed that today he will be expected to answer questions in relation to six witnesses that testified before this commission and their evidence was previously led through different members of the legal team. For

completeness Chair those witnesses are the evidence Mr Jonas, Mr Dukwana, Advocate Ramatlhodi, Advocate Muofhe, Mr Booysen and Mr Sundaram. And that correspondence was duly acknowledged and received by Mr Duduzane Zuma's legal team. Mr Duduzane Zuma is here today. He has available himself to come and answer those questions. He is being represented by different legal teams depending as to on which matter one it is referring to may I allow them an opportunity to place themselves on record Chair?

CHAIRPERSON: Yes let us do that.

ADV PIET LOUW: Mr Chair I appear for Mr Zuma together with Mr Joubert in – on instructions from Mr Van Der Merwe who sits next to him.

CHAIRPERSON: Thank you.

ADV MIKE HELLENS: Mr Commissioner I appear on behalf of Mr Duduzane Zuma on all issues in respect of he will – of which he will be cross-examined save in relation to Mr Mcebisi Jonas instructed by MDK Attorneys Mr Krause.

CHAIRPERSON: Thank you very much.

ADV PIET LOUW: Mr Chair if I may perhaps say the following.

CHAIRPERSON: Hm.

ADV PIET LOUW: We – Mr Zuma has not been subpoenaed to be here in terms of the Act.

CHAIRPERSON: Yes I was going to make that point as well.

ADV PIET LOUW: Yes.

CHAIRPERSON: Yes.

ADV PIET LOUW: That means that there are certain limitations on the proceedings.

CHAIRPERSON: Hm.

ADV PIET LOUW: And what our learned colleagues can ask of Mr Zuma and what he is legally obliged to do in that regard.

CHAIRPERSON: Hm.

ADV PIET LOUW: I want to give you the assurance.

CHAIRPERSON: Hm.

ADV PIET LOUW: That we are not going to take any technical points.

CHAIRPERSON: Hm.

ADV PIET LOUW: However there must be a basis laid before our learned friend and of course you have to give permission.

CHAIRPERSON: Hm.

ADV PIET LOUW: For cross-examination.

CHAIRPERSON: Hm.

ADV PIET LOUW: Mr Zuma is here as I say not under subpoena but because he wants to be here.

CHAIRPERSON: Hm.

ADV PIET LOUW: And we would expect our learned colleague to be interested in what he has to say.

CHAIRPERSON: Hm

ADV PIET LOUW: And that our learned colleague will not present a case against Mr Zuma as if they are in opposing camps.

CHAIRPERSON: Hm.

ADV PIET LOUW: And I take it that this commission will also be open

to accept what Mr Zuma has to say and you will make your findings in due course.

CHAIRPERSON: Hm.

ADV PIET LOUW: So once again these are not adversarial proceedings they are inquisitorial and we are merely here to assist in the process.

CHAIRPERSON: Hm.

ADV PIET LOUW: Thank you Mr Chair.

CHAIRPERSON: No thank you very much.

ADV PHILLIP MOKOENA SC: Mr Chair surely this proceedings will be conducted in terms – within the ambit of the Rules of the Commission and I think the one that is also paramount would be Rule 3.2 whereby questions should be posed in order to assess and in order to get to the truthful of the evidence of any witness that appears before the commission.

CHAIRPERSON: Hm.

ADV PHILLIP MOKOENA SC: For the purpose of this session Mr Chair we will be referring to a number of documents. Before you Chair there must be three arch lever files. You will see Chair that at the spine of the two files you will find that the one it is marked as A and the one it is marked as B. Those are the documents which were referred and relied upon when Mr Jonas was led.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: Yes. And you will see that there is ...

CHAIRPERSON: That is A and B?

ADV PHILLIP MOKOENA SC: That is A and B.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: That really relates to Mr Jonas and for ease of reference.

CHAIRPERSON: Hm.

ADV PHILLIP MOKOENA SC: We propose that that A and B.

CHAIRPERSON: Hm.

ADV PHILLIP MOKOENA SC: Be referred to as Exhibit LL1. You will see when you open – when you open a folder of the first thick file Chair there must be a divider that already has marked it Exhibit LL1. But for ease of reference you can also refer to them because they are marked at the spine as A and B simply for you to be able to locate it with much more ease.

CHAIRPERSON: Well if we just say they are Exhibit LLA, Exhibit LLB, Exhibit LLC would that not be adequate?

ADV PHILLIP MOKOENA SC: It might not because when you now deal with different witnesses we have now created a separate folder for each. Even though the numbering might be – might be continuous but for convenience it becomes much more easy if you know that LL1 it is for document in respect of Mr Dukwana. LL2 is the second witness, LL3 is the following witness'. If you go to the document Chair...

CHAIRPERSON: Yes I can see...

ADV PHILLIP MOKOENA SC: That is A. Yes.

CHAIRPERSON: I can see it is just that the way we have dealt with Exhibits most of the time you will recall is that I prefer that what the

Exhibit is should be reflected on the spine of the lever arch file.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: So that if I am looking for Exhibit LL1...

ADV PHILLIP MOKOENA SC: It should be ...

CHAIRPERSON: I should see that on the spine.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: I should not see Exhibit LL and then I have to go through a documents.

ADV PHILLIP MOKOENA SC: Definitely Chair.

CHAIRPERSON: Inside to find.

ADV PHILLIP MOKOENA SC: That is one – that is one had hoped that has happened but Chair we will deal with that file. But for the purposes of the questioning in this regard you will see that the first file goes from page 1 and the numbering that we are relying on because these documents were used from time to time they might be having different numberings but.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: We are going to restrict ourselves to the red numbering.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: That you will find on the left hand side.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: And then if you go to the first file it must be going from page 1 and it ends up at page 334.

CHAIRPERSON: Are you under A?

ADV PHILLIP MOKOENA SC: I am under A Chair.

CHAIRPERSON: You see what we could do is on the spine we could write Exhibit LL1 to Exhibit LL2 if inside the lever arch file you have got both Exhibit LL1 and Exhibit LL2. So at least on the spine the reader is told what is insider.

ADV PHILLIP MOKOENA SC: Ja we can mark the two files A and B.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: As LL1.

CHAIRPERSON: Both of them 1.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: So then we can have LL1A

ADV PHILLIP MOKOENA SC: A.

CHAIRPERSON: And LL1B.

ADV PHILLIP MOKOENA SC: And LL1B. Yes it makes sense.

CHAIRPERSON: No that is fine. As long as what is inside if there is different exhibits is reflected on the spine as well.

ADV PHILLIP MOKOENA SC: No that – the third file is the one that now have Exhibit – the LL2 up until LL7.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: So for now let us mark as the Chair has proposed. The first file.

CHAIRPERSON: Ja.

ADV PHILLIP MOKOENA SC: As LL1A and the next file dealing with the matters relevant to Mr Jonas as LL1B. An the third file is the small file Chair.

CHAIRPERSON: And you must just – we must just remember to make sure the witnesses files are also appropriately marked so if we talk about Exhibit LL1A, Exhibit LL1B.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: He knows exactly which file you are talking about.

ADV PHILLIP MOKOENA SC: Yes in fact while I am still addressing the Chair someone can simply do that while I am still addressing the Chair.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: Not even in tea time.

CHAIRPERSON: Ja.

ADV PHILLIP MOKOENA SC: Because it is going to be easy for now for reference.

CHAIRPERSON: Hm.

ADV PHILLIP MOKOENA SC: And the third file Chair you will see the one that was only marked C on the spine we can then refer to it as because it is having – it is having LL2 up until LL7 we mark it on the spine to be LL2 to LL7. No the Exhibits.

CHAIRPERSON: So the third file which is marked Duduzane Zuma prep bundle C.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: On the spine will be marked Exhibit LL2 to Exhibit LL7.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Okay. Yes.

ADV PHILLIP MOKOENA SC: Now that file Chair the one it is LL2C you will see if you open it it is divided into sub-folders. Folder number 2 it is all the documents that you are referred to when Mr Mxolisi Dukwana was led and folder number 3 relates to all the documents which were relied upon and referred to when Mr Sundaram was led. And folder number 4 relates to the documents which were referred to when Mr Booysens was led. Folder number 5 relates to all the documents which were referred to when Mr – when Advocate Ramatlohodi was led. And folder number 6 – folder number 7 Chair relates to only two documents. The first document it is a document depicting the directorship of Mr Duduzane Zuma in various entities and the second document relates to – depicts the shareholding which was held by Mabengela Investment which is an entity that was owned by Mr Duduzane Zuma. And two last documents Chair for ease of reference we have also produced the A3 size documents. I am not sure if they found themselves in file because they are far much more legible.

CHAIRPERSON: Well the last documents appear to me to be diagrams?

ADV PHILLIP MOKOENA SC: The diagrams. Those are the ones that you are referring to.

CHAIRPERSON: Yes. Okay.

ADV PHILLIP MOKOENA SC: Those will be the documents Chair that we will be referring to from time to time.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: And Chair we are ready to proceed. May

the witness be sworn in?

MR DUDUZANE ZUMA: Yes that is fine.

REGISTRAR: Please state your full names for the record:

MR DUDUZANE ZUMA: Duduzane Zuma.

REGISTRAR: Do you have any objection to taking the prescribed oath?

MR DUDUZANE ZUMA: No.

REGISTRAR: Do you consider the oath to be binding on your conscience?

MR DUDUZANE ZUMA: I do.

REGISTRAR: Do you swear that the evidence you will give you be the truth; the whole truth and nothing but the truth, if so please raise your right hand and say, so help me God.

MR DUDUZANE ZUMA: So help me God.

CHAIRPERSON: Thank you. Thank you very much. Before Mr Mokoena you – before you start Mr Zuma I just want to emphasise a point that your counsel or one of your counsel made is that you are not here because you have been subpoenaed to be here. You are not here because you have been compelled to be here. You are here because you decided last year when your application for Leave to Cross-examine Mr Jonas was being dealt with that you would co-operate with the commission and that you would make yourself available to the commission to give evidence. I did say at the time and I want to repeat today that I think that was a good decision. This is an opportunity where whatever it is that any witness may have said about you, you get an opportunity to put your side of the story and the commission has no

particular preferred version. The commission was to just get to the truth. You put your side, other witnesses have put their side. At the end of the day I will look at all the aversions and decide what I believe the truth is. So I just want you to – to know that all versions will be looked at and will be considered and you must just put your side of the story. Questions will be put to you by the evidence leader. In putting questions he too does not have any particular preference for any version he too seeks to simply try and establish what the truth is. I may ask you questions as well I probably will ask you some questions. The whole point is just to make sure that I understand what your version is. I understand what other witness' version is. I may have – I may put questions that indicate that I have some difficulty with some aspects of either of your version or of another witness' version but that does not mean that there is any version that is being preferred by the Chairperson. It just seems – it just means that I want to establish where the truth lies. So if you do not understand any question feel free to say so and it will be repeated and I am sure some of these things your counsel have explained but I just want to make sure that you understand.

MR DUDUZANE ZUMA: I understand thank you Chair.

CHAIRPERSON: You understand. Okay. Thank you.

ADV PHILLIP MOKOENA SC: Thank you Chair.

CHAIRPERSON: Mr Mokoena.

ADV PHILLIP MOKOENA SC: Mr Zuma I have a very limited time to canvass a number of issues with you. What will assist the process in

order to short circuit your evidence is if we can agree on the common cause issues? Common cause issues are those which after having read all the documents it does not appear as if there is any dispute around them. Do you understand?

MR DUDUZANE ZUMA: I understand Mr Mokoena.

ADV PHILLIP MOKOENA SC: Yes. The first one is that a meeting did take place on the 23rd October 2015, correct?

MR DUDUZANE ZUMA: Yes Mr Mokoena.

ADV PHILLIP MOKOENA SC: Yes. You are the one who arranged the meeting?

MR DUDUZANE ZUMA: That is correct Mr Mokoena.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: You might ...

ADV PHILLIP MOKOENA SC: The meeting...

CHAIRPERSON: Just wish – I am sorry to raise your voice Mr Zuma.

MR DUDUZANE ZUMA: Okay thank you.

CHAIRPERSON: Yes or bring the microphone a little closer but not too close. Ja.

ADV PHILLIP MOKOENA SC: Yes. The meeting did take place at the Gupta residence, correct?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Yes. And you are the one who suggested the Gupta residence as the venue?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Yes. And you are the one who also drove

Mr Jonas from the Hyatt Hotel to the Gupta residence?

MR DUDUZANE ZUMA: Yes Mr Mokoena.

ADV PHILLIP MOKOENA SC: Yes. At the time you know if you can just clarify for me – at the time when this meeting took place on the 23rd October 2015 would I be correct that you were already conducting business with the Gupta's?

MR DUDUZANE ZUMA: You talking about the actual business relation?

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Okay. And also at the time when this meeting was arranged I mean it is common cause that your father was still the President at the time, am I correct?

MR DUDUZANE ZUMA: That is correct Mr Zuma.

ADV PHILLIP MOKOENA SC: Okay. Now the common cause issue is that when this meeting was arranged Mr Jonas was the Deputy Minister for Finance, am I correct?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: And Mr Nene was the Minister of Finance?

MR DUDUZANE ZUMA: Yes Sir.

ADV PHILLIP MOKOENA SC: And on the 9th December if my memory serves me well I think on the 9th December 2015 two months after your meeting Mr Nene was then dismissed from his position, am I correct?

MR DUDUZANE ZUMA: That is the time frame yes that is correct.

ADV PHILLIP MOKOENA SC: Okay. Now when you arranged this

meeting with Mr Jonas you were not friends, am I correct?

MR DUDUZANE ZUMA: Friends with who – Mr Jonas?

ADV PHILLIP MOKOENA SC: With Mr Jonas?

MR DUDUZANE ZUMA: No not at all.

ADV PHILLIP MOKOENA SC: You did not conduct any business with him?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: Yes. You did not even sit in the structures within the ANC, am I correct?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: Now having dealt with those common cause issues I just want to now move to another topic which is the Gupta residence as the chosen venue for the meeting, correct?

MR DUDUZANE ZUMA: Yes Sir.

ADV PHILLIP MOKOENA SC: You have made or delivered an application in this commission and you have deposed to an affidavit in support of your Rule 3.4 application, do you recall?

MR DUDUZANE ZUMA: Yes I recall.

ADV PHILLIP MOKOENA SC: Yes. Now I want to refer you to a bundle and for ease of reference you can look at the spine is the one that we have referred to as LL1B. And if you may turn to page 735 concentrate on the red numbering so that you are not confused Mr Zuma.

MR DUDUZANE ZUMA: Yes Sir.

CHAIRPERSON: What page?

ADV PHILLIP MOKOENA SC: Page 735 Chair.

CHAIRPERSON: Thank you.

ADV PHILLIP MOKOENA SC: You will see that on page 735 this is the statement which you have provided to this commission is support of your application in terms of Rule 3.4 where you applying to participate in these proceedings and also to cross-examine Mr Jonas. But if you may refer to page 737 Chair. On page 737 paragraph 7 you told the Chair through your statement that...

CHAIRPERSON: Hang on one second Mr Mokoena. I think this lever arch file is too full. Maybe during the tea break another lever arch file can be used. There is something wrong with this or moving from a page somewhere at the beginning towards the end is problematic. It is 7?

ADV PHILLIP MOKOENA SC: 737 Chair with particular reference to paragraph number 7.

CHAIRPERSON: Ja Okay.

ADV PHILLIP MOKOENA SC: Are you there Mr Zuma?

MR DUDUZANE ZUMA: [Indistinct] Sir.

ADV PHILLIP MOKOENA SC: And then in that paragraph you stated the following:

> "When these rumours started to surface Mr Hlongwane in discussion with me decided to set up a meeting with Mr Jonas in an attempt to clear it up. As Mr Jonas also in his discussion with Mr Hlongwane wanted to know from me directly when the rumours were spreading or coming from. The important part is that eventually a meeting was

arranged for 23rd October 2015 at the Hyatt Hotel, Rosebank at about 13:00 or – to 13:30."

And that is what you conveyed in that affidavit, am I correct?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: So you would agree with me that at least from having read that paragraph there is no ambiguity pertaining to the agreement as far as it related to the venue. Am - am I correct?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: And when you agreed at least on your version with Mr Jonas to meet at the Hyatt you did not raise any concerns that the Hyatt Hotel is not private enough. Am I correct - to discuss the rumour?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Yes; and I - I just want you know I mean from your own independent recollection and knowing the Hyatt Hotel would I be correct that if there was a need to secure a private venue at the Hyatt Hotel that could have been easily arranged. Am I correct?

MR DUDUZANE ZUMA: That is correct sir.

ADV PHILLIP MOKOENA SC: Yes. So in other words there could not have been any need to do - to go to the Gupta residence while the Hyatt Hotel could have offered another private venue?

MR DUDUZANE ZUMA: That is correct sir.

ADV PHILLIP MOKOENA SC: Okay. You - it was you and Mr Jonas - and Mr Hlongwane who decided on the change of the venue. The change of the venue had nothing to do with Mr Jonas. Am I correct?

MR DUDUZANE ZUMA: That will be incorrect. We all agreed to move the venue.

ADV PHILLIP MOKOENA SC: Yes. Mr Jonas has agreed with you - I am simply you know trying to clarify and - and following the sequence of events. Remember that you and Mr Jonas have agreed to meet at the Hyatt Hotel.

MR DUDUZANE ZUMA: Yes. That is correct.

ADV PHILLIP MOKOENA SC: No issues of privacy were raised with Mr Jonas?

MR DUDUZANE ZUMA: At that point no.

ADV PHILLIP MOKOENA SC: Yes. It is only when he arrived when he is being told that a private venue is being sought. Am I correct?

MR DUDUZANE ZUMA: When he arrived at the Hyatt?

ADV PHILLIP MOKOENA SC: When you arrived at the Hyatt, yes.

MR DUDUZANE ZUMA: Yes, yes. That is correct.

ADV PHILLIP MOKOENA SC: That is the only point. Am I correct?

MR DUDUZANE ZUMA: That is the only point. Yes that is ...

ADV PHILLIP MOKOENA SC: Yes. Now I take it that at the time yourself, Mr Hlongwane and Mr Jonas were members of the ANC. You were comrades. Am I correct?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: And in fact was there any reason why the three comrades could not have actually suggested to meet at

Luthuli House to discuss the rumour?

MR DUDUZANE ZUMA: No. They would find that a bit strange because Luthuli House is a political office. It has got nothing to do with myself at least.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: *Ja*.

ADV PHILLIP MOKOENA SC: But I am saying that at least the three of you were comrades ...

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Who belonged to that organisation. There is this rumour that appeared to be troubling either you or Mr Hlongwane and I am - I am posing this question in the light of Mr Hlongwane - what Mr Hlongwane has said.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Maybe let me refer you to the same file - the same number file number B.

MR DUDUZANE ZUMA: Okay.

ADV PHILLIP MOKOENA SC: If you may turn to page 5-1-7 and you will understand why I am posing that question. Why you have chosen the Gupta residence and Luthuli House.

CHAIRPERSON: We - we remain with the same file?

ADV PHILLIP MOKOENA SC: Page - same file Chair. We are in the same file. Page 5-1-7.

CHAIRPERSON: Okay.

ADV PHILLIP MOKOENA SC: Now if you were to go to lines number 19

and 20 - by the way simply to orientate you. This is the transcript Mr Zuma which recorded the interview between Mr Hlongwane and the Public Protector and the date of that was on 11 October 2016 and during his interview if you go to lines 19 and 20 that is what - he said the following to the Public Protector.

> "The meeting was essentially a meeting between us as comrades - ANC comrades - to address the issue that was disturbing to me. Duduzane knows the people in that space. I do not."

So that is the basis of the question as to instead of having chosen you know the Gupta residence would this not have made sense in line with what Mr Hlongwane has said that this the meeting between the comrades you know and to choose?

MR DUDUZANE ZUMA: That does not make any sense to me sir.

ADV PHILLIP MOKOENA SC: Does not make any sense to you?

MR DUDUZANE ZUMA: No.

ADV PHILLIP MOKOENA SC: Alright. At the - and at the time also when this meeting was arranged would I be correct that you were either a shareholder, a member or a director in various companies? I do not have to go to their names for now. I am just saying that as at 23 October 2015. Am I correct?

MR DUDUZANE ZUMA: That is correct sir.

ADV PHILLIP MOKOENA SC: They also have offices and boardrooms. Am I correct?

MR DUDUZANE ZUMA: That is correct sir.

ADV PHILLIP MOKOENA SC: It did - it did not make sense to you also to arrange the meeting there rather than the Gupta residence?

MR DUDUZANE ZUMA: At that time it was a proximity and a timeframe issue.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: So we had to - chose the closest possible area to meet.

ADV PHILLIP MOKOENA SC: Alright.

MR DUDUZANE ZUMA: So that is why we met at the residence.

ADV PHILLIP MOKOENA SC: Now when you talk to proximity during that time am I not correct to say that you in fact owned a property in Saxonwold and to be more specific you owned a property at number 18 Griswold Street in Saxonwold and on my little research it is 600 metres from the Gupta residence and it is almost seven minutes' walk from the Gupta residence.

Why was that not the logical private place to meet and why choosing the Gupta residence?

MR DUDUZANE ZUMA: I think what we need to understand is I have conducted many meetings from the Gupta residence. On a daily basis that was a preferred meeting place outside of an office environment. My residence purely was a private residence for my - for my stay.

ADV PHILLIP MOKOENA SC: *Ja*.

MR DUDUZANE ZUMA: I have never conducted any meetings out of my - my private place. So we did not go there.

ADV PHILLIP MOKOENA SC: I was addressing you know your last

statement when you talk about proximity.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: When I said Luthuli House could have been a logical place to go. You said that well because you were at the Hyatt Hotel in Rosebank it made sense for you to go to the Gupta house ...

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: And yet you had another house ...

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: And according to you was it not private enough - your house?

MR DUDUZANE ZUMA: I do not conduct meeting from my private residence.

ADV PHILLIP MOKOENA SC: Oh, but was - but was the reason not - the logical reason why the Gupta residence became appealing and the logical venue you know to hold this meeting was it - was it not because there could have been one of the brothers of the Gupta to be part and parcel of the meeting?

MR DUDUZANE ZUMA: No. That is not the case.

ADV PHILLIP MOKOENA SC: Okay.

CHAIRPERSON: Well let me ask this question. On your version and the version of Mr Hlongwane what the three of you were going to discuss that is yourself, Mr Hlongwane and Mr Jonas needed only the three of you and nobody else. Is that right?

MR DUDUZANE ZUMA: That is correct.

CHAIRPERSON: Now one would have expected that really if your - one of the three of you has a house close by that - that is where you would - you would go because on your version what you wanted to discuss had nothing to do with the Guptas. So - so I - that is what I would expect because it is just the three of you and maybe what you wanted to discuss could very well be discussed as a very personal issue.

As I understand the position and you must tell me if I am - my understanding is wrong. You were friends with Mr Hlongwane and Mr Hlongwane and Mr Jonas had been friends for a long time as I understand Mr Jonas' evidence as well as Mr Hlongwane's affidavit. That - that is what one would have expected.

It is - it is something that has got nothing to do with - with the Guptas. One of you has a house close by. Why do you not just to go - to that house and sit there and discuss this personal matter among ourselves without anybody?

MR DUDUZANE ZUMA: I - I see you now. I understand what you are saying Chair but it was a private meeting between the three of us. There was no one else present.

CHAIRPERSON: But of course to the extent that you - you or the three of you wanted a private meeting. Then if you went to somebody else's house there could be - there was always a risk - there would always have been a risk of people intruding and so on. Whereas if it was your house you would be in charge of the house and if you said you do not want anybody to interrupt the meeting then nobody would interrupt the meeting. You understand that?

MR DUDUZANE ZUMA: I understand. I understand.

CHAIRPERSON: Yes, okay.

ADV PHILLIP MOKOENA SC: I mean just piggybacking on what the Chair you know was trying to inquire from you. We know as a matter of fact also that during that time you were a member if not a shareholder of Mabengela Investment. Am I correct?

MR DUDUZANE ZUMA: That is correct sir.

ADV PHILLIP MOKOENA SC: And I am sure that you have conducted a number of meetings in that Mabengela's Offices?

MR DUDUZANE ZUMA: That is correct sir.

ADV PHILLIP MOKOENA SC: Was it also not another option to hold this meeting among the friends and you know deal with it in a private atmosphere of your own company?

MR DUDUZANE ZUMA: So Mr Jonas was coming from a Nedlac meeting. That is where we agreed to meet in Rosebank.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: Right.

CHAIRPERSON:

ADV PHILLIP MOKOENA SC: You and Mr Jonas there is no ambiguity?

MR DUDUZANE ZUMA: No, no. I am just ...

ADV PHILLIP MOKOENA SC: You have agreed.

MR DUDUZANE ZUMA: I am just trying to point out because the distance between and my office - Rosebank and a private venue which was the residence ...

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: Is vastly different. It is much closer and then there was a third party who was coming to the meeting. I am assuming from his own home in Hyde Park. So we were all in that part of - of Johannesburg and the closest place was the place we met.

ADV PHILLIP MOKOENA SC: I see. Now may I refer you to file - the very same file if you can go to page 5-0-7? Just to close up you know the point that I was making in relation to your residence and let us see what Mr Hlongwane told the PP on page 5-0-7. If you go to line number nine to line 13 he said the following:

> "To the best of my knowledge I have been to Duduzane's place in Saxonwold. It is a walking - maybe a minute than indistinct. So in my you know to the best of my knowledge he does not live there ..."

And there I think is the Gupta residence.

> "...because I think he has a house nearby. Have I been to his house? Yes Madam. I have been to his house."

Now you know following from what Mr Hlongwane has said a person who has been in your house. He is the friend to Mr Jonas. You are still saying that it did not make sense for you to have a meeting at your house having the - the reason that you gave in terms of proximity?

MR DUDUZANE ZUMA: That is correct sir.

ADV PHILLIP MOKOENA SC: Okay. You will see Mr Hlongwane also proceeds on the very same page. If you go - if you can go to line

number - line number 25 and up until page 5-0-8 line 15. He said ...

MR DUDUZANE ZUMA: Number, number 20?

ADV PHILLIP MOKOENA SC: Page, page 5-0-7.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Alright. Go to the last line of the page. He says - the following is being said by Advocate Madonsela:

> "Because you say when you go there you go visit Duduzane. That is what confusing me when I am asking does he live there."

And Mr Hlongwane says:

> "No, no. He lives in Saxonwold you said. Have you been to Saxonwold? Yes. He does live in Saxonwold. So it is."

Advocate Madonsela says:

> "Okay. Have you been to the Gupta house?"

And Mr Hlongwane says:

> "Yes Madam. I have several times. Several times? Yes. At - as whose guest? I will be going through Duduzane because he is the one that has primary relationship because you would find him there at the Gupta house. Oh. Yes. I find - I find him there sometimes we would go together in the same car. Let us put it this way. The one chap that I met there is the one that is familiar with me. So I do not know - I am not familiar with any other people."

You know consistent with the theme that I was say - I was trying to interrogate with the Chair and you know to simply point out the obvious fact that it might have been at the time when Mr Jonas said he was going to meet at the Hyatt Hotel with you. Already you had thought that a best venue should be the Gupta residence and for reasons that I have put to you before to say that because it was convenient to one of the Gupta brothers.

MR DUDUZANE ZUMA: So I (intervenes).

ADV PHILLIP MOKOENA SC: Because it was convenient for one of the Gupta brothers.

MR DUDUZANE ZUMA: Now I want to ask. I just want to ask a question. When you say it was convenient you are saying that the meeting - the meeting at the house was already pre - pre-planned by the time we got to the Hyatt?

ADV PHILLIP MOKOENA SC: What I am saying to you is that the meeting was planned and agreed upon you ...

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: With Mr Jonas to meet at the Hyatt Hotel?

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: And for reasons which you tried to explain the meeting was moved to the Gupta residence?

MR DUDUZANE ZUMA: Yes. That is correct.

ADV PHILLIP MOKOENA SC: And I am saying that it was moved to the Gupta residence not to your house, not to the private venue in Hyatt

Hotel, not to any of your offices where there might have been private facilities. Simply to accommodate that the must be a Gupta brother present in the meeting.

MR DUDUZANE ZUMA: That is not true sir.

ADV PHILLIP MOKOENA SC: Okay. Now I want to share with you but I know that you might have read it also. The version of Mr Jonas you know pertaining to how he arrived at the Gupta residence. If you can close File B and go to File number A. Give you go to File number A sticking with the numbering on page - oh, the red numbering.

Page 6 Chair is the relevant page and Mr Zuma if you can read paragraph 15 into the record.

MR DUDUZANE ZUMA: Sorry sir. Can you just repeat what, what (intervenes)?

ADV PHILLIP MOKOENA SC: Page 6. We are now on File number A. LL1A.

MR DUDUZANE ZUMA: Yes. I am there.

ADV PHILLIP MOKOENA SC: And if you go to paragraph 1-5 and simply to - it is easy to understand what you would be reading. If you go to page 1 of that document - page 3 of that document you will see is the statement of Mr Jonas which is submitted before this Commission at the time when he adduced his evidence and if you may turn to paragraph 15 now page 6 and if you can read simply paragraph 15.

MR DUDUZANE ZUMA: Okay.

ADV PHILLIP MOKOENA SC: Read it.

MR DUDUZANE ZUMA: Yes, yes. I am there.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: "We drove in Mr Duduzane Zuma's car which appeared to be a two door Mercedes Benz. I did not know the surrounding area very well and only gathered when we arrived at our destination that we had driven to the Guptas residence in Saxonwold. Mr Duduzane Zuma did not suggest to me that we had left - that we left the Hyatt and that we were going to the Gupta residence or that we meet the Guptas. As Mr Duduzane Zuma parked his car I noticed that Mr Fana Hlongwane had also arrived at the Gupta residence."

ADV PHILLIP MOKOENA SC: Yes. He is accurate. Do - do you agree with him that this is what happened?

MR DUDUZANE ZUMA: Which portion is this? There are portions that I may agree. There are portions that I may not agree with.

ADV PHILLIP MOKOENA SC: Well identify to the Chair which ones are you in agreement with and which ones are you not in agreement with.

MR DUDUZANE ZUMA: I am in agreement that he jumped into my car. I am in agreement that we arrived at the Gupta residence but I am in disagreement that he did not know where we were going.

ADV PHILLIP MOKOENA SC: Yes. Well he was here as well. He - he did testify not only in evidence in chief but he - I mean he was consistent in as far as that version is concerned even under cross as to

the fact that when the venue was changed and when he - you decided to drive with - drive him to the Gupta residence he was not told that he was actually heading to the Gupta residence.

MR DUDUZANE ZUMA: So he jumped in my car and decided he was - he was going to go where I take him?

ADV PHILLIP MOKOENA SC: Yes, because he said that if you look at the preceding paragraphs he - he said that he thought that you were going to take him to go and meet other people. He did not ask about the venue. You took him to the Gupta residence.

MR DUDUZANE ZUMA: He knew exactly where we were going and he - he knew exactly who we - we were going to meet and why.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: I might have missed something.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Did he know that you were going to the Gupta residence when he jumped into the car or is that something he got to know after he had jumped into the car?

MR DUDUZANE ZUMA: So there was phone call that happened in the interleading time because we were the two sitting at the Hyatt.

CHAIRPERSON: On the same day?

MR DUDUZANE ZUMA: *Ja*. On the same day.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: So this was after - this is during ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Our first interaction at the Hyatt Hotel.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: So there was notably a third gentleman that was not there. He was on his way.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: A phone call came in. Yes.

CHAIRPERSON: Hm.

ADV PHILLIP MOKOENA SC: A phone call came in and that is when the change of venue happened. That discussion was had between myself and I call him "Uncle Fana" Mr Hlongwane and I passed the phone over to Mr Jonas.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Yes and we had a discussion and there was a mutual agreement to where we were going to meet ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And then there was decided that we will jump into my car and then the rest is documented.

CHAIRPERSON: Hm, okay.

MR DUDUZANE ZUMA: Thank you.

ADV PHILLIP MOKOENA SC: I will shortly take you to Mr Hlongwane's evidence but if - let us - let us - while you are still on that same page simply to contextualise you know the evidence of Mr Jonas and I am giving you this opportunity to react to it you know. It is paragraph 14. He says that:

"When Mr Duduzane Zuma arrived at the Hyatt

Hotel we had a brief discussion. He appeared quite nervous and spoke in very vague terms. He said nothing of substance except to say that his father then President Jacob Zuma liked me. After a while I indicated that I was under time pressure. He said that the place was crowded and that he had important matters to discuss but that he wanted other people to join the discussion and that he wanted to drive to a more private place which he said was close by. I assumed that we - we would be going to an office nearby. So I said let us go. I have received a call from Fana Hlongwane as Mr Duduzane - as Mr Duduzane Zuma and I told him that I was with Mr Zuma."

That is what actually he told the Chair when he testified and you said according to you that is not accurate?

MR DUDUZANE ZUMA: That is exactly what I am saying sir.

ADV PHILLIP MOKOENA SC: Yes. Now the next topic that I need to address with you Mr Zuma is you know why - why you, you know. Why were you the one chosen to facilitate this meeting to discuss you know the rumour and that is the theme that I want to interrogate with you. Maybe let us start that by going to File B - File number B. LL1B. If you go to page 6-1-3.

CHAIRPERSON: Did you say we must go to B?

ADV PHILLIP MOKOENA SC: L - yes. LL1B Chair.

CHAIRPERSON: Okay and what is the page number?

ADV PHILLIP MOKOENA SC: Page 6-1-3.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: Now you will see that is the affidavit of Mr Hlongwane the person whom you refer to as the uncle which was submitted in support of his Rule 3.4 application to cross-examine Mr Jonas and to participate in this Commission's proceedings. The relevant page that I want to take you through is page 6-1-8. 6-1-8 Chair.

CHAIRPERSON: Yes. I have got it.

ADV PHILLIP MOKOENA SC: Paragraph nine - paragraphs nine and 10. This is what Mr Hlongwane said in his affidavit. He said:

> "I confirm that I know Mr Jonas for many years and that we became good friends."

10:

> "When in fact tried to negotiate a number of transactions in the past."

CHAIRPERSON: We

ADV PHILLIP MOKOENA SC: "The detail of such business relationship is ..."

CHAIRPERSON: I think it is says "we" Mr Mokoena.

ADV PHILLIP MOKOENA SC: "We ..."

Sorry.

CHAIRPERSON: *Ja*.

ADV PHILLIP MOKOENA SC: Yes.

"We in fact - we in fact ..."

Thanks Chair.

> "We in fact tried to negotiate a number of transactions in the past. The detail of such business relationship it is not relevant to the issues at hand and I will therefore not burden this statement with further details relating to this aspect. The objective facts are that we knew each other well in October 2015."

Now that is what Mr Jonas (sic) at least informed the Chair through the 3.4 affidavit. What is quite clear from paragraphs nine and 10 is that him and Mr Jonas were friends they knew each other from long time ago. Am I correct?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Yes. Now what simply escapes one's mind and I am - I am sure you are here to explain is that why would the two friends that knew each other from this long time decide that you must be the one who arranges a meeting simply to discuss a rumour.

CHAIRPERSON: Well Mr Mokoena so you - you say why the two decide. Is that what you intend saying?

ADV PHILLIP MOKOENA SC: No, no. Why he ...

CHAIRPERSON: Oh.

ADV PHILLIP MOKOENA SC: Was chosen.

CHAIRPERSON: Okay.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Firstly I was not chosen. I - I decided - I decided to put the meeting together and the reason for that is on the one side yes and they very good friends. They have known each other - that is common cause - for a long time. You have a situation where there is a number of things being said in the background.

The one person is not aware of it and the other one is alleged to be talking about it. So I would raise these matters over a period of time with Uncle Fana to say look you had a good relationship with Mr Jonas. Why am I hearing that there is - these murmurs and these rumours behind the scenes? Why am I hearing that and you are not coming across it?

ADV PHILLIP MOKOENA SC: *Ja.*

MR DUDUZANE ZUMA: So by the third time of asking I said to him can we resolve this and he left the matter in my hands.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: So I was the one left responsible to put the meeting together which I did.

ADV PHILLIP MOKOENA SC: And - and that is exactly you know what I am trying to understand.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Me and you have agreed that you were not friends with Mr Jonas. Correct?

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: You did not interact with him on any

social level?

MR DUDUZANE ZUMA: Not at all sir.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Actually I think according to Mr Jonas the two of you had never met or intro - being introduced to each other until October 2015. Is that right?

MR DUDUZANE ZUMA: That is correct Chair.

CHAIRPERSON: Yes, okay.

ADV PHILLIP MOKOENA SC: You also do not even have his cellphone number?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Yes. Yet you become the person that must facilitate this meeting.

MR DUDUZANE ZUMA: Exactly as it happened, yes.

ADV PHILLIP MOKOENA SC: Yes. Why - do you know why was it difficult? I mean at the time they were still friends Mr Jonas and Mr Hlongwane.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Why could one friend not call the other and say ...

MR DUDUZANE ZUMA: Because the one ...

ADV PHILLIP MOKOENA SC: And say that there is this rumour which you know it is disturbing. Can we meet you know to deal with this rumour?

MR DUDUZANE ZUMA: (Intervenes).

ADV PHILLIP MOKOENA SC: Why you become the third person to be the one to facilitate a meeting simply to discuss the rumour?

MR DUDUZANE ZUMA: As I'd said sir there is one person that's aware of it and one person that's not aware of it.

ADV PHILLIP MOKOENA SC: Yes but there's nothing that is stopping one friend...[intervenes].

MR DUDUZANE ZUMA: Of course not.

ADV PHILLIP MOKOENA SC: To call the other friend.

MR DUDUZANE ZUMA: Of course not sir.

ADV PHILLIP MOKOENA SC: To say that there is this rumour come let's discuss this rumour they don't even need the third person, am I correct?

MR DUDUZANE ZUMA: That's correct sir.

ADV PHILLIP MOKOENA SC: Yes, now from your own version you say, if I understand it very well and I'm simply paraphrasing, is that the meeting of the 23rd of October 2015 was simply for the three of you to meet and to discuss a rumour, nothing else there were no offers that were made and that's your version?

MR DUDUZANE ZUMA: Yes that's my version sir.

CHAIRPERSON: Before you move away from the previous question Mr Mokoena I do want to get the full perspective from your side of your involvement because I think it's important, it's an issue that keeps on coming back to my mind as well, namely if as we now know, you had really never met Mr Jonas obviously you might have met in meetings but you have never been introduced to each other, you didn't know

each other in that sense, and you were just friends with Mr Hlongwane and Mr Hlongwane had been friends with Mr Jonas for many years, it is strange that Mr Hlongwane shouldn't either speak to Mr Jonas himself about these rumours or get somebody, that, if he can't fro whatever reason or if he feels that maybe it won't be – he needs a third person why he didn't think of getting somebody who knew both himself and Mr Jonas to say, you know both of us, maybe you are friends with both of us there's an issue between us, won't you help us resolve this? So that is that question in my mind and I would like to get your full perspective because it seems strange why somebody who is a stranger to one of the parties should be asked to be the one to make arrangements for the two friends to meet and discuss an issue?

MR DUDUZANE ZUMA: Thank you Chair from my side, with all respect to you Chair, I don't see it as strange that an unknown entity tries to resolve an issue. I have been in meetings where people have put me together with other people in the room where I did not know the third party and similarly I've done this, not just with this matter with Mr Jonas but on numerous other occasions. Sometimes everyone is known to each other in the room, sometimes there's strangers in the room but the common issue is resolving the issue. Now when it comes to why me, I'm the one who raised the issue with uncle Fana, as I call him. Now the difficulty is if, in my view, if he approaches Mr Jonas at some point he's going to ask where's this coming from so now as – I mean I'm obviously the younger guy in the relationship so as the younger guy I said to him, look this needs to happen and he said if you're putting

your neck on the line you need to be part of that meeting because when he asked me, who's listening to people saying stuff he is going to ask who and that person is me. So as part of the meeting set-up as part of putting the issue on the table they needed the horse's mouth and I was the horse's mouth. So I don't see it strange being in a meeting with an unknown person regardless of how long their relationship has been. There is an awkward issue, I'm the one that raised the issue, I'm the one that put the issue across that the meeting either resolve it or didn't resolve it and that was it, it's that simple.

CHAIRPERSON: In understand you completely, the need for you to be present at the meeting to the extent that you might be the one who knew about these allegations or these rumours.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: That I don't have a problem with that, the difficulty that I have is, you being tasked with the responsibility of organising the meeting because that s my understanding of what your evidence it, that is my understanding of what Mr Hlongwane says in his affidavit. I would understand if, what Mr Hlongwane did was either to speak to Mr Jonas and say, let's have a meeting or get somebody else to arrange that who is known to Mr Jonas but say you must be present because you know about these rumours, that would have – I would have understood. But with regard to why it may be – at least for me, it's natural to expect that in this situation, Mr Hlongwane – one would expect Mr Hlongwane to either speak to Mr Jonas himself to arrange the meeting or to get somebody who is known to both of them is that, in

a way the two parties who have issues need to have confidence in the third party that is being brought in, you understand that?

MR DUDUZANE ZUMA: Understood.

CHAIRPERSON: Now if you don't know somebody it might be difficult to have confidence in that person for purposes of helping to find a solution to a problem. Whereas if it is somebody that you know, and maybe both parties, namely Mr Hlongwane and Mr Jonas have confidence in that person they trust that person won't be biased, will just try to help them. Maybe they know that, that person has got skills of trying to help people resolve issues, then it makes a lot of sense to me, you understand, that's where I'm coming from with my question but you have put your perspective but if you have got something more that you would like to say about it, please feel free to do so.

MR DUDUZANE ZUMA: I understand.

CHAIRPERSON: You understand?

MR DUDUZANE ZUMA: I understand.

CHAIRPERSON: Okay, thank you.

ADV PHILLIP MOKOENA SC: Maybe to help me understand, as you have attempted to make the Chair understand, if I may refer you to page 737 of the same bundle ...[intervenes].

CHAIRPERSON: And maybe, I'm sorry Mr Mokoena, maybe just to complete the picture of what I was saying Mr Zuma, in that kind of situation where the two friends – where two friends have an issue they want to resolve between themselves, actually, if the one friend knows that the person being proposed to play the role of helping them resolve

this issue is a friend to the other one but a stranger to him, he might be more reluctant to agree to this person but if the person who is being asked to help them resolve the issue is somebody that is either friends with both of them or not friends with any one of them but knows them, then there might be more chances of acceptance, you understand?

MR DUDUZANE ZUMA: I understand Chair, if I may just...[intervenes].

CHAIRPERSON: Yes, yes.

MR DUDUZANE ZUMA: I was tasked with this, it was a simple – if you're raising this my laaitjie you run with it.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: That's exactly what I did, you resolve the issues if you are going to raise these sorts of matters then you need to put your skin in the game and that's exactly what I did because I needed to stand by whatever it was that information was being passed around and I needed to communicate.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Now I strongly disagree with you Chair that – I understand your point that there's a certain way certain meetings are conducted.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: This was informal, these sorts of meetings happens all the time, like I said I've been part of meetings where I haven't known certain people in the room but I was asked to attend certain meetings, we've either resolved the issues or we haven't resolved the issues and we've moved on and this case is exactly that

case it's not the first time it's happened and will continue to happen, just purely to put matters on the table to try and resolve them Chair.

CHAIRPERSON: Yes, you must just understand when I put questions to you like this, that it doesn't mean that's a permanent view in my mind.

MR DUDUZANE ZUMA: No not at all.

CHAIRPERSON: It's simply to be transparent with you to say this is what's going on in my mind, tell me what you might be able to tell me and my view might change at the end but it's just to be transparent with you to say, this is what is concerning me, what can you tell me about it.

MR DUDUZANE ZUMA: I appreciate it Chair.

CHAIRPERSON: Okay alright.

MR DUDUZANE ZUMA: Your view looks like it's changed so [indistinct].

ADV PHILLIP MOKOENA SC: Chair just a few questions I just want to wrap up on this issue I see that we are getting to quarter past. I have referred you to page 737 simply to close on this issue that we're debating with the Chair and piggy backing on it. If you read paragraph eight, just one line, and that's really what troubles me about how this thing was arranged, you are saying there, it's your affidavit,

> "I met Mr Jonas for the first time at the Hyatt Hotel as arranged by telephone discussions, SMS exchanges between us",

And I think, that's, you know support what the Chair or at least you know also brings into light the questions as to why you – you are

meeting with them for the first time, you don't know each other, you are coming to discuss this rumour and that's why we are posing those questions to you so that we can at least make sense of what you are saying that, why you, why were you the chosen one?

MR DUDUZANE ZUMA: Yes as I said earlier on I haven't disagreed with any of the questions that you've put forward, I haven't disagreed with me having to have agreed with you that I met them for the first time whether it was via SMS, whether it was via a phone call that was the first time I met them and I see absolutely nothing wrong with that. How do you meet people, you make contact and it's either they want to meet you or they don't want to meet you for whatever reason and we met?

ADV PHILLIP MOKOENA SC: Ja and this rumour, since it was troubling Mr Jonas so much and I think you also were troubled with it to the extent that you know, there was this meeting that you had to facilitate, did you approach any of the other senior ANC members, you know, to tell them about this rumour amongst these comrades?

MR DUDUZANE ZUMA: No it was no one else's business it was between the two of them and I was trying to resolve it.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: Thank you Chair.

ADV PHILLIP MOKOENA SC: Mr Chair is this the appropriate time to take the tea adjournment.

CHAIRPERSON: Yes we will take the tea adjournment.

ADV PHILLIP MOKOENA SC: I might have stepped into some of the

minutes of the tea adjournment.

CHAIRPERSON: Well it is after quarter past we'll take the tea adjournment and resume at twenty five to twelve, we adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes let us proceed Mr Mokoena.

ADV PHILLIP MOKOENA SC: Thank you Chair. Except Mr Chair that we might have competition with the air conditioner and I know that at some point you see that my voice is fading.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: I will try to raise my voice but I will also Mr Zuma to try his level best.

MR DUDUZANE ZUMA: Yes he has a soft voice.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Let us see there have been times when we have had to switch it off because one cannot hear properly.

ADV PHILLIP MOKOENA SC: It interferes yes. We will try.

CHAIRPERSON: Okay let us see how we go.

ADV PHILLIP MOKOENA SC: Mr Zuma I want to explore the last topic you know on the issues pertaining to Mr Jonas and what transpired on the 23rd October 2015 and clearly that topic is that you know simply to explore who was present at the meeting and what really happened at the meeting you know and that will be my last topic out of that. Having in mind the fact that your version is quite clear that the meeting was

simply to discuss a rumour and it was between amongst the three of you at Gupta residence, am I correct? That is?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: Yes ja.

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: And if I may refer you to file A – A Chair. And if you may turn to page 4. That is Mr Jonas' witness statement which he submitted before this commission. And I will try to summarise what is contained in there in order to save time. If you look at paragraphs – you know from page 4 paragraph 3 to page 6 paragraph 14 Mr Jonas gives details specifications and times when different calls, exchange of sms', even the missed calls which you know occurred between yourself him and you know Mr Hlongwane at some point. The question that I simply – and if you look at that detailed narration of what transp – what according to him transpired and the exchange of the telephone or of the cell phone calls and the sms' you will not find at least from his version where he says that prior to the 23rd October 2015 when you called him you disclosed to him that the reason for the meeting was to discuss the rumour. Would I be – would that be a fair reading of your statement?

MR DUDUZANE ZUMA: Sir can you please repeat that question?

ADV PHILLIP MOKOENA SC: The question is if you read Mr Jonas' statement those paragraphs that I have referred to you will not find anywhere where he says when he called you; you disclosed to him that you know the purpose for this meeting was supposed to be to discuss

the rumour, would that be a fair reading of Mr Jonas'?

MR DUDUZANE ZUMA: Yes I understand the question that will be a fair readings.

ADV PHILLIP MOKOENA SC: Yes. Now I want to know from you I mean having regard from the time when you started inviting him to the awards up until the 23rd October 2015 did you disclose to him that you wanted to discuss with him a rumour and if so you know I might have missed it also in your affidavit. If you can point me to your affidavit where you have said that?

MR DUDUZANE ZUMA: No that was discussed.

ADV PHILLIP MOKOENA SC: You told him?

MR DUDUZANE ZUMA: Yes the meeting is to discuss an issue between himself and Uncle Fana.

ADV PHILLIP MOKOENA SC: Okay. And then is that what you conveyed at some point in your affidavit? I might have missed it.

MR DUDUZANE ZUMA: I am not sure if it is there or not – can I just reflect on it?

ADV PHILLIP MOKOENA SC: Okay.

CHAIRPERSON: Hm

ADV PHILLIP MOKOENA SC: Ja because I seem to recall – I might you know I am speaking under correction that I have read your affidavit.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: That was deposed to in support of the 3.4 you know application. I did not seem to recall seeing that during

that exchange of calls, sms', you told him that the reason for the meeting it is simply to discuss the rumour.

MR DUDUZANE ZUMA: That is correct if you look at my affidavit Sir.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: There is no detailing of any sms', or phone calls either.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: So I did not touch upon any of those topics at all.

ADV PHILLIP MOKOENA SC: And this ...

CHAIRPERSON: Okay I just want to make sure I understand that correctly. Are you admitting that in the affidavit that you deposed to in support of your application for Leave to Cross-examine Mr Jonas you did not anywhere indicate that you did not anywhere in the affidavit indicate that ahead of the meeting you had told him that the purpose of the meeting you were seeking to have was to discuss the rumour. That is – that is what you are saying?

MR DUDUZANE ZUMA: What I am saying is that and many other topics that may have been discussed telephonically or sms – or by sms.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: I have not included in my affidavit.

CHAIRPERSON: In the affidavit?

MR DUDUZANE ZUMA: That is correct.

CHAIRPERSON: Okay good.

ADV PHILLIP MOKOENA SC: Yes. And if you look at you know those

paragraph of Mr Jonas he is detailing you know even the text of the messages that were exchanged between the two of you. He gives you the time frames around when this text message were exchanged and also the telephone calls that were made between the two of you. Now what I want to understand is that all this effort was simply made in order to discuss the rumour and that is your version?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: Okay. Now you also state in your affidavit before this commission that at some point during that meeting one of the Gupta brothers did peep inside the room in order to ascertain your availability for the next day in a different meeting. And you say that was Rajesh Gupta, am I correct?

MR DUDUZANE ZUMA: That is correct.

CHAIRPERSON: Before you proceed Mr Mokoena. Let me go back to the earlier question. So you say that in one or other conversation on the phone between yourself and Mr Jonas prior to the 23rd October you had told him what the meeting was about. It is just that you did not include that in the affidavit?

MR DUDUZANE ZUMA: That is correct Sir.

CHAIRPERSON: Okay. And when you told him what was his attitude? I take it it might have been – it might or might not have been I do not know the first time that he heard about there being rumours that had reached your ears – maybe reached Mr Hlongwane's ears. What was his reaction?

MR DUDUZANE ZUMA: His – his reaction the whole time was very

relaxed and calm. I think he took his – his understanding with the relationship that he may have had with Uncle Fana at that time.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: That that face value to be nothing untoward.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: So it was not – there were not any – any apprehensions of any sort. It was like okay if that is the case we will do so.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Not subject to scheduling an availability that only happened a bit further down the line.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: But there was no hostility of any sort from anybody.

CHAIRPERSON: Yes. Well Mr – Mr Mokeona may have been intending to mention this but let me say. In one of the statements that I think Mr Jonas deposed to which is in one of the files he refers to a meeting or an occasion when he met with Mr Hlongwane in the presence of somebody called Mr Bongani More and as I understand it he says on that occasion Mr Hlongwane told him that you would like to talk to him and – and as I understand it it was on that occasion that he therefore asked for your number that is Mr Jonas. I hope I am getting it right. Is the position that he was the first one to make contact with you between the two of you to make contact with you in terms of either a phone call or a sms?

MR DUDUZANE ZUMA: I would be...

CHAIRPERSON: Between the two of you?

MR DUDUZANE ZUMA: Chair I do not recall. I will have to check that.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: But I am inclined to say that I probably contacted him first.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: I will have to check that I am not sure.

CHAIRPERSON: Okay alright.

ADV PHILLIP MOKOENA SC: Chair the...

CHAIRPERSON: Thank you. You see the context of that question would be – I mean they were meeting that is Mr Hlongwane and Mr Jonas on that occasion.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Prior to the 23rd. If – and I think it was – it may have been October or September I cannot remember. So if...

MR DUDUZANE ZUMA: It is September?

CHAIRPERSON: Really Hlongwane was concerned about rumours about something that Mr Jonas was said to be – I mean rumours that he was said to be spreading one would have thought that he would have talked to him about them to try and resolve it or told him what you wanted to talk to him about rather than say to him somebody that you have never met wants to talk to you about it. But we have discussed the issue but I just put that angle for the sake of completeness. But if there is something you want to say about it feel free to do so.

MR DUDUZANE ZUMA: No I think we have covered that point. Thank you Chair.

CHAIRPERSON: Yes okay thank you.

ADV PHILLIP MOKOENA SC: Chair we do not even need to speculate about the chronology.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: If one turns to page 4 where I have referred to page 4 and paragraph 3, 4 and 5 and I think that would assist and bring light to the questions of the Chair.

> "Mr Jonas is at on or approximately 27, 28 August 2015 when I was in Luanda at an African caucus of finance ministers. I recall being contacted by Mr Fana Hlongwane whom I knew relatively well telling me that Mr Duduzane Zuma would like to speak to me to invite me to an awards ceremony.
>
> 4. I subsequently met Mr Hlongwane during October 2015 in Johannesburg in the presence of Mr Bongani ..."

Chair you are referring to him as More

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: May I think I would be safe to mention to him as More.

CHAIRPERSON: I am embarrassed. Yes so it might be More.

ADV PHILLIP MOKOENA SC: It might be More Chair.

CHAIRPERSON: Okay alright.

ADV PHILLIP MOKOENA SC: Yes.

"Bongani More and who told me that Mr Duduzane Zuma wanted to meet me. During the course of the conversation he mentioned that the Gupta's were important to him. I indicated that I would not want to be associated with the Gupta's.

5. I asked Mr Hlongwane to provide me with Mr Duduzane Zuma's number. I had not previously met Mr Duduzane Zuma nor had any previous interactions with him."

And that is what you know the context about the questions of the Chair. Now moving to the topic that we dealing with is that you say that you were sure that the person who peeped in – in the room was Mr Rajesh Gupta?

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: And you say that you are certain that it was him definitely?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Now may I refer you to file number B. If you could put file number A away. File B page 517.

MR DUDUZANE ZUMA: Sorry it is 517?

ADV PHILLIP MOKOENA SC: Yes, yes Mr Duduzane.

MR DUDUZANE ZUMA: Thank you Sir.

ADV PHILLIP MOKOENA SC: We did visit this transcript before but for different reasons.

CHAIRPERSON: What page did you say?

ADV PHILLIP MOKOENA SC: Page 517 Chair.

CHAIRPERSON: Yes okay.

ADV PHILLIP MOKOENA SC: Yes. If you go to line...

CHAIRPERSON: It may be – Mr – I am sorry Mr Mokoena.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: It may be that we should – you should try and approach the end of the ...

ADV PHILLIP MOKOENA SC: This line.

CHAIRPERSON: In relation to ...

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Mr Jonas.

ADV PHILLIP MOKOENA SC: I will try to – I will try to do that Chair. 517 Line 19.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: I will just read to you what Mr Hlongwane told the PP in relation to who might have been present or not and I will do it quickly. In order to save time I will read it. From line 19 he says:

> "The meeting was essentially a meeting between us as comrades. ANC comrades to address the issue that was disturbing to me, Duduzane – to me. Duduzane knows the people in that space I do not.

Somebody did come into that space. I would – for me I made an assumption that it is a member of the Gupta family. Somebody slim – somebody of slim height, slim build entered the room. He was clearly known to Duduzane and briefly – and left. Whether the person was looking for another meeting or another person I cannot say to you but Duduzane ... then the question is posed did that person speak to Mr Jonas no. Did you ever have occasion to leave the room? No I did not have occasion to leave the room."

And then line number 6 right on page 15 of your affidavit paragraph 27 you say:

"I deny that Mr AJAY Gupta was present at the meeting or that any member of the Gupta family ever participated in the discussions between ourselves. In this regard I can categorically state that I had not met AJAY Gupta at that stage. He was completely unknown to the – unknown to me then. Earlier on I thought you said you met AJAY before that meeting at a Parkhurst. No, no I can explain. Okay. With this thing Advocate – no Advocate I did not say I met AJAY earlier on I said I met Rajesh for lunch with Duduzane. Oh was it Rajesh in Parkhurst? Yes."

Okay. On paragraph 28 you say:

"There is a person who came into the room. It was definitely not AJAY. You said you had met Rajesh before, was it Rajesh?"

Mr Hlogwane says then:

"The person that came in was in build Mr Frans Lekubo in build and height so it was not the fellow I had lunch with at Parkhurst. So it was not AJAY?

Mr Hlongwane says number 1 it was not the fellow I had lunch with in Parkhurst and the fellow you had lunch you say it was Rajesh? Mr Hlongwane says Rajesh yes and it was not any of the female's two brothers. Maybe there is more but it was not any of the female's brothers. It was not AJAY, it was not Rajesh. Yes."

That is what he says.

"Are you sure it was not Rajesh that you had lunch with in Parkhurst?"

Yes I am sure it was. Now if I can simply pause there and I am simply posing this question so that at least this part of evidence must be clear also at the Chair. On the one hand you are saying that definitely it was Rajesh that came in. Mr Hlongwane says that no it was not Rajesh and it was not any of the female's you know brothers. And the question is that which version should the Chair believe when he assesses this evidence? Who really came in? Who was there? Who it telling the truth? Who is not telling the truth? You or your uncle?

MR DUDUZANE ZUMA: I believe looking at the events and the versions from what the uncle is saying – Uncle Fana I cannot – I cannot give an opinion. I cannot give a view on it. He was there, he was saw what he saw. He did see what he did not see.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: I know what I saw. I know the lay of the land in that house very well. The gentleman that walked in was a Mr Rajesh Gupta.

ADV PHILLIP MOKOENA SC: Yes. And I am posing this question because he seems to say to the PP – the Public Protector but he had met Rajesh before. He knows him and he is definitely sure that the person that came in was Mr Rajesh. And on the one hand you are saying that well it was Rajesh. And I am simply putting that so that you know one must at least know what really transpired on the day and who was present on the day. And both of you are certain about what you are saying. But now both versions unfortunately cannot be reconciled.

MR DUDUZANE ZUMA: How so? How so Sir?

ADV PHILLIP MOKOENA SC: Because Mr Hlongwane says that Rajesh never came in it was not Rajesh. And you say that it was Rajesh.

MR DUDUZANE ZUMA: I can only speak for what I know.

ADV PHILLIP MOKOENA SC: Okay.

MR DUDUZANE ZUMA: Thank you very much.

CHAIRPERSON: As far as you know did Mr Hlongwane know Mr Rajesh Gupta quite well? I think earlier on there was reference to I think his affidavit that is Mr Hlongwane where he seems to have said he had

visited the Gupta residence several times. So as far you know did he know him quite well?

MR DUDUZANE ZUMA: At that point definitely not.

CHAIRPERSON: As far as you know he did not know him quite well at that time?

MR DUDUZANE ZUMA: Yes I am the one that introduced the two of them so I know they did not know each other.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Well that is correct.

CHAIRPERSON: Okay. And the other Gupta brothers do you know whether he knew them quite well?

MR DUDUZANE ZUMA: My understanding is I do not think he had met them prior to this event.

CHAIRPERSON: To that meeting?

MR DUDUZANE ZUMA: Or – ja that is correct.

CHAIRPERSON: Hm okay.

MR DUDUZANE ZUMA: Thank you.

ADV PHILLIP MOKOENA SC: But I mean he appeared to be very sure from what I have read you know when he told the PP he was clearly sure that it was Rajesh – it was not Rajesh that came in and he said the reason why he knows it was not him it is because he has met with him before.

MR DUDUZANE ZUMA: That is exactly what it appears to be.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: We are reading the same document but I was

not there when the Public Protector meeting was happening so I cannot comment on that.

ADV PHILLIP MOKOENA SC: Now let us also deal with another point that is not quite clear while you are still on that file and I am trying to move as fast as I can because the Chair have told me to wrap up this issue. If you turn to page 724

MR DUDUZANE ZUMA: 74?

CHAIRPERSON: 724 yes.

MR DUDUZANE ZUMA: 724 okay.

ADV PHILLIP MOKOENA SC: Or maybe you can even leave that. Go to 729. That is the affidavit of Mr AJAY Gupta which was also submitted before this commission. The relevant portion Mr Zuma is the one that appears on page 733. If you can go to page 733. And I just want to read paragraph 12 so that we can clear up what really happened and who was present. Paragraph 12 Mr Gupta says to the following to the Chair.

> "I also gave evidence under oath to the Public Protector denying the allegations and the versions claimed by Mr Jonas and I also depose to an affidavit in the Minister of Finance application in the high court Pretoria which is self-explanatory. I point out that it is highly unlikely that the meeting took place because if it did in the manner alleged by Mr Jonas he would immediately have reported it to the nearest police station as he – as any other ordinary citizen

was legally obliged and duty bound under the law to do."

Now here is an affidavit which was deposed to years after the incident in question and Mr Gupta is now saying that he doubts – he say that I point out it is highly unlikely that the meeting took place. I am sure that you do not agree with him. I mean your version is that the meeting did take place?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Yes. Now may I refer you to file A. File A if you may turn to page – if I am correct – page 23. Now before putting you know clarifying questions with that document would I be correct that you were either directly or indirectly you know part and parcel of the Oakbay investment either through other entities or in your personal capacity?

MR DUDUZANE ZUMA: Through other entities correct Sir.

ADV PHILLIP MOKOENA SC: Sorry.

MR DUDUZANE ZUMA: Yes correct.

ADV PHILLIP MOKOENA SC: I am correct?

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Now there is this press release if you can look at the date is the 13 March 2016.

CHAIRPERSON: What page is it?

ADV PHILLIP MOKOENA SC: Page 23 Chair. 23 File Number A.

CHAIRPERSON: Oh I thought I was there. In file A?

ADV PHILLIP MOKOENA SC: File A Chair.

CHAIRPERSON: Well what I have there is not a statement.

MR DUDUZANE ZUMA: Is this the Public Protector's interaction?

CHAIRPERSON: Ja. It is Public Protectors Report. I have seen that statement that you are talking about but it is not here. It is not on page 23.

ADV PHILLIP MOKOENA SC: Page 23.

CHAIRPERSON: 23?

ADV PHILLIP MOKOENA SC: Yes Chair.

CHAIRPERSON: Oh okay no I am sorry I am – I think I am looking at the black numbers.

ADV PHILLIP MOKOENA SC: Yes Chair.

CHAIRPERSON: Rather than the white – the red numbers.

ADV PHILLIP MOKOENA SC: It happens as we proceed in the day.

CHAIRPERSON: Mr Zuma were you also looking at the black numbers?

MR DUDUZANE ZUMA: No which file is it?

ADV PHILLIP MOKOENA SC: File A.

MR DUDUZANE ZUMA: A?

ADV PHILLIP MOKOENA SC: Ja A. And go to page 23. Concentrate on the red numbering. I know that it might be confusing because these documents were used.

CHAIRPERSON: Well even the red one is not the statement it is still the Public Protector...

MR DUDUZANE ZUMA: It Advocate – the Advocate Madonsela's start of her [indistinct].

CHAIRPERSON: Mr Zuma your page – your red ...

MR DUDUZANE ZUMA: I am on the same page as you.

CHAIRPERSON: Yes same.

MR DUDUZANE ZUMA: The line 2 is where the Advocate Madonsela starts.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Um.

ADV PHILLIP MOKOENA SC: Chair it is a document immediately after Mr Jonas' statement – witness statement. It follows immediately on file A.

MR DUDUZANE ZUMA: Sorry Mr Mokoena page 22 is the end of Mr Jonas' statement.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: Page 23 starts off with the opening of the meeting of Advocate Madonsela's interview.

ADV PHILLIP MOKOENA SC: Mr Chair for some odd reason mine – I do have the file – it was handed in as Exhibit C2 by Mr [indistinct].

CHAIRPERSON: Yes I have seen the statement but certainly not on this page.

ADV PHILLIP MOKOENA SC: Yes mine is 23 the legal team is 23 as well of Mr ...

CHAIRPERSON: Ja I think somebody is sabotaging me and the witness.

ADV PHILLIP MOKOENA SC: For a moment I was thinking that I am looking at different files altogether Chair.

CHAIRPERSON: Yes but I – I looked at that statement last night.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: If you want to – if the witness has got it.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: You can go ahead and put the question in the meantime.

ADV PHILLIP MOKOENA SC: Now this – this is the press release which was made on the 13th March 2016 and the essence of the meeting – of this press release I do not have to read it. It was read into the record before. Is that if you look towards the middle it says:

"To be absolutely clear there was no meeting at all."

Can you see?

MR DUDUZANE ZUMA: Yes I see it. The one liner.

ADV PHILLIP MOKOENA SC: Yes that one liner.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Now was this correct what was conveyed by Oakbay on the 13th March 2016 that there was never a meeting at all?

MR DUDUZANE ZUMA: A meeting with who? Is the question.

ADV PHILLIP MOKOENA SC: With yourself, Jonas, Mr Jonas and Mr Hlongwane?

MR DUDUZANE ZUMA: The meetings most...

CHAIRPERSON: Well I am sorry Mr Zuma maybe you do need Mr Mokoena to just read parts of this statement.

ADV PHILLIP MOKOENA SC: I think so Chair.

CHAIRPERSON: So that he understands the context ja.

ADV PHILLIP MOKOENA SC: I was avoiding to do that.

CHAIRPERSON: Yes ja

ADV PHILLIP MOKOENA SC: Let us read it.

MR DUDUZANE ZUMA: Yes please Sir that will be helpful.

ADV PHILLIP MOKOENA SC:

"Athol Gupta not even in the country on the 27 March faceless, perverse of this lies should produce evidence to support..."

CHAIRPERSON: I am sorry. I am sorry Mr Mokoena. I know you are doing that because I said you should ...

ADV PHILLIP MOKOENA SC: (Intervenes).

CHAIRPERSON: Approach ...

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: by finishing on this issue. The - the statement appears to be a media statement. I think was a media statement ...

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: And at the top it says:

"News and Analysis"

And then it says:

"Oakbay"

And then the heading is:

"Mcebisi Jonas: there was no meeting - Gupta family"

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: I think you can just read the - you know so that he understands the context.

ADV PHILLIP MOKOENA SC: And - and the second portion that I was just about to read says:

> "Statement from Oakbay Investment on behalf of the Gupta Family in response to the Sunday Times Article - How Guptas Shopped for New Minister - 13 March 2016. Issued on behalf of the Gupta Family. Johannesburg South Africa Sunday 13 March 2013. "There have been an extraordinary number of allegations around the Gupta family in recent weeks several of which have involved the Finance Minister. As we have said countless times our primary focus is on business not politics (see Sunday Times Report). We challenge the faceless purveyors of these lies to provide evidence of any of this allegations. To be absolutely clear there was no meeting at all.""

And you must read that with the caption that the Chair has actually read and also in report to say you know to the allegations that are actually being indicated there. How the Guptas shopped for a new Minister.

CHAIRPERSON: So I - I think Mr Zuma what the context is that after Mr Jonas' allegations had been published in the media that there had been a meeting at the Gupta residence at which you were present - according to his version - where he said he was offered the position of Minister of Finance and was offered I think R600 million.

After that had come out this media statement was then issued.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: It says Oakbay and it says there was no meeting. That is what the Gupta family is saying. So that - that is in the context ...

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: And what they were saying here is that as I understand it those who say there was a meeting must come forward with evidence.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Yes. So I think Mr Mokoena is ...

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Is asking you whether you wish to comment on this statement?

MR DUDUZANE ZUMA: That is helpful. Thank you very much Chair. Yes I do wish to comment. If you go to line three in bold it says:

> "Statement from Oakbay Investments on behalf of the Gupta Family in response to the Sunday Times Article."

Now this response was made by their spokesperson whoever on behalf of the Gupta family. If that is what they are saying then that is what they are saying. Were they part of the meeting? I said none of them were part of the meeting.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: So your question I am trying to - I am trying to - to get a bit more clarity from your side sir.

ADV PHILLIP MOKOENA SC: *Ja*. The question is not what was discussed or who was present. The question simply is that you know they - you are saying and you have told the Chair that well the meeting did happen. They ...

MR DUDUZANE ZUMA: Most definitely did, yes.

ADV PHILLIP MOKOENA SC: Yes and they are saying that the meeting did not happen. We are trying to simply and you were at - at that point part and parcel of Oakbay Investments. Am I correct?

MR DUDUZANE ZUMA: Yes. In one way or another. That is correct.

ADV PHILLIP MOKOENA SC: Yes and this statement was made on behalf of Oakbay.

MR DUDUZANE ZUMA: On behalf of the Gupta family by Oakbay.

ADV PHILLIP MOKOENA SC: By Oakbay.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Yes. Now which is the correct version.

MR DUDUZANE ZUMA: Hm.

ADV PHILLIP MOKOENA SC: Was there a meeting or was there not a meeting? Who was ...?

MR DUDUZANE ZUMA: I point out you to the same line on behalf of the Gupta family. So I cannot be attributed to a response that was made on behalf ...

ADV PHILLIP MOKOENA SC: I see.

MR DUDUZANE ZUMA: Of the Gupta family. From my side I stated

very clearly there was a meeting.

ADV PHILLIP MOKOENA SC: Okay.

MR DUDUZANE ZUMA: Who was present in the - present in the meeting I have made that very clear sir. Thank you very much.

CHAIRPERSON: And not necessarily that you might be able to comment on this but one would have expected that before Oakbay issued this statement on behalf of the Gupta family they would have checked with all the Gupta brothers to see whether anyone of them says - is aware of any meeting that took place and if anyone of them was aware then maybe they would have said there was a meeting but maybe we were not involved in that meeting. It involved other people.

MR DUDUZANE ZUMA: Sorry. Who - who was not involved? Sorry Chair. Maybe who was not ...?

CHAIRPERSON: No I am saying if Oakbay before issuing the statement on behalf of the Gupta family.

MR DUDUZANE ZUMA: Yes Chair.

CHAIRPERSON: One would have expected that they would have checked with all the Gupta brothers whether they were aware of any such meeting you know and if they - if the information from anyone of the Gupta brothers was that I am aware that there was a meeting but I was not involved.

Maybe the statement would say there was a meeting but none of the Gupta - there was a meeting at the Gupta residence but it involved so and so and so and so and not any Gupta brother. You understand?

MR DUDUZANE ZUMA: I understand. It is ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: It is definitely open to ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Interpretation.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: I think just for - for clarity.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: The statement as - as I said was on behalf of the Gupta family.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Who discussed ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: How they conveyed that message.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: (Intervenes).

CHAIRPERSON: You were not part of ...

MR DUDUZANE ZUMA: I was not part of ...

CHAIRPERSON: Of that?

MR DUDUZANE ZUMA: (Indistinct) present in the meeting.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Interpretation from my - my side would be ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: They were trying to state ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: They were not part of the meeting.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: There is another alternate hypothesis that is being put forward.

CHAIRPERSON: *Ja*.

MR DUDUZANE ZUMA: That they knew. Why did they not mention that and that is something that you - you have expanded on.

CHAIRPERSON: *Ja*.

MR DUDUZANE ZUMA: I cannot comment on that. I can comment on - on my involvement. Now ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Me being a - a shareholder - a cold shareholder in Oakbay and whatever else - whatever other companies exist. That is - that is a matter of fact but this statement it cannot be attributed to me though. I cannot be drawn into the same - the same boat.

CHAIRPERSON: And you were not party to its preparation?

MR DUDUZANE ZUMA: Most definitely not.

CHAIRPERSON: Yes, okay.

MR DUDUZANE ZUMA: Thank you.

ADV PHILLIP MOKOENA SC: I am trying to jump a number of things that I would have actually wished to convey with you - to - to canvas with you. Mr Jonas informed the Chair about the events you know post the meeting of 23 October 2015. He went at length you know informing the Chair how he arranged the meetings to meet with Mr Nene in order

to tell him about what happened.

I mean in his version is that - he said that there were offers that were made to him - monetary offers and - and a Ministerial position. He also contacted Mr Gordhan. He contacted the ANC General Secretary at the time. He went to Luthuli House and informed Mr Zizi Godo.

He informed the ANC Treasury General about the events of 23 October 2015 and what you know I simply do - do not understand from all these things if these offers did not happen why would he go to such an extent and the length of you know informing people in those important positions about what he said happened on the day.

Do you know why - why would he fabricate these lies against you?

MR DUDUZANE ZUMA: When - when you asked him what did you say Mr Mokoena because I cannot give you an answer on that?

ADV PHILLIP MOKOENA SC: You do not know?

MR DUDUZANE ZUMA: I do not know.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: What - what response did he give if you recollect.

ADV PHILLIP MOKOENA SC: His answer was that there were offers that were made on 23 October ...

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: 2015 which were disgusting to him and which were made by people who did not - were not - not even supposed

to make those offers and he was also made offers of money - 600 million. If he accepts the offer of Ministerial position 600 000 on the spot and that is the reason after the meeting he took such an effort to tell those other individuals.

Now that is - that is why and your version is that he - he is lying. Those things did not happen. My question is that why would he go to such extent to fabricate such lies against you. Do you have any reason why he would - he would lie about you?

MR DUDUZANE ZUMA: I - I have no idea. I do not want to - to jump into speculation ...

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: But if I may just add something to that as well.

CHAIRPERSON: Hm.

ADV PHILLIP MOKOENA SC:

MR DUDUZANE ZUMA: I think another question that should be posed is why did not anyone ask me for my - my view - for my version.

CHAIRPERSON: Please just repeat that (intervenes).

MR DUDUZANE ZUMA: I am saying from the other side I mean I also need to ask why my view or my version was not requested at the time because there is emphasis on a timeframe. This was raised in the media. There was media statements put out. The man went out on TV and said whatever he needed to say. I am not taking away from why he did it. I do not know.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: He did what he had to do.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Good for him.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: I have no issues with that.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Now what I am saying is it is the first time I am being asked this question. The only time I - I came across it was in 3.3. I was not given an opportunity by the Public Protector.

CHAIRPERSON: Hm, hm.

MR DUDUZANE ZUMA: You do not see my - my record in the Public ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: The Public Protector Report.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Did you ask why?

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: No.

CHAIRPERSON: Of - of course maybe this can be said. As I read one of the affidavits deposed to by Mr Ajay Gupta he says he was not approached to give his version himself but he initiated.

MR DUDUZANE ZUMA: Hm.

CHAIRPERSON: He said he wanted to give his version and as I read what he says in his affidavit it is - it is almost like he is saying I forced the Public Protector to actually give me - to interview me and - and then so that I could put my - my side of the story and he says what he was given was a superficial interview.

So I mention that to say of course maybe it could be said that even if you were not asked you - you could have said look Public Protector I want to say - to put my side of the story as well.

MR DUDUZANE ZUMA: You absolutely - absolutely correct Chair. If I may just touch on that as well ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And I am glad you raised it because I did get an invite ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: To - to go and attend the - the meeting with the Public Protector and her team.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Then it - within a matter of days it changed into a summons or a subpoena. Whatever it was at the time ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And my - I got a telephone - phone call - I got a telephone call from I think it was her PA at the time ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: And I was travelling at that time and I told her look I am travelling.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: You know I was not - I was not in - in the South African space for a while.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: I still am not ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: And I - I told them I am travelling but I will be back within the next week and a half two weeks. I will come and see you when I am back.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: I have got other commitments now.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: And she said fine. Let us know when you are back. We just want to have a discussion.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Before you know it the - the report is wrapped up. I did not have a chance to give my ...

CHAIRPERSON: Hm, hm.

MR DUDUZANE ZUMA: My version of events.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: It is the first time I must come and speak in front of everybody ...

CHAIRPERSON: Hm, hm.

MR DUDUZANE ZUMA: And then I am being questioned along the lines of why I was - what do I think of - of Mr Jonas and ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: And then - and why he did it ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: And no one is concerned about me not getting a fair - a fair shot.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: So I just want to put that across. It is not a complaint ...

CHAIRPERSON: *Ja*.

MR DUDUZANE ZUMA: In any manner ...

CHAIRPERSON: *Ja*.

MR DUDUZANE ZUMA: But I just - I just want it be in on that.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: I have complied the whole time.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: I am being asked these sorts of questions.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: I appreciate the questions. I will answer ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: With no issues ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: But let us be fair on me as well please.

CHAIRPERSON: I will - I will - you might not understand why Mr Mokoena was putting that question to you but I think your lawyers will understand and I understand. You see after the hearing of all evidence at a certain stage lawyers will stand in front of me and say to me I must accept the evidence of certain witnesses.

I must reject the evidence of certain witnesses about things that have been testified upon about by various witnesses and where there maybe two or more who have different versions of what happened

in regard to a particular matter. One or more lawyers including members of the legal team they might say when that time comes Chairperson there is a problem with accepting Mr Duduzane Zuma's version and that is because of A, B, C, D and if they are going to say anything along those lines they need to give you an opportunity to comment on that.

So when he says to you why do you think Mr Jonas would tell an untruth about what happened. He is actually trying to say if there is something you know that could be motivate - could have motivated him to say you were party to a discussion or in - to a meeting where he was made this offer. You could then say well I know why he would say that. This is what would motivate him to say that. So that - that is the idea. It is not anything else.

MR DUDUZANE ZUMA: No and I agree. It is not ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: I am not somehow being ...

CHAIRPERSON: Okay.

MR DUDUZANE ZUMA: Adversarial about it. Not at all.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: With all due respect sir.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: If just - just one point ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: And I just and I raise it purely because you know a lot of the evidence pack ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Revolves around the Public Protector's Report.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Maybe you can shed some light ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And you mentioned that Mr Ajay Gupta had to basically force himself to go and - and have the discussion. I gave my - my version of why I am not reflected in the documents. Can you just help me out and - and maybe make me understand why I would not have been since I am integral to a lot of what is going on here.

Why was I not invited and you know there is a whole report that came out and I am massively implicated. Why do you think they would missed out on that step?

CHAIRPERSON: Well - well that is - that is the Public Protector of course.

MR DUDUZANE ZUMA: Alright.

CHAIRPERSON: Yes, yes.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: So - so we - we do not know. We cannot provide that ...

MR DUDUZANE ZUMA: Okay, thank you.

CHAIRPERSON: That answer. We - we do not know but it may well be that even if the Public Protector who was responsible that who is no longer in office. It may well be that if you ask your - ask your lawyers they might write to the current Public Protector who has access to the

records that were there at the time and maybe she might be able to say I have looked I can see why he was not given a chance. Okay.

MR DUDUZANE ZUMA: (Indistinct).

CHAIRPERSON: Alright.

MR DUDUZANE ZUMA: Thank you very much.

CHAIRPERSON: Okay, but I think connected with the question that Mr Mokoena put is - is this as I understand your evidence and you must just tell me based on - on your affidavit. The discussion at the meeting involving you, Mr Jonas and Mr Hlongwane was really restricted to the discussion of these rumours. Is that correct?

MR DUDUZANE ZUMA: That is correct Chair.

CHAIRPERSON: *Ja* and as I understand your evidence most of the time you played the role of a spectator or mediator in that meeting. Is that correct?

MR DUDUZANE ZUMA: That is correct Chair.

CHAIRPERSON: You do not say in your affidavit and you must tell me if I misunderstand this. You do not say that you provided the background to the rumours. Do you? Is my understanding correct?

MR DUDUZANE ZUMA: Yes. That - your understanding is correct.

CHAIRPERSON: I - I understand correct and as I understand it you say that at the end of that meeting the issue appeared to not have been settled as such but to you know there - there was some understanding. If I put it in my own words between the parties but there - not that it was resolved completely. Is that right?

MR DUDUZANE ZUMA: That is right.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Chairperson.

CHAIRPERSON: And my understanding of what you say in you - in your affidavit suggests that when the parties parted - when the meeting ended they - nobody was unhappy about anything. Is that right?

MR DUDUZANE ZUMA: That is correct.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Chair.

CHAIRPERSON: To - to a very large extent everybody appeared to be satisfied is that right?

MR DUDUZANE ZUMA: That is correct Chair.

CHAIRPERSON: Yes. Now when I - when I see that picture emerging from your affidavit of how the meeting ended I look at the - at what Mr Jonas says. On his version as you know the meeting involved a - a Gupta brother and the meeting ended as I see it badly - negatively on his version. You understand?

MR DUDUZANE ZUMA: I understand.

CHAIRPERSON: Yes. Negatively and then he says if I recall correctly on his way to the airport he made a call to Minister Nene and I think he made also a call to Minister Gordhan and - because he wanted to talk to them about what had happened at the meeting which had made him unhappy as I understand the position and he arranged to meet with Minister Gordhan on the Sunday.

I do not know if the 23rd was a Friday - 23 October was a Friday or not but he made an arrangement. He was going to the

Eastern Cape and he made an arrangement to meet with Minister Gordhan on - on Sunday and he made an arrangement with Minister Nene that they would meet on Sunday and he says they did meet - he did meet with Minister Gordhan on Sunday and mentioned what had happened or at least the - the essence.

Minister Gordhan has given evidence here and has deposed to statements and he is - he confirms that he was phoned that same afternoon by - by Mr Jonas and that they met on Sunday and he confirms that Mr Jonas said he had been made this offer that he was talking about at the meeting and Minister Gordhan says he could tell that Minister - Mr Jonas was still kind of upset or unhappy and Minister Nene also confirms in his testimony and affidavit as I recall that he was called by Minister - by Mr Jonas that same afternoon.

They arranged to meet on Sunday but on Sunday they moved that to Monday morning and they did meet on Monday morning at the office. They went out to the balcony because they thought well maybe the offices might be bugged and that at that meeting Minister - Mr Jonas told him the fact - the essence of what had happened at the meeting on his version.

So you get the picture of somebody who came out of the meeting. Being - being unhappy, started phoning you know people - the Minister - Minister Gordhan and both - both of those people I think were - were connected with the Minister of Finance - Ministry of Finance at some stage or another and ultimately told the story and they both confirmed that that is - that is what happened.

So - so that - that is something I am drawing to your attention. You might not be able to say anything about it. Maybe all you might say is as far as I am concerned when the meeting ended there was no animosity. There was no unhappiness and - and that - I do not know what he is talking about.

MR DUDUZANE ZUMA: That is exactly what I am saying.

CHAIRPERSON: That is what you are saying?

MR DUDUZANE ZUMA: I am saying that just to be clear that after the meeting everything was cool ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And as - as I have mentioned in - in my affidavit I bumped into him. This is Mr Jonas.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Once or twice.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Subsequent to that meeting ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And my view was there was no hostility at all.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: So that is - that is the way I took it.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: What happened behind the scenes the phone I - I do not know. I cannot comment on it.

CHAIRPERSON: You do not know. Yes. Of course as far as your role is concerned he does say at the meeting you were quiet most of the

time. So that maybe he might have been unhappy about the fact that you brought him to the - to this meeting on his version but he does not say you said anything at the meeting that - that made him unhappy, but also he does say that that evening he called Mr Hlongwane as well and he says he expressed to Mr Hlongwane I think he said he spoke two times that evening - afternoon and evening from the Eastern Cape.

He phoned him and he expressed his disgust at what his - he - he said Mr Hlongwane had done. That - that is I thought I will just mention that there is that version.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: On your version meeting ended very well. There was no problem. On his version the meeting ended in a very negative atmosphere and he was unhappy. He started contacting other people and later on according to him he phoned Mr Hlongwane and expressed his disgust.

So you - you might again say there is nothing I can say. All I know is that the meeting ended well.

MR DUDUZANE ZUMA: Yes. I - I confirm again and - and I stick to what I said ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Earlier on Chair ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And you know you also mentioned that he had called me afterwards ...

CHAIRPERSON: Yes, yes.

MR DUDUZANE ZUMA: To basically give me a mouthful as (indistinct).

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: I should not conduct myself in that way.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: You now the meet - the way the meeting happened it should not have - whatever - whatever it is ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: That he said that I said ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And that phone call never came through. So the point I am trying to make is ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: The communication that happened telephonically I - I cannot comment on.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Some of it may have happened. Some of it may not have happened ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: But - as - as I said to you everything at that point the meeting, the contents of the meeting went the way they did.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Whether issues were resolved or not.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: That is a different story ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: But when we all emerged from that room ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: It was all cool.

CHAIRPERSON: Yes. Then just one last question from my side and I - I do not know how far Mr Mokoena still has questions for you. He said that when you met at the Hyatt Hotel you made a remark to the - to the effect that I do not know whether he said you said you old man but basically your father liked him. I did not see you - you denying that - that allegation in the affidavit. Is that correct?

MR DUDUZANE ZUMA: I did not include it in my affidavit.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: As I said there is a lot of SMS' phone calls.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: That were not included.

CHAIRPERSON: But ...

MR DUDUZANE ZUMA: There is (indistinct) information as well. I did not include.

CHAIRPERSON: But it is a remark that you made?

MR DUDUZANE ZUMA: No that is not a remark that I made.

CHAIRPERSON: You did not make?

MR DUDUZANE ZUMA: Most definitely not sir.

CHAIRPERSON: Okay, alright.

MR DUDUZANE ZUMA: Thank you Chair.

CHAIRPERSON: Thank you.

ADV PHILLIP MOKOENA SC: Yes. If you may turn to File number A. I

am not sure which file you are having with you. Page 11.

MR DUDUZANE ZUMA: Page?

ADV PHILLIP MOKOENA SC: 11 - 1-1.

MR DUDUZANE ZUMA: Thank you. Got it.

CHAIRPERSON: On - in relation to Mr Jonas I am proposing to restrict you to five minutes now.

ADV PHILLIP MOKOENA SC: Yes Chair.

CHAIRPERSON: To wrap up. Is that right? (Intervenes).

ADV PHILLIP MOKOENA SC: Is it the five minutes of Judges or of the lawyers.

CHAIRPERSON: Of the lawyers.

ADV PHILLIP MOKOENA SC: Page 11 paragraph 31. It simply to contextualise the question that I was going to put but the Chair has already done that. It is not as cool as you say Mr Zuma because to Mr Jonas the meeting did not end as cool as you say - suggest. He says on paragraph 31:

> "I was very shaken by what happened at the meeting. Due to the sensitive and threatening nature of what happen - had transpired at this meeting and because of the uncertainty of the events that were playing themselves out on a national basis. I decided I would initially discuss what had occurred with the people I felt I could trust. Later that day I contacted Minister Nhlanhla Nene and advised him that I had

a - I had something serious to tell him. He was on his way to KwaZulu-Natal. So we agreed to meet on his return on the 20th - on- on Sunday 25 October 2015."

Paragraph 32:

"Upon landing in Port Elizabeth I spoke telephonically to Mr Hlongwane and expressed my disgust about what had transpired particularly in respect of the manner in which he had deliberately misled me. I told him he should never again do what he had done to me or to any other person. He suggested we should have as meeting to discuss what I have raised."

And paragraph 32 takes care of the meeting that was no scheduled between Mr Nene and Mr Jonas and so that is his version. You have already answered to you. Everything was cool.

MR DUDUZANE ZUMA: Yes. That is correct.

ADV PHILLIP MOKOENA SC: Yes. Now the other point that I wanted to clarify with you. I mean you were saying that you were not - not given an opportunity by the Public Protector to place your version you know to her and you know that maybe you were treated unfairly. One would not be able to comment on that but you had other avenues you know that you could have actually explored at the time.

I mean here is the person according to you spreading lies about. These are serious allegations that were made against you. Do -

do you agree?

MR DUDUZANE ZUMA: Most definitely, yes.

ADV PHILLIP MOKOENA SC: Definitely, yes. Did you open any case against Mr Jonas?

MR DUDUZANE ZUMA: I will be exploring the avenues. These avenues you are talking about.

ADV PHILLIP MOKOENA SC: Sorry.

MR DUDUZANE ZUMA: These are the avenues that you are talking about.

ADV PHILLIP MOKOENA SC: Yes, but I am saying that now that you are testifying I mean from that time 23 October 2015 to date did you open any criminal charge against him?

MR DUDUZANE ZUMA: No. I did not sir.

ADV PHILLIP MOKOENA SC: Yes. Did you bring any action for defamation against him?

MR DUDUZANE ZUMA: No sir. I did not.

ADV PHILLIP MOKOENA SC: Yes. Did you lay a complaint against him at the ANC about these lies?

MR DUDUZANE ZUMA: It was none of the ANC's business. It was a personal matter sir.

ADV PHILLIP MOKOENA SC: Okay. So that - the short answer you did not do it?

MR DUDUZANE ZUMA: As far as I am concerned neither did he.

ADV PHILLIP MOKOENA SC: Okay. Now ...

CHAIRPERSON: I am sorry. I think somebody has completely switched

off the air conditioner. It feels a little hot. Maybe it should be on but not too high. So maybe somebody could do the - take care of that. Thank you.

ADV PHILLIP MOKOENA SC: The last question on this aspect of Mr Jonas.

CHAIRPERSON: Yes Mr Mokoena.

ADV PHILLIP MOKOENA SC: No. I thought that there is something that maybe my learned colleagues wanted to raise.

CHAIRPERSON: Hm.

ADV PHILLIP MOKOENA SC: We know as a matter of fact and you have also dealt with it I think when we started with your questioning. That two months after that meeting you have already said you now agreed with me that Mr Nene was removed and he was replaced by Mr Van Rooyen. Was this simply a coincidence?

MR DUDUZANE ZUMA: I believe so.

ADV PHILLIP MOKOENA SC: Thank you. Mr Chair I am moving now to Mr Dukwana.

CHAIRPERSON: Yes, okay.

MR DUDUZANE ZUMA: Sorry. Sorry.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: May I please have a comfort praise sir.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: I just need to ...

CHAIRPERSON: Oh, okay. Comfort break?

MR DUDUZANE ZUMA: Comfort break please Chair.

CHAIRPERSON: Oh, okay. No that is fine.

MR DUDUZANE ZUMA: Thank you.

CHAIRPERSON: 10 minutes will be fine?

MR DUDUZANE ZUMA: Three minutes maximum.

CHAIRPERSON: Three minutes. Okay, alright.

ADV PHILLIP MOKOENA SC: Chair it may be difficult to compute three minutes. Maybe 10 minutes might be better.

CHAIRPERSON: *Ja*. Just to be on the safe side. Let us 10 minutes. It is now 25 to one. So we say we come back at quarter to one.

MR DUDUZANE ZUMA: Thank you Chair.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: You said we are moving to something else now?

ADV PHILLIP MOKOENA SC: We are moving...[intervenes].

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: You know respecting the time limitations I'm moving to Mr Dukwana.

CHAIRPERSON: No that's fine I just mention one thing Mr Zuma and you might have no comment about it but I mention it because it is in my mind so it's the transparency I was talking about earlier. On Mr Jonas' version at this meeting, if I recall correctly he gets told that Mr Nene is going to be removed as Minister of Finance. Now I can't remember whether he gets told that expressly or it's just implied because according, on his version, he is being offered the position of Minister of

Finance and if I recall correctly he says that the Gupta brother who was there told him – I hope I'm not misrepresenting what he said, told him that if he needed advisors he would be given advisor – they would give him advisors and that's October 2015, October 23, and about six or so weeks later 9 December Mr Nene gets removed as Minister of Finance and of course the person who gets appointed is Mr Des van Rooyen and in terms of the evidence that I've heard here he comes with two persons – advisors who are alleged to have links with the Gupta family. So I'm just mentioning, you might not be able to say anything I'm just mentioning something that comes to my mind as I listen to the evidence.

MR DUDUZANE ZUMA: Thank you for that Chair.

CHAIRPERSON: Okay thank you.

ADV PHILLIP MOKOENA SC: Mr Zuma the last question I asked when I dealt with the issues of Mr Jonas whether or not did lay a criminal charge it was also put to Mr Jonas as to why didn't he lay charges right, I'm just putting that to you.

MR DUDUZANE ZUMA: Okay I agree thank you.

ADV PHILLIP MOKOENA SC: Now let's move on to Mr Dukwana, Mr Hlongwane when he was interviewed by the PP he told the PP that he used to frequent or visit with him to the Gupta residence...[intervenes].

CHAIRPERSON: That's the Public Protector when you say PP?

ADV PHILLIP MOKOENA SC: The Public Protector yes.

CHAIRPERSON: Okay.

ADV PHILLIP MOKOENA SC: Yes, do you confirm what he says that,

you know you guys used to frequent the Gupta house you used to visit, you also being in the company of the Gupta brothers?

MR DUDUZANE ZUMA: That's correct sir.

ADV PHILLIP MOKOENA SC: And do you know whether Mr Magashule, you know, did also visit the Gupta residence?

MR DUDUZANE ZUMA: I'm not sure I've never met him there.

ADV PHILLIP MOKOENA SC: There was no occasion where you met Mr Magashule at the Gupta residence?

MR DUDUZANE ZUMA: Not at the Gupta residence.

ADV PHILLIP MOKOENA SC: And do you know Mr Dukwana?

MR DUDUZANE ZUMA: No I do not know Mr Dukwana.

ADV PHILLIP MOKOENA SC: You've never met him?

MR DUDUZANE ZUMA: I may have in passing but in this relation no I have not, I do not recall meeting him.

ADV PHILLIP MOKOENA SC: Yes, now may I refer you to the very small in comparison to the other files it's file number C – LLC Chair and I will try to be as quick as I can and if you may refer to...[intervenes].

CHAIRPERSON: You see Mr Mokoena before the tea break I did have a file marked C but certain changes happened during the tea break and the file that was marked C no longer has C.

ADV PHILLIP MOKOENA SC: I think that they were trying to assist the Chair with those files that you are not able to navigate through but now...[intervenes].

CHAIRPERSON: It's supposed to remain marked C.

ADV PHILLIP MOKOENA SC: For ease of reference in future Chair, if

hey mark it LLC.

CHAIRPERSON: Okay.

ADV PHILLIP MOKOENA SC: And we'll be dealing with the documents from folder number two and I think that is the first folder and I was referring Mr Zuma to page 18 of that document. With particular reference to paragraph 52 and simply to save time Mr Zuma I will put to you what Mr Dukwana told the Chair when he testified there contained from paragraph9 52 to 59, let me read them so that you can react to them at once and teen I can pose questions so that we can be quickly he said that,

"I was ushered into a room whilst Tony and Magashule went to a different room. After a while they joined me and accompanied by other people and the notable was Mr Duduzane Zuma. Tony in the presence of Magashule asked me to sign a document purportedly prepared by me on the letterhead of my office addressed to Lulani Management Services appointing them to run a whole project I presented in the cabinet meeting on the 10 key bases, I refused to append my signature",

If I may pause Mr Zuma he says that when all these things were happening the were happening with you being part and parcel of that meeting and in your presence and he says that,

"In the said letter my surname was written Dukwana, Dukoana any Magashule knew that is how my surname is written because I always preferred and wrote it as Dukwana, and he says Dukoana is a Sesotho version of my otherwise Xhosa

surname. In an effort to try to persuade me to append my signature to the said letter Tony intimated to me that both Magashule and Duduzane Zuma were recipients of monies in cash from a mining project from Jakalsfontein Mine. Neither Magashule nor Duduzane Zuma disputed Tony's claim they both nodded their heads in agreement. Further Tony told me that Magashule would not benefit from the project because it belonged to me and him (Tony). Magashule did not dispute Tony from this project, Tony told me that I would receive a monthly payment of R2million, I was told by Tony that if I append my signature at the time an instant payment of R2million would be given to me. In this regard a gentleman of Indian decent was called by Tony and Tony whispered something, words in the language unknown to me. The gentleman left the room and came back with a black pilot bag, this same bags frequently used by lawyers, I distanced myself from that Mr Zuma and 57 it says, I still persisted that I cannot sign the document to which Tony said that he had spoken to Magashule that upon my signature the provisional cabinet will gratify the appointment. Tony then opened the pilot bag which was full of R200 South African bank notes stating that the money was mine if I signed the document. I still refused to sign, I went to the extent of suggesting that it be prudent that the letter I was being compelled to sign should be referred to Mr Venter, Provincial Legal Advisor in the office of the Premier to give a legal opinion about the

legality of the contemplated appointments. After that suggestion Magashule mumbles something to Tony to which Tony asked that I give him back the letter, I had intended to keep the letter to refer it to Mr Venter",

And that is what Mr Dukwana informed the Chair and what is your comment on these issues?

MR DUDUZANE ZUMA: I'm not sure what Mr Dukwana is talking about that's my comment.

ADV PHILLIP MOKOENA SC: Yes, when you say you are not sure, you are saying either you are not sure what he is talking about or whether you don't agree with what is stated in those paragraphs or that all of the things that he is saying in that statement did not happen at all?

MR DUDUZANE ZUMA: I do not agree with each and every part of the statement, paragraph by paragraph. I do not agree that this meeting took place, I do not agree that his placing all these wonderful people in this meeting, so in entirety I completely refute.

CHAIRPERSON: Well Mr Zuma you might wish to just reconsider whether that's the answer – whether that answer reflects what you intend saying I heard you earlier on saying you – I think I heard you saying you did not attend any meeting involving Mr Dukwana, did I understand that correctly?

MR DUDUZANE ZUMA: That's correct sir.

CHAIRPERSON: Yes now if he says you were present at that meeting – at this meeting and you say you were not present, then you would not

know whether this meeting may have taken place but he is just mistaken about you having been present and if that meeting did take place, those things might have happened, you were not there you don't know.

MR DUDUZANE ZUMA: I appreciate the clarity and I take your view and I agree with your view.

CHAIRPERSON: Yes, yes so your position is that you were not present at such a meeting?

MR DUDUZANE ZUMA: That's correct.

CHAIRPERSON: And are you definite about that or is there some doubt?

MR DUDUZANE ZUMA: No, no definite.

CHAIRPERSON: You are definite about that?

MR DUDUZANE ZUMA: Yes sir

CHAIRPERSON: Okay.

MR DUDUZANE ZUMA: Thank you.

ADV PHILLIP MOKOENA SC: Now piggy backing on what the Chair have, you know, canvassed with you, if I understand your evidence is that, when Mr Jonas testified about the offers which were made in your presence clearly your answer is that he is lying, that never happened am I correct?

MR DUDUZANE ZUMA: I gave my view, I gave my version...[intervenes].

CHAIRPERSON: Well I don't know if he put that way...[intervenes].

MR DUDUZANE ZUMA: Ja that's not the way I put it, I gave my view

and I gave my version.

CHAIRPERSON: Ja Mr – General Booysen said when he gave evidence about Mr Duduzane he said he is very respectful, I think to adult people so he might have not have put it that way, that he's lying but he has put his version, is that correct?

MR DUDUZANE ZUMA: That's correct thank you Chair.

ADV PHILLIP MOKOENA SC: Mr Chair the version is either you are correct or Mr Jonas is correct.

MR DUDUZANE ZUMA: That's right sir.

ADV PHILLIP MOKOENA SC: Yes, it can never be both of them that are correct because you are saying that it did not happen and he said that it did happen, is that correct?

MR DUDUZANE ZUMA: That's correct sir.

ADV PHILLIP MOKOENA SC: Yes, Mr Dukwana also told the Chair about the offers and he says that you were present there was no uncertainty about him or about your presence at that meeting and you are also saying that he is incorrect, that did not happen?

MR DUDUZANE ZUMA: That's what I'm saying, that's correct.

CHAIRPERSON: What of course Mr Mokoena, was not done, if I recall correctly when Mr Dukwana gave his evidence is that his evidence that Mr Duduzane Zuma was present at that meeting may not have been tested because there was nothing to suggest that Mr Duduzane Zuma's version would be different, that he did attend such a meeting. So I'm just mentioning that maybe we don't know what Mr Dukwana would say when he's being told Mr Duduzane Zuma says he was not present

there, are you sure he was there. So I just mention, that's my recollection.

ADV PHILLIP MOKOENA SC: Well it was put to him Chair and at least mine it's not only premised on that event but when reading those documents again it was clearly...[intervenes].

CHAIRPERSON: He was clear.

MR DUDUZANE ZUMA: Clear and there was no uncertainty on his side.

CHAIRPERSON: Ja.

ADV PHILLIP MOKOENA SC: And simply the point that I was making was that, now we are having two people, Mr Jonas and Mr Dukwana who are talking about the offers that happened in your presence at the Gupta residence and both of them, according to you, they are simply fabricating this evidence?

MR DUDUZANE ZUMA: I'm being conveniently placed at a supposed crime scene yes.

ADV PHILLIP MOKOENA SC: Yes, and I'm sure that none – myself and you would not be able to proffer any answers as to why would they really fabricate this evidence against you, we don't know?

MR DUDUZANE ZUMA: Ja definitely we don't know.

ADV PHILLIP MOKOENA SC: Okay, now you have provided with obviously the statement of Mr Dukwana to the extent that it implicated you in terms of Rule 3.3 am I correct?

MR DUDUZANE ZUMA: Yes he did mention me.

ADV PHILLIP MOKOENA SC: Yes, and he did also have the

opportunity to read it and also to decide whether or not, you know, to challenge that version or not, you did not, you know submit any version contradicting him nor did you apply in terms of Rule 3.4 at which that challenges his version and also to cross-examine him am I correct?

MR DUDUZANE ZUMA: Reading his version of events I felt that at the time and obviously through consultation that I was mentioned and I was not implicated in any allegations that may have come to the fore.

ADV PHILLIP MOKOENA SC: Yes, but if a person says that there were those, I mean, unlawful or illegal offers at least on the version of Mr Dukwana, that were made and he was made to sign certain documents when in fact he could not have the authority to do so he was made to sign those things by individuals who were not even officials of the government, surely you know, in that meeting it was not a meeting where one does not actually attribute any illegality on it, isn't it?

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: And you're present, that's why I'm saying that, that's why you're given a Rule 3.3 notice.

MR DUDUZANE ZUMA: Correct and as I said I was – I didn't believe, I still don't believe I was implicated I believe I was mentioned, the meeting, as I've said I've got no recollection of it, it did not happen. So that's the angle I took.

ADV PHILLIP MOKOENA SC: Yes, now let's move – Chair I want to move to Mr Sundaram...[intervenes].

CHAIRPERSON: Yes before you do so again, Mr Zuma you might have no comment or anything to say about this but as I understand it Tony

Gupta is Mr Rajesh Gupta, is that right?

MR DUDUZANE ZUMA: That's correct sir.

CHAIRPERSON: Yes, that is the same person that, on your evidence, peeped in at the meeting at the Gupta residence where you, Mr Hlongwane and Mr Jonas were having a meeting and wanted to check if you were available for a meeting the following day or something.

MR DUDUZANE ZUMA: That's correct Chair.

CHAIRPERSON: Yes, now there is a lot of issue as to – if Mr Jonas' version is correct and an offer was made to him such as the one he has described at that meeting, who of the brothers made the offer and, at least on your version and Mr Hlongwane's version the only Gupta brother that was around in the residence was Mr Rajesh Gupta. Assuming that maybe he is the one that made the offer if an offer was made it would be – it's interesting that, according to Mr Dukwana this is now another meeting and Mr Dukwana says, this same person, you know, offered him money in a briefcase. When he was giving evidence here a briefcase was shown to indicate what type of briefcase he was talking about, lawyer's briefcase that Mr Dukwana disassociates himself from and he said the bag – the briefcase was full of R200 notes, you know that was offered to him. So there are just those features that happened, but again if you were not at the meeting and the version about your meeting at the Gupta residence with Mr Jonas was different, you might have nothing to do but it's just interesting that there is this meeting happening and apparently Mr Rajesh Gupta is at the venue at both – on both occasions.

MR DUDUZANE ZUMA: I see your point then, one would find it even more interesting that I'm always placed in the middle of these discussions and I happen to be a couch or a lampshade in the meetings. I didn't see anything, I don't say anything so I find that more interesting than the point you're making but I take your point Chair

CHAIRPERSON: Yes thank you, Mr Mokoena.

ADV PHILLIP MOKOENA SC: Chair I'm told that we have now approached the lunch adjournment.

CHAIRPERSON: Oh okay we'll take the lunch adjournment now, the time is five past one, we will resume at five past two, we adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: I think Mr Zuma the part that I did not include in the observation I was making about which I said you might not have much to say was that as I understand Mr Dukwana's evidence including what he said in his statement was also that at that meeting which he says you attended which you say you did not attend if I recall correctly. He also says that when he said that the document that Mr Rajesh Gupta – Tony Gupta wanted him to sign. When he said that in effect that is a matter that should go to the head of department Mr Rajesh Gupta suggested to him that he should get rid of – of his head of department and the call was made and then Mr Richard – what is his surname again? Mr Richard Seleke.

ADV PHILLIP MOKOENA SC: Seleke.

CHAIRPERSON: Ja Seleke – Mr Richard Seleke was brought in and in effect he – you said you know...

MR DUDUZANE ZUMA: Said he was brought into the meeting.

CHAIRPERSON: This is the person – ja at the meeting.

MR DUDUZANE ZUMA: Okay.

CHAIRPERSON: This is the person you should have as your head of department. So I mentioned that this simply as part of that observation that you have a situation where on both occasions the venue is the Gupta residence. On both occasions Mr Rajesh Gupta is in the house. On both occasions – on both occasions he at least on the version of and not necessarily his because we do not know his version. On the version of a person visiting the house – the person visiting the house is being asked to do certain things and he is being offered money for that. And both occasions it looks like there contemplation that somebody may have to leave a certain position and somebody else might – must take that position. But I am just completing the picture. I think I understand what = what you have said.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Ja.

MR DUDUZANE ZUMA: That is definitely the narrative that is out there.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And I am being like I said I am being placed at the crime scene.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Most times.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: But whilst we are still on that if I can just refer us back to point 55.

CHAIRPERSON: Yes. Ja.

MR DUDUZANE ZUMA: No I mean it is just the paragraph that deals with the Jagersfontein mine. The – look I am not sure you know a lot is said – a lot of accusations have been laid on my table. But just a point of curiosity I mean with all – with all due respect Chair ...

CHAIRPERSON: I am sorry Mr Zuma I did ask that the air conditioner be put on but maybe not too high. I think it is interfering. I do not know if whether – whether if you raise your voice that is going to make a difference.

MR DUDUZANE ZUMA: Okay.

CHAIRPERSON: Just try and raise your voice.

MR DUDUZANE ZUMA: Okay I will do that Chair. Thank you. No I mean it is just a point of curiosity. And I say it with all due respect. There are a lot of accusations that have been labelled and placed and on me and I am not sure what the investigative processes have been but you know I would just like to ask you have heard what I have had to say about my non-attendance in this meeting – my denial of this meeting. But when it comes to procedural points I have been accused of receiving monies from they said – by Mr Dukwana – has the commission...

CHAIRPERSON: I am sorry – I am sorry I missed that. You have been

accused of?

MR DUDUZANE ZUMA: Of receiving money from a mining project in Jagersfontein. Yes I just wanted to ask did the commission follow any due process. Did they look into it? Did they investigate? What is the status on that?

CHAIRPERSON: You mean what Mr Dukwana says?

MR DUDUZANE ZUMA: Yes. Just as a point of – of getting to the bottom of it. The reason I am asking is...

CHAIRPERSON: Well – yes – well as I understand it he – he is not saying that you gave money to anybody Mr Dukwana?

MR DUDUZANE ZUMA: If I ever made a statement [indistinct] Chair.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: No the reason – reason I am asking is there are a lot of accusations that have been thrown around.

CHAIRPERSON: Yes, yes.

MR DUDUZANE ZUMA: You know true or false.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: That is for the commission to

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: To decide. So this specific point.

CHAIRPERSON: Ja.

MR DUDUZANE ZUMA: Whether the commission decides to believe my version or Mr Dukwana's version or whoever else.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Due process by – from an investigative

perspective.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: By the commission have they actually looked into you know activities in Jagersfontein? Is there – are there actually mines that exist there? Are there any linkages that are linking this specific – because this is a very – very serious allegation?

CHAIRPERSON: Ja well look part of trying to establish what the truth is is exactly hearing both sides. So what is happening here is part of trying to understand what the truth is. Up to today certainly I did not know whether your version is that you admit that you were present at that meeting or not. So now I know that your version is that you were not at that meeting. So this is not the end of the matter there will be more witnesses who will be called. And the investigation – investigators do what they can but the people implicated also they are expected to come forward and say – I know that the commission has been told this and that about me. In this case I take it that you were furnished with Mr Dukwana's affidavit. So they are expected if they do not agree with what has been said about them they are expected to come forward to the commission to say I want the record to be put straight. Here is my own statement, here is my affidavit, I deny this. This – I was not at that meeting. And indeed if you have been given somebody's statements who says something about you or implicates you in anything you would have been given that together with a notice from the commission that advises you of your rights. And part of the – of those – some of those rights are that you can apply to commission to

give evidence yourself and refute what is being said about you or against you and so on and so on. You can apply for Leave to Cross-examine. Some people do not apply for Leave to Cross-examine but they send an affidavit saying this is my version. You know.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: So – so

1. This is part of the commission trying to establish the truth and you have now told us what your side of the story is in regard to that. And that is not the end. The commission would look at things but you are not expected to sit back and do nothing if it is something that you feel strongly about.

Indeed if you do nothing about it in circumstances where you are aware that somebody has given evidence or has given the commission a statement that implicates you if you do nothing about it you might be expected not to complain if the commission at a certain stage takes it that you had no version to put forward. You had no problem with what was being said about you. You understand that?

MR DUDUZANE ZUMA: I understand Chair.

CHAIRPERSON: Ja. Ja.

MR DUDUZANE ZUMA: Thank you very much for the clarity.

CHAIRPERSON: Okay alright. Thank you. Mr Mokoena you may proceed.

ADV PHILLIP MOKOENA SC: Chair I will try to move as quick as possible in order to short circuit the remaining issues which I wish to canvass with Mr Zuma. Mr Zuma I was just about to move to deal with

the evidence of Mr Sundaram.

CHAIRPERSON: Maybe I should say Mr Mokoena I – I have not put any time limit in regard to questions relating to the other witnesses simply because on my recollection nobody has applied to cross-examine and so on for Leave to Cross-examine or rather he has not applied to – for Leave to Cross-examine them unlike with regard to Mr Jonas.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: But obviously that does not mean you have all the time no, I will be keeping an eye on how much time you spend on each. So I just thought maybe I should just explain that. So let us do what we can to ensure that the issues are – justice is done to the issues but at the same time we do not necessarily take too long. Okay. I am not expecting you to take too long but I wanted to explain that why I have not said anything about time frames with regard to the other witnesses.

ADV PHILLIP MOKOENA SC: Yes Chair.

CHAIRPERSON: So you can proceed where I think maybe we have taken too long I will mention on any particular witness.

ADV PHILLIP MOKOENA SC: Yes. Mr Sundaram used to work for Infinity and at a later stage Mr Duduzane he was the editor of ANN7, do you know him?

MR DUDUZANE ZUMA: Yes I do know him thank you.

ADV PHILLIP MOKOENA SC: Yes. He testified before this commission and related to the Chair the events which took place in four meetings which he refers to in his statement and he says that three of those

meetings were held at the presidential residence in Pretoria and one of them I think the last one – the fourth meeting was held at ANN7's offices in I think he said in Sandton.

MR DUDUZANE ZUMA: In Midrand.

ADV PHILLIP MOKOENA SC: In Midrand.

MR DUDUZANE ZUMA: Ja.

ADV PHILLIP MOKOENA SC: Now did you attend all of those meetings or any – or some of those meetings?

MR DUDUZANE ZUMA: I only attended one of those.

ADV PHILLIP MOKOENA SC: One of those

MR DUDUZANE ZUMA: Yes. That was in Midrand.

ADV PHILLIP MOKOENA SC: And the one that you attended is it the one where was it held?

MR DUDUZANE ZUMA: In Midrand at the ANN7 studios.

ADV PHILLIP MOKOENA SC: Yes. Now we have now established and it is common cause that you are a shareholder in Mabengela may I call it?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: And in turn Mabengela held shares in Infinity Media Networks, am I correct?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: And would I also be correct that Mabengela did conduct business with our government?

MR DUDUZANE ZUMA: From an – ja yes they did, that is correct.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: Well no ANN7 did not Mabengela.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: So the TV station did not my company directly.

ADV PHILLIP MOKOENA SC: If I put it the other – if I say that Media Networks –

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Infinity Media Networks did conduct business with government.

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: Yes. Now the idea of the TV station would I be correct that the person who was much more involved – I mean if I compare you and your father it was your father who was much more involved in the TV station than you?

MR DUDUZANE ZUMA: I do not know about that Sir.

ADV PHILLIP MOKOENA SC: You do not know about that?

MR DUDUZANE ZUMA: No.

ADV PHILLIP MOKOENA SC: Okay. Now in the meeting that you attended was your father also present – the President?

MR DUDUZANE ZUMA: That was a studio visit so it was walk around the studuo.

ADV PHILLIP MOKOENA SC: So he was present?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: Thank you. Can I refer you to bundle C. We are now going to deal with bundle C only. You can ignore the other bundles. If I may refer you to page 36 with particular reference to

paragraph 9. I just want to establish whether were you aware of these presentations or at what point were you involved with the TV station or your company conducting business with government through you know any of your entities. Now in paragraph 9 Mr Sundaram says that

> "I had earlier been told by Mr Atul Gupta to prepare a detailed presentation about all aspects of the TV project for the President. Three copies of this report were printed and bound by Aslam Kamal an employee of New Age and close confidante of the Gupta brothers."

Did you come to know about this presentation?

MR DUDUZANE ZUMA: No I do not know about this presentation.

ADV PHILLIP MOKOENA SC: You are not part of it?

MR DUDUZANE ZUMA: No I am not.

ADV PHILLIP MOKOENA SC: Now if you move onto paragraph 12 of the same page Mr Sundaram said that:

> "After I arrived in South Africa I got to know that the then President Jacob Zuma's son Mr Duduzane Zuma was a 30% shareholder in Infinity Media."

Is that correct?

MR DUDUZANE ZUMA: It was no secret Sir that is correct.

ADV PHILLIP MOKOENA SC: Sorry?

MR DUDUZANE ZUMA: It was no secret that is correct Sir.

ADV PHILLIP MOKOENA SC: Correct yes. And if you move on also to page 37 simply to verify certain issues with particular reference to

paragraph 18 which simply identifies different role players. Mr Sundaram says that the first meeting with Mr Jacob Zuma was attended by Mr Ajay Gupta, Mr Atul Gupta, Mr Nazeem Howa, Mr Moegasien Williams, Mr Ashu Chawla and Mr Arun Agawan and me. I know that you said you did not attend this first meeting but maybe the last meeting. When there was this studio visit were these individual also present? To the best of your recollection.

MR DUDUZANE ZUMA: To the best of my recollection I think the majority would have been present.

ADV PHILLIP MOKOENA SC: Okay. Now did you come to know what were their role in the TV station?

MR DUDUZANE ZUMA: The role of which specific persons?

ADV PHILLIP MOKOENA SC: The individual that you saying – I mean those that are identified on paragraph 18?

MR DUDUZANE ZUMA: Yes, yes.

ADV PHILLIP MOKOENA SC: Ja. No I am saying that do you know what each role was – I mean was played by these individuals, do you know?

MR DUDUZANE ZUMA: Yes, yes I responded yes I.

ADV PHILLIP MOKOENA SC: Can you tell us – can you share with us I am sorry?

MR DUDUZANE ZUMA: Okay. Mr Ajay is a co-shareholder.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: That is Mr Ajay Gupta sorry. Mr Atul Gupta was chairman of the group.

ADV PHILLIP MOKOENA SC: If you can – slowly.

MR DUDUZANE ZUMA: Okay. Mr Ajay Gupta is a shareholder.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: Mr Atul Gupta is chairman of the group. Mr Nazeem Howa was Group CEO if I recall. Mr Moegsien Williams was the Group Editor. Mr Arun Agriwal was the co-shareholder as well from India.

ADV PHILLIP MOKOENA SC: I think you have jumped one name.

ADV PHILLIP MOKOENA SC: And then I am sorry Mr Ashu Chawla he was I think director at one of our IT companies yes.

ADV PHILLIP MOKOENA SC: Would I be also correct that you were co-owners with Mr Chawla in Mabengela?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Yes. You were also co-directors with Mr Ashu Chawla in Oakbay?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: And you – would I be correct that Mr Ashu Chawla was the CEO of the Sahara Computers the Gupta owned entity?

MR DUDUZANE ZUMA: Yes if I recollect at this point he possibly was ja [mumbling].

ADV PHILLIP MOKOENA SC: Yes. And would I also be correct that you were a director in Sahara Holdings?

MR DUDUZANE ZUMA: That sounds correct Sir. I will have to check that at that point but it sounds correct.

ADV PHILLIP MOKOENA SC: Yes. To sum it up also would I be correct that you had close business relationship with Mr Chawla?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: Yes. Now can I refer you to page 39. Paragraph 19.4 Mr Sundaram says that Ashu was the CEO of the Gupta owned Sahara Computers. He had lived in South Africa for many years and was the Gupta's point man for any co-ordination with the President and the South African government. He was particularly close to President's son Duduzane. Would that be accurate?

MR DUDUZANE ZUMA: No that is not accurate.

ADV PHILLIP MOKOENA SC: You are not close with him?

MR DUDUZANE ZUMA: No not at all.

ADV PHILLIP MOKOENA SC: Okay.

CHAIRPERSON: Well is the part that you say is not accurate the last sentence that says you were particularly – he was particularly close to you or is it..

MR DUDUZANE ZUMA: I am – it is a...

CHAIRPERSON: Or is it everything in that paragraph?

MR DUDUZANE ZUMA: It is both points sorry I was particularly responding to ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: The last part where my relationship with him.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Were said

CHAIRPERSON: Yes that is what you are responding to?

MR DUDUZANE ZUMA: Yes I am responding to that and I would like to also respond to the point where it said he had lived in South Africa for many years.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And was a Gupta's point man.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: For any co-ordination with the President and the South African government. I am not aware of that.

CHAIRPERSON: Okay.

MR DUDUZANE ZUMA: So I am refuting that as well.

CHAIRPERSON: Okay.

ADV PHILLIP MOKOENA SC: That is fair. And if I may refer you to page 56 – 56.

CHAIRPERSON: Maybe let me just with regard to that last one. You know it says he was particularly close to you. If we take out particularly and say he was close to you, is that fine, is that accurate?

MR DUDUZANE ZUMA: No he is still very cold ja. Still cold no.

CHAIRPERSON: So he was not close to you?

MR DUDUZANE ZUMA: He was not close to me.

CHAIRPERSON: Okay alright.

ADV PHILLIP MOKOENA SC: You only business relationship with him?

MR DUDUZANE ZUMA: That is correct yes.

CHAIRPERSON: Okay alright.

MR DUDUZANE ZUMA: Thank you.

CHAIRPERSON: Thank you.

ADV PHILLIP MOKOENA SC: Now if I may refer you to page 56. Paragraph 25.17 and he says that:

"I later asked Nazeem..."

CHAIRPERSON: I am sorry it is another page?

ADV PHILLIP MOKOENA SC: Yes it is 56 Chair.

CHAIRPERSON: Page 6?

ADV PHILLIP MOKOENA SC: 56.

CHAIRPERSON: 56 okay.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Thank you. Yes.

ADV PHILLIP MOKOENA SC: 25.17.

> "I later asked Nazeem why President Zuma insisted on lecturing us on editorial and personal matters. Do you not know has not Lex Magee told you already he has a big say in this venture. His son Duduzane holds 30% in the company. His involvement is very critical to the first year of our operations. If we are able to get government advertisement we will be able to break – we will be able to break even in the first year he told me. If this were true it would explain a lot and it felt as though everything was falling into place."

Can you confirm that you did hold 30A% of the company?

MR DUDUZANE ZUMA: I can confirm that.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: That number may have changed but I confirm it is around that number yes.

ADV PHILLIP MOKOENA SC: Yes. And then did the entity get any business from government?

MR DUDUZANE ZUMA: It did.

ADV PHILLIP MOKOENA SC: And then we can move now to paragraph 56 – page 56 Chair.

CHAIRPERSON: What page?

ADV PHILLIP MOKOENA SC: The very same page.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: If – let us go to paragraph 25.18.

> "The news channel was heading would be a pro ANC pro Zuma channel that was promoted and run by not only people close to the President – to President Zuma but by President Zuma himself. If Nazeem had his [indistinct] and Zuma held the shares through his son he would be projected positively in the news bulletins. In this scenario I could see how he would use his position as President to ensure government advertisement – advertising for the station. The important part which I think is relevant is that is also seemed if this was true that there was a clear conflict of interest as his son had a stake in not just Gupta owned newspaper but also a proposed TV – the proposed television news channel."

And I am affording you this opportunity to comment on the contents of that paragraph.

MR DUDUZANE ZUMA: Is there anything specific that you would like to know?

ADV PHILLIP MOKOENA SC: Which of the portions of that paragraph do you dispute and which ones are accurate?

MR DUDUZANE ZUMA: Look I think there is a lot of creative writing in this paragraph.

ADV PHILLIP MOKOENA SC: Hm.

MR DUDUZANE ZUMA: The simple – the simple fact is government advertising well for us to be in line for government advertising should never be an issue. The conflict myself being the son the President at that time – my father being in office I think that is an unfair point to make by Mr Sundaram or anyone else. The fact of the matter is it was a TV station – it was a new TV Channel. It was a start-up an just like any other channel I implore government to support any start-ups. So when it comes to government ad spend revenue just like any other outlets that exists out there you name them, they getting government support via advertising revenue.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: So I completely refute this those whole paragraph.

ADV PHILLIP MOKOENA SC: Now let us dissect you know what you have just said to the Chair in the light of what Mr Sundaram has said. Firstly if my memory serves me well your father the President Mr Zuma

did not dispute that he played an instrumental role in the establishment of the TV station when he appeared. Do you recall his testimony?

MR DUDUZANE ZUMA: If that is what you saying I will take your word for it.

ADV PHILLIP MOKOENA SC: Yes. And then – that is the first point. The second point is that you own shares or you have interest in the TV channel itself directly or indirectly, am I correct?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: Yes. The TV channel was getting business from government you have just simply confirmed that, that is correct?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: Now would that not be any obvious conflict from the analysis of those facts?

MR DUDUZANE ZUMA: Which facts? The facts that you have just put to me?

ADV PHILLIP MOKOENA SC: Which I have just put to you yes.

MR DUDUZANE ZUMA: No I do not think so.

ADV PHILLIP MOKOENA SC: No conflict at all?

MR DUDUZANE ZUMA: Sorry Sir.

ADV PHILLIP MOKOENA SC: You are saying there is no conflict at all?

MR DUDUZANE ZUMA: I do not think so no.

ADV PHILLIP MOKOENA SC: Yes. Now if we can move to page 56. I want to move over from page 56 to page 59 Chair. Paragraph 28.8 and I will read with – to you also paragraph 28.10 and 28.13 simply to – to

fast track this – the line of question. 28.8 it says that:

> "Atul has organised a chip reader and a 14 inch procus quality monitor to be sent to Ashu earlier in the day. He was to bring this for the meetings. We were ushered into the same waiting room where we had before – been before. Soon Duduzane Zuma walked in and greeted us before proceeding to hug the Gupta brothers. "We had a surprise for you today." That is in quote. We had a surprise for you today Dudu we will show you the bulletin we have been producing. Ajay Gupta said with an animated movement of his hands. Good so we should move to the next room it has a large TV. In starting moving out and all of us followed him."

Do you recall these events?

MR DUDUZANE ZUMA: No just to put it into context.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: So it is not taken out of context. If – I will answer your question. If we go back to 28.6.

ADV PHILLIP MOKOENA SC: yes.

MR DUDUZANE ZUMA: Which is page 58. And I will just read the first sentence. It says:

> "The plan was to take a chip reader to President Zuma's Pretoria house and connect it to a monitor for him to see the bulletins."

So when we come to paragraph 28.8 I am being placed in this meeting which I have clearly told you that I was not part of. You asking me to comment on an event that I was not – well a scenario that I was not part of. I am not sure how you expect me to do that Sir.

ADV PHILLIP MOKOENA SC: I am simply putting to you what Mr Sundaram has actually told the Chair and to give you a fair opportunity to [indistinct] to it. So your answer it is simply that you are not part of that meeting?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Yes. Now let us move on to para - to page 62. Paragraph 28.18 and to afford you a chance - an opportunity to respond to that.

> "At this point Ajay asked me to go back to the office while Atul, Nazeem and Duduzane met him for discussions about the newspaper and commercial issues. I was told the next day that - I was told the next day by - next day by Nazeem and Atul that they had secured R20 millions worth of business the previous evening. By this time I had decided to resign as editor at ANN7 and go back to India after the launch. It was happening without the extensive training I had suggested. It was happening with our test runs with all systems and equipment in place but what really pushed me to resign was the violation of editorial integrity and dubious

commercial dealings that I had seen with my own eyes."

Would also be this one of the occasions where people are simply placing you in the crime scene as you have suggested with the other witnesses? You were not part of this meeting as well.

MR DUDUZANE ZUMA: Just give me one second. Let me just; this will be part of the same meeting correct.

ADV PHILLIP MOKOENA SC: Yes and you were not part of it?

MR DUDUZANE ZUMA: No.

ADV PHILLIP MOKOENA SC: You were simply placed on the crime scene as well?

MR DUDUZANE ZUMA: That is correct sir.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Alright. Now let us turn to page 63. Before we go to page 63 while you are still on page 62 so that you are able to familiarise yourself with the context of what I am - I am about to put to you. This is now the fourth meeting which happened at Midrand. The offices of ANN7. On 19 August 2013 were you part of this meeting?

MR DUDUZANE ZUMA: (No audible reply).

ADV PHILLIP MOKOENA SC: Mr Zuma.

MR DUDUZANE ZUMA: Yes sir.

ADV PHILLIP MOKOENA SC: Were you part of this meeting?

MR DUDUZANE ZUMA: Just give me two seconds please.

ADV PHILLIP MOKOENA SC: Yes, yes.

MR DUDUZANE ZUMA: Yes. This is a meeting that I was part of.

ADV PHILLIP MOKOENA SC: Yes and in paragraph 30 Mr Sundaram said:

> "Apart from the usual attendees the meeting was also attended by Mr Laxmi Goel and Mr Duduzane Zuma. President Zuma toured the studios, newsroom and technical areas at the N - AAN7 Office and also met the staff during the visit. My last meeting with President Zuma happened just 48 hours before ANN7 launched. I was told that the President would make a quick trip to the studios to take a look for himself and he was expected to stay on to see the rolling of the news bulletin. I was part of the team that would show him around. This was critical - this was a critical time as I was visually camping in the office. Sleeping for a few hours in the temporary rest area created for a few members of the core team on the first floor of the New Age Offices. I was in the morning in the editorial meeting where I got a call from Aslam to come and receive the President. He is expected any time now. Laxmi and Atul G want to see me immediately. Aslam said outside. I found Nazeem. Laxmi and Atul were already there. With them was

> Duduzane Zuma. I greeted them and waited with them for the Presidential convoy to arrive."

Do you recall these events?

MR DUDUZANE ZUMA: Very clearly sir.

ADV PHILLIP MOKOENA SC: So you are part and parcel of this ...

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Activity, yes.

MR DUDUZANE ZUMA: That is correct, sir.

ADV PHILLIP MOKOENA SC: If I may refer you to page 65 paragraph 30.12. It is right at the bottom.

> "He stood at the PCR for another 15 minutes and then moved towards the door. Laxmi, Atul, Nazeem, Duduzane and I saw him off."

I take - I take that him was the President - the then President.

> "He said he was happy before he left. Atul assured him that the station would be run as per his guidance and wishes."

Do you recall this happening?

MR DUDUZANE ZUMA: I recall the event - seeing him off. That is correct. That did happen.

ADV PHILLIP MOKOENA SC: Yes.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: And then the rest you can recall?

MR DUDUZANE ZUMA: No. The rest I was not part of that.

ADV PHILLIP MOKOENA SC: Alright. Now let me conclude on this

evidence of Mr Sundaram and simply wrap up you know what appears to be his testimony at least in as far as it relates to you Mr Duduzane Zuma.

MR DUDUZANE ZUMA: Yes sir.

ADV PHILLIP MOKOENA SC: We know and you can take it from me that when Mr Zuma testified he did talk about the importance of a TV station and his role before the Chair and we know that you were the shareholder in Mabengela Investment. Mabengela connected business with Government and Mabengela Investment held the shares in Infinity Media Networks. Would I also be correct that Infinity operated the channel ANN7?

MR DUDUZANE ZUMA: Yes. I was the vehicle.

ADV PHILLIP MOKOENA SC: Yes. Now the channel ANN7 benefitted through advertisement from Government. You confirm that?

MR DUDUZANE ZUMA: Like any other channel around. Yes. That is correct.

ADV PHILLIP MOKOENA SC: Yes. Mabengela was partly owned by Tegeta?

MR DUDUZANE ZUMA: I will have to check that. I am not ...

ADV PHILLIP MOKOENA SC: Let us check that. In turn Tegeta owned ("OCH") Optimum Coal Holdings?

MR DUDUZANE ZUMA: Yes. That is correct.

ADV PHILLIP MOKOENA SC: Optimum Coal Holdings is the holding company of is the holding company of Optimum Coal Mine?

MR DUDUZANE ZUMA: That sounds correct sir.

ADV PHILLIP MOKOENA SC: Yes. Optimum Coal Mine supplied coal to Eskom?

MR DUDUZANE ZUMA: That is very correct, sir.

ADV PHILLIP MOKOENA SC: Yes. Alright. Can you now proceed to deal with Mr Booysen?

CHAIRPERSON: Well before you go to Mr Booysen. Mr Zuma you have read Mr Sundaram's affidavit. Is that correct?

MR DUDUZANE ZUMA: I have - I have taken a look yes.

CHAIRPERSON: You have read it?

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Yes. Would you agree with me that in that affidavit if what he is saying is true then the former President was being briefed in very great detail about a number of many matters relating to ANN7? Would you agree or would you not agree with that - if what he is saying is true?

MR DUDUZANE ZUMA: Sorry. Just to be clear you are asking me to - to give an opinion - a speculative opinion?

CHAIRPERSON: Whether - if you read what he is saying you would take the view that the former President was very involved in matters relating to ANN7?

MR DUDUZANE ZUMA: That is a very tricky question Chair.

CHAIRPERSON: It (intervenes).

MR DUDUZANE ZUMA: I do not - I do not have a problem answering but ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: But that is - you are asking ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: For a view and opinion a speculation which I am not comfortable giving.

CHAIRPERSON: Not speculation. It is - it is simply when you look at what Mr Sundaram says ...

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: They were doing. The meetings they were having with the former President. The issues that he says they were being discussed and it may be that the former President when he gets a chance he will say there is nothing like that. There are no - no such meetings happened - that happened or there were some meetings but I was not involved in the kinds of details that this person is talking about.

So it maybe that that is what I will be told but I am simply saying if what he says is true it seems to me that the former President - for President's role or involvement in N7 - ANN7 was not superficial. It is quite - it was quite - he was quire involved in it. So I am inviting you to say whether if all of that was true you would share the same view or would you say no when I look at what he is saying I would not say the former President was very involved. I would say since his involvement was superficial.

MR DUDUZANE ZUMA: Chair I see you pushing me to give a view. I will give you a view.

CHAIRPERSON: Yes. No I want - I want a view, *ja*.

MR DUDUZANE ZUMA: Yes, but I would also like to place it if this Mr Sundaram's version of events was not true.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Is there anyone else that can give that same speculative.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Anyway to answer your question.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: I would have to agree with you most - most definitely.

CHAIRPERSON: Yes, yes.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: So - so - but you say as far as you know that - what he says is not true?

MR DUDUZANE ZUMA: No. I am answering your question. I was just putting ...

CHAIRPERSON: Oh, okay.

MR DUDUZANE ZUMA: Putting my view across ...

CHAIRPERSON: Yes, okay. Alright.

MR DUDUZANE ZUMA: As a - as an alternate but to answer your question since you ...

CHAIRPERSON: Alright.

MR DUDUZANE ZUMA: You - you have pushed me to do so.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: I will answer it. My view is I would have to

agree with you. Yes.

CHAIRPERSON: Yes, yes. The reason why I am simply raising that is that in part - somewhere in his affidavit Mr Sundaram seems to - well he certainly says that the former President was much more involved with ANN7 issues than you were. Despite the fact that you had shareholding in AAN7. You - you did - you remember that part of his ...

MR DUDUZANE ZUMA: Yes, yes. I remember that. I remember that clearly sir.

CHAIRPERSON: Yes, sir. Your - your own involvement in ANN7 are you - I - I think out of the four meetings you did say there is only one that you attended.

MR DUDUZANE ZUMA: That is correct.

CHAIRPERSON: That he talks about.

MR DUDUZANE ZUMA: Yes. That is correct Chair.

CHAIRPERSON: *Ja*. On the face of it without you putting your input in regard to that that - that seems to go along with what he is saying. Here is a situation where the former President and ANN7 people have four meetings with him. He is not a shareholder but here is the shareholder - 30 percent shareholder.

Out of those four meetings only one that he attends but of course there may be other meetings that you were involved in that Mr Sundaram does not talk - talk about but I just wanted to - to mention that and just hear whether you have something to say about your - your own level of involvement on - in ANN7 issues.

MR DUDUZANE ZUMA: Yes. I will - I will respond.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Firstly he mentioned that I was part of a number of meetings but then he mentions that I did not contribute to any of the meetings. So he cannot have it both ways. He needs to decide whether I was there. I was active or I was not there and as I am saying to - to the Commission is I was not part of those meetings.

That is the first point I want to make and Chair the second point is besides ANN7 a lot of other companies that I have - as Mr Mokoena pointed out. I was a shareholder/director whatever the case was at that time. There has been a prevailing narrative up until this point about State Capture, corruption, influence outside of Government, appointing of Ministers and whatever else.

Now I made the decision to pull back and not to be active in - in a lot of roles.

CHAIRPERSON: Okay.

MR DUDUZANE ZUMA: To my detriment. So I could not grow with my company ...

CHAIRPERSON: Okay.

MR DUDUZANE ZUMA: And not just Mr Sundaram. I am sure there will be a lot of staff ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: That worked in the offices. They would have said then ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: We have not seen this gentleman around in a

long time.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: I would make some - some visits from time to time ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: And give my input ...

CHAIRPERSON: Okay.

MR DUDUZANE ZUMA: Where I could.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Now the point I am trying to get to is if it was the other way around ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: And I had been in all these meetings.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: I had been there ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Directing traffic ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Whatever - and whatever purpose I need to be in that meeting for.

CHAIRPERSON: Hm, hm.

MR DUDUZANE ZUMA: Today I would be sitting here and you would be asking me the question on ...

CHAIRPERSON: Hm, hm.

MR DUDUZANE ZUMA: You have been placed at these meetings.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: There is no editorial interference from shareholders.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: What would I say about that.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: So I would rather be sitting at this point saying ...

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: I am not sure what Mr Sundaram is talking about ...

CHAIRPERSON: Hm, hm.

MR DUDUZANE ZUMA: Because if it was the other way around.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: You would be asking me and you would actually be putting to me.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: That as a shareholder I was part of these meetings and I was interfering editorially.

CHAIRPERSON: Hm, hm.

MR DUDUZANE ZUMA: So I have spoken in a roundabout way but I just wanted to make that point.

CHAIRPERSON: Yes. No, no. I - I think what you have said is important but let me just make sure I understand it. With special reference to my question you seem to be saying I am not denying that I

was not very involved in ANN7 but there was a reason for it. I decided to pull back but also there were a number of other companies in which I was involved. Is that right?

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Is my understanding of what you are saying correct?

MR DUDUZANE ZUMA: Yes. You are correct. As - as well as me having to have limited my roles as well.

CHAIRPERSON: Yes. *Ja*. That is what I am talking about.

MR DUDUZANE ZUMA: Yes. You are correct. You are correct Chair.

CHAIRPERSON: Yes, yes. No. That - that is important because it is - we want to hear all perspectives because without all the perspectives things might seem to be looking in a certain direction but when has all the perspectives it is important because what you are saying is I deliberately try to limit my - my role for - for the reasons that you have given.

MR DUDUZANE ZUMA: That is correct Chair.

CHAIRPERSON: Okay, thank you.

MR DUDUZANE ZUMA: Thank you very much.

CHAIRPERSON: Hm.

ADV PHILLIP MOKOENA SC: Thanks Chair. Mr - Mr Zuma I was just about to move now to the evidence of Mr Booysen. He testified before this Commission. He informed the Chair that he joined the South African Police in 1976. It is folder number four.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Yes and he told the Chair that he was

promoted to different ranks. I mean starting from the Colonel, Brigadier and Major-General. He told the Chair that you were once a complainant in a criminal matter that involved Mr Ian Endres concerning a fraud line betting scheme. Would that be correct?

MR DUDUZANE ZUMA: That is incorrect.

ADV PHILLIP MOKOENA SC: That is incorrect?

MR DUDUZANE ZUMA: That is - yes. It is incorrect sir.

ADV PHILLIP MOKOENA SC: And how did you encounter Mr Booysen?

MR DUDUZANE ZUMA: I met him through a mutual friend of ours.

ADV PHILLIP MOKOENA SC: A mutual friend?

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: And under what circumstances?

MR DUDUZANE ZUMA: Just an introduction.

ADV PHILLIP MOKOENA SC: Just an introduction?

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: I am sorry Mr Mokoena. I missed - I missed the - the question to which Mr Zuma answered it is not correct. I believe the first question.

ADV PHILLIP MOKOENA SC: He says that to the extent that Mr Booysen says that he was once a complainant in a matter involving a fraud betting scheme ...

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: And he says that is incorrect ...

CHAIRPERSON: Oh.

ADV PHILLIP MOKOENA SC: But he admits that he did meet

Mr Booysen I think under different

CHAIRPERSON: Oh, okay.

ADV PHILLIP MOKOENA SC: Circumstances.

CHAIRPERSON: Okay.

ADV PHILLIP MOKOENA SC: Yes and we just about to interrogate ...

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: Those circumstances where you met Mr Booysen. Do - can - can you share with us?

MR DUDUZANE ZUMA: So there is the issue that he is speaking about which is not my issue and I have denied it. There is a mutual friend of ours that was handling his own matters at that time which relates to the issue that you just raised which is not my issue and that is how this whole thing arose of the meeting.

ADV PHILLIP MOKOENA SC: So this issue that he is telling the Chair about is not your issue but it is the issue of a mutual friend?

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Oh. So that is how you met. In those circumstances?

MR DUDUZANE ZUMA: In those circumstances. So it was purely by chance ...

ADV PHILLIP MOKOENA SC: *Ja*.

MR DUDUZANE ZUMA: And it was just a social.

ADV PHILLIP MOKOENA SC: And would I be correct that Lieutenant Botha from the Hawks in KwaZulu-Natal was the one appointed to investigate that case sir?

MR DUDUZANE ZUMA: I do not know about that.

ADV PHILLIP MOKOENA SC: You do not know about that?

MR DUDUZANE ZUMA: No.

CHAIRPERSON: Hm.

ADV PHILLIP MOKOENA SC: Now Mr Booysen ...

CHAIRPERSON: I am sorry. Before that do you have any recollection whether maybe when the mutual friend laid the complaint or asked for the matter to be investigated? You accompanied him and the - and that maybe that is how General Booysen might have thought both of you were complainants in that matter?

MR DUDUZANE ZUMA: No. I said ...

CHAIRPERSON: Youi did not (intervenes)?

MR DUDUZANE ZUMA: No. It had absolutely nothing to do with that ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Specific subject matter, yes.

CHAIRPERSON: And you - you know of no reason why he would think you were the complainant in that matter?

MR DUDUZANE ZUMA: No.

CHAIRPERSON: *Ja*.

MR DUDUZANE ZUMA: Confusion but I - I do not know.

CHAIRPERSON: Yes, okay.

ADV PHILLIP MOKOENA SC: Yes, but flowing from what the Chair was asking you. He says that he did not meet with you once but on many times when you would inquire about the progress of the investigation in

this matter. Is he also - he is - he is not telling the truth?

MR DUDUZANE ZUMA: What I am saying is I met him a few times - numerous times if you want to put it that way and it was purely on a social basis. There was no discussion of any pending cases of any sort. I was not following up any cases of anybody.

ADV PHILLIP MOKOENA SC: It - it was just on a social basis?

MR DUDUZANE ZUMA: That is correct Chair.

ADV PHILLIP MOKOENA SC: Okay.

MR DUDUZANE ZUMA: Sir.

ADV PHILLIP MOKOENA SC: He relayed one such meeting that took place in Sandton. Can I refer you to page 3 of his statement and he states - Mr Chair I am referring to paragraph 1-5-8. He says:

> "On 16 August 2015 a few days before I was interviewed for the post as the Head of the Hawks I was contacted by Captain Dirk Swart from SAPS on behalf of Duduzane Zuma the former President's son who wanted to meet me which I agreed to. I knew Duduzane as a result of a fraud investigation in which he was a core complainant - complainant in a criminal matter. The investigation related to a complaint by Duduzane and one Winston Innes against Ian Andries concerning a fraud in an online betting scheme (gambling). At the time I had appointed Lieutenant-Colonel Marthinus Botha from the Hawks in KwaZulu-Natal - in KZN - to

investigate the alleged fraud. I had previously met Duduzane a few times when he inquired about the progress in the investigation. One of these meetings took place in - at his office in Sandton when I was in Gauteng for a meeting."

I take it that you dispute everything that he says in that paragraph even though we can see - what - whatever - what you are saying to the Chair it seemed that you did meet with him a few times but not as - related by him your meetings. It was simply on social - on social basis?

MR DUDUZANE ZUMA: Before I answer that. I will answer that. If I may just ask a question. What does co complainant mean?

ADV PHILLIP MOKOENA SC: I do not know. Maybe we will ask Mr Booysen.

CHAIRPERSON: Well it ...

ADV PHILLIP MOKOENA SC: A co complainant must be a person that launched a complaint together with you.

MR DUDUZANE ZUMA: Okay. That is true.

CHAIRPERSON: *Ja*. It is - it is somebody who together with somebody else lays a complaint.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: *Ja*. (Intervenes).

MR DUDUZANE ZUMA: So that document would be available if I am correct.

CHAIRPERSON: Sorry.

MR DUDUZANE ZUMA: That document or that (intervenes).

CHAIRPERSON: There ought - there - there ought to have been at the time. I do not know now, but there ought to have been documents.

MR DUDUZANE ZUMA: Then I think we should pull that document up then.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: That will answer that question ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And then moving onto - I mean I think that it is - it is clear that we have met a few times. We have not disputed that. I once again deny that I was a co complainant and I wish those document - that - that record could be pulled up. As for the meeting happening in my Sandton offices. I do not recall. It could have happened. It is possible but I do not recall.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: I think - I think maybe - maybe I could say that probably for the Commission's purposes it - it is neither here nor there whether you were a co complainant or not. I think what is important is you - you had met with him ...

ADV PHILLIP MOKOENA SC: A few times.

CHAIRPERSON: On a number of occasions.

MR DUDUZANE ZUMA: Yes.

MR DUDUZANE ZUMA: Chair ...

CHAIRPERSON: Prior to this.

MR DUDUZANE ZUMA: May I humbly disagree with you Chair.

CHAIRPERSON: Yes, okay.

MR DUDUZANE ZUMA: I think that is quite a focal point here because ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: The theme of the - of the meetings and the - the subsequent meetings ...

CHAIRPERSON: Huh-uh.

MR DUDUZANE ZUMA: Is based on me being a co complainant which I have said I am not.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: So ...

CHAIRPERSON: But - but you see the - the issue in which he says you were a co - a co complainant might not be the type of issue that the Commission is really looking - it might not be the type of issue that the Commission is busy with you know in terms of what it has to investigate. That is what I am saying.

MR DUDUZANE ZUMA: Okay Chair.

CHAIRPERSON: Yes, yes.

MR DUDUZANE ZUMA: Thank you.

ADV PHILLIP MOKOENA SC: Maybe to take that point further with the Chair. If you turn to page 4 you will see the importance of why you were sent a 3.3 Notice. He proceeds at paragraph 1-5-9 and I will read that to paragraph 1-6-4 for you to react at once in those - on those paragraphs. He said that:

"I met Duduzane at the Sandton Gauteng Station where I took it. He wanted to discuss his matter. Duduzane was driving a black Rolls Royce."

Can I pause? Do you have a black Rolls Royce or did you own one at some point?

MR DUDUZANE ZUMA: Not a black Rolls Royce but there is a white Rolls Royce, sir.

ADV PHILLIP MOKOENA SC: Oh a white?

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: Okay.

MR DUDUZANE ZUMA:

CHAIRPERSON: Well you say there is. At the time that he is talking about ...

MR DUDUZANE ZUMA: Yes. At the time, yes.

CHAIRPERSON: Oh. At that time there was a white not a black one.

MR DUDUZANE ZUMA: *Ja*. I was - I was doing well Chair.

CHAIRPERSON: Okay. He - he just got - he might have just got the colour wrong.

MR DUDUZANE ZUMA: Yes Chair.

CHAIRPERSON: Okay, alright.

ADV PHILLIP MOKOENA SC: I just had to ask that question.

MR DUDUZANE ZUMA: Yes.

ADV PHILLIP MOKOENA SC: So that I was - you - you do have one or you did own one?

"Duduzane had suggested that I get into the vehicle

with him. I told my son who was with - with me at the time that I would be driving with Duduzane and that he should follow us. My son followed us in his own vehicle. I took it that we were going to his office in Sandton. We chatted about odds and ends. There was no discussion about his fraud matter. Prior to our arrival Duduzane had made no mention that we were in fact going to the Gupta compound or anything regarding my interview into the position of National Head of the Hawks. The next moment we pulled up at the residence in Sandton which I recognised - recognised as the Gupta's Saxonwold compound. I alighted from the vehicle by which time my son had walked up to me and asked me whether we were there - whether we were where he thought we were. I responded and told him that I thought so. Although I was caught by surprise I decided to see how things would unfold. We were escorted by security guards and entered the house where the - where we handed our cellphones over to them before entering the lounge. Tony Gupta was the only Gupta brother present. There were also house staff present which I gathered were from India who served us some light Asian snacks. Tony spoke to my son who is an IT

specialist and told him if he wanted to go into business a venture he should speak to them."

And the next page the last two paragraphs:

"There were no significant discussions but what I need to - what I indeed considered curious was that Tony knew that I was about to interviewed a few days later for the post of National Head of the Hawks. Although I recall that a daily local - local newspaper in KZN the Mercury at the time reported that I had applied for the post as National Head of the Hawks. Tony - Tony said that if I was appointed we should have supper together in Durban. I did not know what to make of his statement but suspected that he wanted to create the impression that - that should I be - should I be appointed he had had a hand in it and that I would consequently be indebted to him. I would like to reiterate that Tony did not say this directly and that this - and that it is merely speculation on my part. I laughed and said that we could. Duduzane who was present did not partake in the conversation other than discussing generalities. After having had refreshments my son and I left. I did not hear from the Guptas again. This was my one and only visit to the premises."

And I give you a chance or should I also say that this is one of the instances where you were also placed in the crime scene. You were not part and parcel of this meeting?

MR DUDUZANE ZUMA: Please. Give me a chance please. Give me a chance please sir to respond.

CHAIRPERSON: I guess crime scene in inverted commas Mr ...

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Mr Mokoena?

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Because certainly in regard to this meeting there does not seem to be a suggestion of any ...

MR DUDUZANE ZUMA: Impropriety.

CHAIRPERSON: Any impropriety or any criminal activity.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: If I may be allowed to respond thank you. But then to start off with is like I said the interactions between myself and General Booysens were on a social basis, that's the the engagements we had, we discussed a lot of weird and wonderful things but it was on a social basis. I have detailed that is to how we got in touch. Now on this specific day then what leads to it is he would always ask questions about the Gupta family, which a lot of people ask, friends, family, strangers, and he is obviously a career policeman so he has got a level of inquisitiveness or quite an investigative nature, even when we had discussions on general stuff, random stuff, he would

always enquiry from a policing perspective. I mean that is his history.

So in a few discussions prior to this eventful day he'd raised a question like how are the guys, you know what is their situation, or what's their story, like I said the usual questions, and I said look one day if there is an opportunity I will take you to meet them, just like I have taken a lot of people to meet the guys, just like I have taken Mr Tony to meet a lot of other people, friends, family, just to get a perspective, because a lot of people don't have that perspective, an inter-personal engagement.

So this leads us to this day and I may be wrong but if my memory serves me correct this would have been a weekend and not a week day, so for me to – for there to be a suggestion that we are going to the office I am not too sure about that. By the time we had arranged to meet at the Gautrain, if I recollect he was coming from either Midrand or Pretoria, the plan was to go to number 5 Saxonwold, and that is exactly what we did.

He arrived, we ...[intervenes]

CHAIRPERSON: I am sorry to interrupt you.

MR DUDUZANE ZUMA: Yes, yes?

CHAIRPERSON: So he too knew that the plan was to go to the Gupta residence?

MR DUDUZANE ZUMA: That was the only plan for that day.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: That was the plan.

CHAIRPERSON: Yes, okay.

MR DUDUZANE ZUMA: There was nothing else, like I said I may be, I stand to be corrected but it was definitely a weekend.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: I mean we have met a few times you know and there's times where I have met him in Pretoria.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: So there is no issue of the venues we have met in interesting places. This specific day was ...[intervenes]

CHAIRPERSON: *Ja*, was for going there?

MR DUDUZANE ZUMA: Yes, this was that we had agreed, okay if you come through I will take you through to meet Mr Tony ...[indistinct] I would like you to meet him, and he said okay if that is case, whether it was inquisitiveness, whether he thought I was joking I don't know but that was the plan for the day.

CHAIRPERSON: Yes, yes. I interrupted you while you were continuing.

MR DUDUZANE ZUMA: Yes, thank you Chair.

CHAIRPERSON: You may continue.

MR DUDUZANE ZUMA: Okay, so that covers that point. So moving on he is correct there was no discussion about any fraud matter, like there was not any previously. Let's move on to paragraph 163, definitely general discussions, there was some specific discussions with the son, obviously on him being an IT specialist and opportunities around that nature of what he does, the usual pleasantries. Getting to the point where – because what paragraph 163 actually, forgive me but it doesn't

make sense to me. If you read the whole thing, the whole paragraph it takes you from an accusation of prior knowledge to a Hawk's position or prior knowledge to an interview for a Hawk's position or shortlist. Then it goes on to say that this popped up in The Mercury at the time so it could have been public knowledge, then it winds off to an impression creation of information being known beforehand and then it ends off with a reiteration, a firm reiteration that the statement was not made directly. It is a very confusing paragraph to me, so I cannot respond to that. It has got a whole host of things that don't make sense to me, but what I can say is that was not discussed and that was definitely not the issue, that is on paragraph 163.

Yes, I think that's what I comment to respond.

ADV PHILLIP MOKOENA SC: Yes, now to sum – to sum up what you have testified in regard to this paragraph, I understand you correctly to say that indeed you did meet him at Gautrain, you did take him to the Gupta residence, and he did meet a Gupta brother on the day in question, and had discussions yes.

MR DUDUZANE ZUMA: That is correct.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: You know when General Booysen was giving evidence here I think I asked him a question about the purpose of the trip to the Gupta residence, because it did not seem to me that it was clear what the purpose was, if you look at what he said happened once he was there, but you say that there was a purpose, is that right?

MR DUDUZANE ZUMA: Yes, and I will reiterate it if you will allow me

to.

CHAIRPERSON: Yes, yes, go ahead.

MR DUDUZANE ZUMA: The purpose on that day was very specific.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: By the time we agreed to meet up at the Sandton Gautrain Station we all knew where we were going to.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: That was discussed prior to us getting, and the discussion was preceded by a discussion.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: On enquiring about the nature of the Gupta family and so on and so forth, and I would say look that's my guy, just as much as I have a good relationship with him, I was starting to build a relationship, I believe at least, with Mr Booysen and if the time arises I would love for you guys to meet and he said no it is cool, and we will meet and that was that specific day so the purpose for the meeting happening was purely a hello, how are you, it was a meet and greet, there was no other specific purpose.

CHAIRPERSON: So am I right in understanding you to be saying that in previous discussions or discussion in a previous discussion he had expressed an interest in meeting the Gupta brothers, or a particular Gupta brother socially?

MR DUDUZANE ZUMA: Socially yes, that is correct.

CHAIRPERSON: Ja, yes, he had expressed that interest.

MR DUDUZANE ZUMA: Yes, after discussion definitely.

CHAIRPERSON: Yes, and unlike – is it Mr Hower that we dealt with a while ago, in respect of whom you say you are not close to him.

MR DUDUZANE ZUMA: Mr Chauke.

CHAIRPERSON: Oh Mr Chauke. General Booysen are you able to say as at that time you felt that the two of you were close, had a close relationship or not?

MR DUDUZANE ZUMA: Obviously we do not have a long-standing relationship ...[intervenes]

CHAIRPERSON: Yes but ...[intervenes]

MR DUDUZANE ZUMA: From the interaction over a period of time leading up till then I think we had a very good report definitely, yes, yes, yes.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And I hope it is still that way.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: So if Mr Booysen is watching ...[indistinct]

CHAIRPERSON: Well I can tell you that when he gave evidence here he said he found you to be very respectful and so on and – so that part I can say. So you took him to the Gupta residence because he had expressed an interest in meeting the Gupta family.

MR DUDUZANE ZUMA: Let me make it clear, due to prior discussions there were discussions around the Gupta family, so it was not him who decided let's go meet the guys. After discussion it was – you know I raised it and said look if you are asking all these questions you can ask them directly. He seemed to – you know, so, ja so afterwards he is

like if there is an opportunity to I would honour that opportunity I will do so. I said okay fine. So that day is the day that we went, we met up specifically to go and fulfil this exercise, for him to get a sense of who this family is, where they live, I mean it has been a major talking point and people are inquisitive about it, so I feel even with his background he thought okay, let me go and check it out and that is exactly what he did.

CHAIRPERSON: Yes, you see the reason why I am putting these questions is that I want to make sure that I do not misrepresent what you are saying.

MR DUDUZANE ZUMA: Yes Chair.

CHAIRPERSON: Before you gave the answer that you have just given now the impression that I was getting was that you were saying that it was at his instance that you took him to the Gupta residence because he had expressed an interest in meeting the Gupta family, or one or more of them, so that is what I was checking.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Would it be correct to put it that way?

MR DUDUZANE ZUMA: If I may answer it, not, if I may just answer in this way.

CHAIRPERSON: Yes, he seemed to have a lot of questions ...[intervenes]

MR DUDUZANE ZUMA: There were questions, there were discussions and I said to him these are open people ...[intervenes]

CHAIRPERSON: Yes, I can take you there.

MR DUDUZANE ZUMA: *Ja*, if you would like to meet them at any point let me know, and he could have said no, he said yes.

CHAIRPERSON: Yes, okay.

MR DUDUZANE ZUMA: So if you are asking me, if you're saying at his instance I am not too sure about that, but this is the way it panned out.

CHAIRPERSON: Yes, so it may or may not be at his instance but that is the context in which ...[intervenes]

MR DUDUZANE ZUMA: Yes, there was a build-up to it yes, correct.

CHAIRPERSON: He had questions that he was asking about them to you.

MR DUDUZANE ZUMA: Like many other people Chair.

CHAIRPERSON: Yes, and then from your discussion with him it was – you all agreed that when there is an opportunity you could take him there.

MR DUDUZANE ZUMA: That is correct Chair.

CHAIRPERSON: Okay, no thank you.

ADV PHILLIP MOKOENA SC: But he seemed to say, I mean from the paragraph that you have read that when you fetched him at the Gautrain he was not aware that you are going to take him to the Gupta residence.

MR DUDUZANE ZUMA: No, then that is not true sir.

ADV PHILLIP MOKOENA SC: Yes, and I mean that is also you would recall that we also traversed that questioning in light of Mr Jonas, he also said that he did not know that he was going to be taken to the Gupta residence and you say that is not true.

MR DUDUZANE ZUMA: Yes, that's what I am saying, I mean would it make sense on a random weekend we decide to meet up, to drive all the way from Pretoria to Johannesburg, and meet up at the Sandton Gautrain station, the offices are closed on a Saturday so reasonably you cannot expect me to be taking you to an office. It can happen, I may have the keys in my pocket, but it is a Saturday.

ADV PHILLIP MOKOENA SC: Yes, but you can take me to your house?

MR DUDUZANE ZUMA: Ja, 100%.

ADV PHILLIP MOKOENA SC: And not to the Gupta residence.

MR DUDUZANE ZUMA: But the specific discussion was we are meeting in Johannesburg, I can – if you want to meet the guys I can take you through and there was that agreement.

CHAIRPERSON: Did you – is your understanding that he came all the way from Kwa Zulu Natal for the purpose of that trip to the Gupta residence or is the position that he was in Gauteng and there was an opportunity to meet ...[intervenes]

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: ...and to go there and that is what was happening.

MR DUDUZANE ZUMA: Yes, I do not want to put other people's business in the street, but he was in Gauteng at that specific point.

CHAIRPERSON: Yes, yes.

MR DUDUZANE ZUMA: Some of the meetings that we have had have been in the Gauteng space.

CHAIRPERSON: Yes, okay.

MR DUDUZANE ZUMA: More specifically Pretoria.

CHAIRPERSON: Yes, okay.

MR DUDUZANE ZUMA: This given time he honoured me and he graced me with his presence in Johannesburg so he made the trip, and I appreciated him for doing that because he did not have to.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: And from there we went through to the residence.

CHAIRPERSON: Yes, okay.

ADV PHILLIP MOKOENA SC: Mr Chair the two that are remaining it is Mr – it is Advocate Ramatlhodi and Mr Mofe. You must have read their statement. The legal team took ...[intervenes]

CHAIRPERSON: I am sorry before you do that just maybe to complete maybe what I am saying might be kind of observation, some things that one is noting. On this occasion there is somebody that you are taking to the Gupta residence, that person – the person that that person meets at the Gupta residence is Mr Rajesh Gupta, Tony Gupta, so those are the two aspects, the third one is the one that Mr Mokoena mentioned that what we have is on the two trips, on the two visits to the Gupta residence, one involving Mr Jonas, the other one General Booysen, both of them say they were not aware that they were being taken to the Gupta residence, but you have said actually each one of them knew quite well that the trip was going there. In the case of Mr Jonas that was decided after everybody, after you had met at the Hyatt Hotel in regard to General Booysen you say that – there must be a trip to the

Gupta residence, it had been discussed and decided even before you met at the Gautrain station?

MR DUDUZANE ZUMA: Yes that is correct Chair, I think it is – it may not be well known, it may well known, I don't know, it was pointed out in the company organogram that Mr Tony is a business partner of mine.

CHAIRPERSON: Sorry?

MR DUDUZANE ZUMA: Mr Tony Gupta is a business partner of mine.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Yes, and he is also a very dear and close friend.

CHAIRPERSON: Well I was about to check that because I seem to have heard somewhere that out of the Gupta brothers he was the one that was quite close to you.

MR DUDUZANE ZUMA: that is correct, the reason I am pointing that out is because I spent a lot of time with him, on a daily basis.

CHAIRPERSON: And in regard to him we can say he was particularly close to you?

MR DUDUZANE ZUMA: More than particularly close, that is my guy.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Thank you.

CHAIRPERSON: Okay.

ADV PHILLIP MOKOENA SC: That's your guy? I am just about to move to the statement of Mr Mofe. The legal team of the Commission took the view that the two of them mentions your name but they do not implicate you, and ...[intervenes]

CHAIRPERSON: Who are you talking about now?

ADV PHILLIP MOKOENA SC: Mr Ramatlhodi and Mr Mofe.

CHAIRPERSON: Okay, alright.

ADV PHILLIP MOKOENA SC: Yes, however you are given a 3.1 notice.

MR DUDUZANE ZUMA: Yes sir.

ADV PHILLIP MOKOENA SC: You might have read their statement, both of them, I mean Mr Mofe simply confirming what he was told by Mr Ramatlhodi.

MR DUDUZANE ZUMA: Yes sir.

ADV PHILLIP MOKOENA SC: Then we can stay with Mr Ramatlhodi, do you need – do you wish to react to any of the contents of his statement?

MR DUDUZANE ZUMA: No I have got nothing to ...[intervenes]

CHAIRPERSON: For the – I am sorry Mr Mokoena, for the sake of the public and those watching do you want to repeat what they say?

ADV PHILLIP MOKOENA SC: Yes Chair. Let's go to folder number – it should be 5 I think. If you go to folder number five and you go to page 2, the relevant portions where your name is mentioned appears to be paragraph 2 to 11 and as requested by the Chair let me contextualise them and simply you know by reading only those relevant portions.

Paragraph 2 says:

"Following my appointment I received many congratulatory messages including one from Duduzane Zuma. What was

peculiar about Duduzane's messages was that he asked me to meet me and convey his message personally. At the time I responded by saying I was very busy in Cape Town and that during weekends I should still be busy because of my political appointments. Then after a few months I got a frantic call from Duduzane who was demanding to meet me. I arranged to see him at St George's Hotel where we were having a National Executive meeting. In that meeting he said to me he was sorry to meet me under those circumstances where he had lodged a complaint against me instead of meeting me in order to congratulate me. He wants to tell me that he had received information from two sources that reported that I have been going around bad-mouthing him and his business associates, saying that they were involved in criminal activities. I asked him who his sources were, he mentioned two names, one from India and the other from South Africa. I do not remember those names because he promised to furnish me with their names in writing. That never happened. He also mentioned that he told his father, the President, about these allegations. My response was that he grew up in front of me, so I was one of his uncles, as we were referred to in those days by children in exile. I went on to say that as his uncle I do not need to run around reporting on him doing crime. I would simply summon him and ask him if he was doing crime and if he was I would order him to stop or report

him to the police. I went to tell him that I will tell his father about our conversation. His response was to ask me to meet Ajay Gupta in order to explain the situation to Ajay Gupta. I told him I don't know Ajay and I owe him nothing. He left the meeting on that note."

Any of these facts emanating from this paragraph which are accurate or which you wish to comment on? Did you call Mr Ramatlhodi, did you have that exchange of ...[intervenes]

MR DUDUZANE ZUMA: If I may start from – I am sorry – if I may start from point number two, and that states that following my appointment I received many congratulatory messages including one from myself, I do not recall that but that could be true. I will take it as that being the case, it sounds like something I could have done.

As far paragraph 3, 4, 5, 6, 7, 8, 9, 10, 11 I am not sure what he is talking about.

ADV PHILLIP MOKOENA SC: Yes, and ...[intervenes]

CHAIRPERSON: Well when you say you are not sure what he is talking about are you saying you have no recollection of what he says you said to him and he said to you on that occasion, are you saying you are denying that you said to him what he says you said to him, and so on or what is the position?

MR DUDUZANE ZUMA: The position Chair is that I am denying the points that I mentioned now.

CHAIRPERSON: Yes?

MR DUDUZANE ZUMA: This version of events as placed in this

document do not reflect the reality at that time.

CHAIRPERSON: But do you admit having met with him on that occasion?

MR DUDUZANE ZUMA: On which occasion?

CHAIRPERSON: I think he says first you made calls but ultimately the two of you met at St George's Hotel.

MR DUDUZANE ZUMA: No, no, no.

CHAIRPERSON: You say there was no such meeting?

MR DUDUZANE ZUMA: There was no such meeting, the only times I have met him have been in passing, there has been no formal sit-downs or get togethers.

CHAIRPERSON: And are you sure about that, because it might have been quite a few years back, it is important for you to reflect in case maybe it is true, you have forgotten or are you quite sure that it never happened, that meeting never happened?

MR DUDUZANE ZUMA: Yes I am quite sure, I mean he is detailing a lot of events that have happened, that happened in that timeframe, and none of that is reflective to that so me meeting him at St George's Hotel to discuss the subject matter that he is placing forth, because that is what these paragraphs are about, is entirely not true.

CHAIRPERSON: Yes, is it possible that the meeting and the discussion did happen but he might have got the venue wrong when he says St George's Hotel, maybe it happened elsewhere?

MR DUDUZANE ZUMA: As I am saying any formal sitting with Minister Ramatlhodi has never happened, whether at St George's or anywhere

else, unless I have stated I have bumped into him in a number of places but that has been in passing.

CHAIRPERSON: Mmm, well I do not know whether you would call this, the meeting that he is talking about, a formal meeting, but in other words you say that you have not at any stage in the past ever accused him or complained to him that you heard that he was bad-mouthing you or your companies and so on, you have never had any discussion along those lines with him?

MR DUDUZANE ZUMA: No, I haven't had that discussion with him Chair.

CHAIRPERSON: Mmm. Yes okay.

ADV PHILLIP MOKOENA SC: So all these details that he is putting from these paragraphs he is simply imagining them, they never happened?

MR DUDUZANE ZUMA: More than that it is an environmental issue because now we have spent a whole page printing a whole bunch of stuff that should not be here.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: Now if you turn to page – to folder number 6.

MR DUDUZANE ZUMA: Yes sir.

ADV PHILLIP MOKOENA SC: Paragraph 4, ...[intervenes]

CHAIRPERSON: I am sorry, the paragraphs that you said you don't know what he is talking about did they include paragraph 11, I'm sorry?

MR DUDUZANE ZUMA: Yes they do.

CHAIRPERSON: They did?

MR DUDUZANE ZUMA: Yes, I read it Chair.

CHAIRPERSON: Oh, okay, okay, thank you.

ADV PHILLIP MOKOENA SC: If you go to the next folder, that is the statement of Mr Mofe, and if you turn to page 5, paragraph 4 he is now relating to the Chair what you now happened in relation to you as stated by Mr Ramatlhodi. He says that:

> "Former Minister Ramatlhodi informed me that Mr Duduzane Zuma called me and wanted to meet him for the purpose of which was to congratulate him on his appointment as Minister Mineral Resources. I cannot remember the dates since it was not essential that I record it."

And that is you know the essence of Mr Mofe simply confirming what he was told by Mr Ramatlhodi I am sure that is there anything to react to?

MR DUDUZANE ZUMA: No I cannot react on this point.

ADV PHILLIP MOKOENA SC: Yes lastly Mr Chair I just want Mr Zuma to confirm if you go to folder number seven ...[intervenes]

CHAIRPERSON: Before we go to number seven going back to what Mr Ramatlhodi said Mr Zuma ...[intervenes]

MR DUDUZANE ZUMA: Folder five?

CHAIRPERSON: Going back to folder five and I am looking particularly at paragraph 11, so I am bearing in mind that you say there was no such discussion – the discussion he is talking about never happened between the two of you, I bear that in mind, but if one looks at what he says, if that discussion did take place it seems that one of the things –

one of the things you wanted to do in paragraph 11 was to meet – to get two people, that is himself and Mr Ajay Gupta to meet but to discuss maybe rumours of bad-mouthing and so on and I go back to Mr Jonas, you have Mr Hlongwana, you get to know that there are rumours that Mr Jonas is blackmailing, was blackmailing Mr Hlongwana and then you want to bring them together to resolve that, it seems that Mr Ramatlhodi if what he is saying is true is coming up with a situation where you have become aware of rumours of him bad-mouthing your companies and I guess Mr Ajay Gupta as well and you want to get them to meet to discuss the matter, is that right, you understand that?

MR DUDUZANE ZUMA: I see your point.

CHAIRPERSON: If his version is correct.

MR DUDUZANE ZUMA: Yes, yes, and that ...[intervenes]

CHAIRPERSON: But you say it is not correct.

MR DUDUZANE ZUMA: That is not correct and it fits into the narrative of course.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Which is ...[intervenes]

CHAIRPERSON: Yes, okay.

MR DUDUZANE ZUMA: Which is to one being, myself being an organiser, a conduit to meetings and influencing whatever else it is and the second point being I am always there trying to put people together to resolve you know issues that are non-issues via rumours in the atmosphere, so I take your point Chair, and where it comes from.

CHAIRPERSON: Yes, yes, okay, thank you.

ADV PHILLIP MOKOENA SC: Now folder number seven, just for you to confirm you see that the first diagram it is having a face right on the centrefold, can you see that and there are a number of entities, I have gone through them, I just want you to confirm whether were you the director or have you any stake in those companies, if you want you can tick them one by one or just take us through.

MR DUDUZANE ZUMA: If I may make a request, because obviously I will need to check, a lot has changed ...[intervenes]

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Over a period of time, so I don't want to give the wrong information.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Looking at some of these companies yes I have been involved, some of them I am not too sure what the situation is, so far I can request that if I – whatever question is being raised I can pointedly go through one by one and I can submit it to the Commission as soon as possible.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Because I won't be too sure at this point.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: That should not be a problem, so in other words you want to check before you give any answer in regard to each of the companies, because there are too many of them.

MR DUDUZANE ZUMA: Everything active not active, share register the whole thing.

CHAIRPERSON: *Ja,* yes.

MR DUDUZANE ZUMA: Yes sir.

CHAIRPERSON: Okay, that should not be a problem.

MR DUDUZANE ZUMA: Thank you.

ADV PHILLIP MOKOENA SC: If you can also do the same in relation to Mabangela.

MR DUDUZANE ZUMA: I will do that, I will do that.

ADV PHILLIP MOKOENA SC: Chair that concludes the questioning for Mr Zuma.

CHAIRPERSON: Yes, there are two ways in which this can be done, one obvious one is for you to submit an affidavit in which you explain what the position was.

MR DUDUZANE ZUMA: Okay.

CHAIRPERSON: I did not apply my mind to your question Mr Mokoena whether you were talking about now or you were talking about at a particular time, so when he looks he needs to be able to say in this one I have been a shareholder or director from that time up to now, so is there a timeframe that he ...[intervenes]

ADV PHILLIP MOKOENA SC: No, he ...[indistinct] just look at the company and whether he knows that at some point he was a director and he can give us the timelines of it yes.

CHAIRPERSON: *Ja, ja.*

ADV PHILLIP MOKOENA SC: That will quite help.

CHAIRPERSON: *Ja*, that can be done and do you think you would need more than seven days to ...[intervenes]

MR DUDUZANE ZUMA: No, no, most definitely not Chair.

CHAIRPERSON: *Ja*, so let's say today is Monday if at all possible if that affidavit could be delivered to the Commission not later than Monday next week.

MR DUDUZANE ZUMA: Will do Chair.

CHAIRPERSON: Ja, okay, alright. You are done?

ADV PHILLIP MOKOENA SC: I am done Chair.

CHAIRPERSON: Okay. Before I release or allow your counsel to say something I just want to ask one or two questions going back to Mr Jonas and the meeting in the Gupta residence. Mr Jonas said that among other things he said that the Gupta brother who was in the meeting told him that I think told him that they would make him rich or he would be rich or something to that effect and said that – said something along the lines that you had become a billionaire or they had made you a billionaire, I am not checking now the exact wording, and that you – I think he said they said to him you had been able to buy a house in Dubai at that time. Now of course the question that immediately arises would be in case those things are factually correct how would Mr Jonas know them or were they publicly, were they information that was publicly available, so I just want to raise that because it is in my mind as well. I don't know if you are able to say anything?

MR DUDUZANE ZUMA: My only comment at this point is I am not sure where you would have got that information from, but there has been a great deal of publicity around my financial status, I mean it is not

secret, I mean that is one of the reasons I am sitting here.

CHAIRPERSON: Yes so ...[intervenes]

MR DUDUZANE ZUMA: And that is for the claims that I have been made this wealthy person and then secondly is property in Dubai, that has also been – I am not sure if you have seen it or not, but unfortunately I have, it has been well publicised.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: In the media space so I think those ideas that have made the rounds over the past few years.

CHAIRPERSON: But part of my question would be whether leaving out what the position is now of what is publicly available whether at that time that was publicly ...[intervenes]

MR DUDUZANE ZUMA: Like I said I am not sure.

CHAIRPERSON: You are not sure.

MR DUDUZANE ZUMA: I am not sure.

CHAIRPERSON: Okay, okay, thank you. Thank you. I think counsel wants to say something?

ADV PIET LOUW: Yes Chair I would have thought that we have right of re-examination just shortly, I have got about seven points.

MR DUDUZANE ZUMA: Sorry, sorry, sorry to do this again to everybody but am I the only one who needs to use the bathroom in this room?

CHAIRPERSON: Okay.

MR DUDUZANE ZUMA: If we may take a comfort break.

CHAIRPERSON: Yes that is alright, I wanted to say to you earlier on

you asked for a comfort break but I wanted to say the Chairperson needs to be *au fait* with all the terminology because sometimes it is comfort break, sometimes it is an opportunity to wash hands. Okay we are at twenty to four. We were going to, we normally stop at four but sometimes when it is necessary we go beyond that. We do have some witnesses tomorrow but they are short so depending on how much time you need I just want to mention that subject to everybody being agreeable there is an opportunity of finishing tomorrow morning.

ADV PIET LOUW: Mr Chair we understood in fact that we were going to be here for two days and that – we have a difference on our side of the fence, we understood two days and our colleague understood one day.

CHAIRPERSON: Well I can say that certainly my contemplation was that we should be able to finish with him in one day but that should we not finish we would continue the following day before other witnesses, but as things stand you know Mr Mokoena has no further questions, if we – there is room for us to try and finish, there is room for us subject to what Mr Hellens might have to say there is room for us to finish tomorrow morning.

ADV MIKE HELLENS: Mr Chairman may I make a suggestions, no fingers pointed, we thought it was one day, tomorrow is difficult for me, I have about five areas to cover which I don't believe will take more than ten to twelve minutes.

CHAIRPERSON: Yes, yes.

ADV MIKE HELLENS: So if I could go before Mr Louw I would finish

today and if Mr Louw needs to run into tomorrow then he can do that and I don't have to be here because he is dealing with Jonas and I am not involved with Jonas.

CHAIRPERSON: Yes, yes, I don't have problem with that, if he has no problem with that, yes.

Okay then is that fine with you, would that be fine with you?

ADV PIET LOUW: That is excellent thank you.

CHAIRPERSON: That will be fine, okay, so I think we must then take the comfort break and then come back and then Mr Hellens will then have a chance to re-examine and then when we finish then maybe we can adjourn to tomorrow morning.

ADV MIKE HELLENS: Thank you.

CHAIRPERSON: We are nearly at quarter four, let us just adjourn until four o'clock, is that alright? Okay, we adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes. Mr Hellens you may proceed.

ADV MIKE HELLENS: Thank you Mr Chairman. Mr Zuma you will have heard the phrase on the scene of the crime a few times. Now no one is actually suggesting I think that a crime was committed but they using the phrase in inverted commas to say at a significant moment you were there and yet at a significant moment again you were there and what is sought to be painted I think is a pattern which is undeniably something that must be questioned and is ominous.

Do you understand that that in my submission is the - the theme of those questions?

MR DUDUZANE ZUMA: I understand sir.

ADV MIKE HELLENS: Now to test whether you actually were at the places that people say you were and doing or saying what they say you were doing or saying it would appear to me that this Commission is - it is incumbent on this Commission to investigate whether there could possibly be any truth behind that which is being described by - by the witness.

Do you have comment? That is a leading question I beg your pardon.

MR DUDUZANE ZUMA: No that is - that is the Commission's duty I believe (intervenes).

ADV MIKE HELLENS: Now let us take a concrete example. Mr Dukwana is - said that someone at Saxonwold said that you were getting money from a mine in Jagersfontein and this was a good indication that it - it is suggested that there would be something in it for Mr Dukwana moneywise if he also climbed in to this effort with Mr Magashule - Magashule - to - to make money.

I can give the appropriate section but we all know what we are talking about. Do you remember that evidence?

MR DUDUZANE ZUMA: I do sir.

ADV MIKE HELLENS: Do you have any interest in a mine in Jagersfontein?

MR DUDUZANE ZUMA: No. I do not sir.

ADV MIKE HELLENS: Do you have any knowledge of a mine in Jagersfontein that you could possibly be said to be receiving money from?

MR DUDUZANE ZUMA: No sir.

ADV MIKE HELLENS: Do the Guptas with whom you are negatively linked have a mine in Jagersfontein?

MR DUDUZANE ZUMA: No sir.

ADV MIKE HELLENS: Would you invite this Commission to investigate what mines there are in Jagersfontein to establish whether it would be remotely possibly for you to get money from a mine in Jagersfontein?

MR DUDUZANE ZUMA: As I mentioned earlier that I thought that they - they had done. They clearly had not but I definitely invite them to do so.

ADV MIKE HELLENS: Now it would seem explicable that if you were not getting money from a mine in Jagersfontein and this was a portentous or ominous allegation made by a witness led before this Commission and before the public that that investigation as to the possibility even of you receiving money from a Jagersfontein mine had not in fact been investigated. Would you agree?

MR DUDUZANE ZUMA: I agree sir.

ADV MIKE HELLENS: Now to conclude on Mr Dukwana if it is found that there is not the remotest possibility of you receiving money from that source then it would appear outlandish that anyone would make such a suggestion and then it would bear on whether Mr Dukwana is talking the truth at all as to your presence at a meeting where you say

you were not present.

MR DUDUZANE ZUMA: That would be correct sir.

ADV MIKE HELLENS: What is your attitude finally about the investigation into the Jagersfontein money? Do you invite it? Do you ask for it?

MR DUDUZANE ZUMA: As I said earlier on it is - it is a point that I had raised and with all due respect to the Commission. I am slightly disappointed that it was not looked into but we are sitting here today and if there is a possibility of that being revisited the Chair did make his comments, *ja*.

ADV MIKE HELLENS: Mr Zuma I have noticed you are very polite. You say I am very disappointed. You say I do not know what he is talking about and when you are asked more closely what do you mean by that. You say I deny it. I take it that is your politeness coming through?

MR DUDUZANE ZUMA: I believe so. Yes sir.

ADV MIKE HELLENS: *Ja*. Now let us just talk about Mr Booysen. The Chairperson said well the issue is not whether you were a co complainant leading to your association with Mr Booysen. The fact is there was an association and you went to the Gupta house. You yourself asked the question but do these documents still exist.

Can it not be established whether I was co complainant in a matter being investigated by Lieutenant Botha in KZN. Do you invite such an investigation?

MR DUDUZANE ZUMA: I most definitely do sir.

ADV MIKE HELLENS: And if it is found that you are not a co

complainant in the matter that would suggest that Mr Booysen is completely mistaken or not honest about how your relationship with him arose.

MR DUDUZANE ZUMA: Yes. That will be correct sir.

ADV MIKE HELLENS: What possible reason would there be for him to be not frank - not honest or even mistaken about his relationship with you and how it arose?

MR DUDUZANE ZUMA: I do not know.

ADV MIKE HELLENS: But if the background was not that you were co complainant that he came to be talking to but as a result of a friend of yours being a complainant he got to know and in that context the conversation came to well you talk about the Guptas. Why do you not come and see them? What would your comment be then?

MR DUDUZANE ZUMA: You can just repeat that question please. What did you say?

ADV MIKE HELLENS: Mr Booysen pictures your relationship as being - he comes to meet you in a semi-official capacity or official capacity as a co complainant in a criminal matter. Right?

MR DUDUZANE ZUMA: Yes.

ADV MIKE HELLENS: Were you a co complainant in a criminal matter?

MR DUDUZANE ZUMA: No. I was not.

ADV MIKE HELLENS: What reason would Mr Booysen have to be mistaken or even to be not honest about that?

MR DUDUZANE ZUMA: I am not sure. He may have been confused. I do not know.

ADV MIKE HELLENS: Your version is that you became friendly. You met because a friend of yours was a complainant in a criminal matter.

MR DUDUZANE ZUMA: Yes.

ADV MIKE HELLENS: Right?

MR DUDUZANE ZUMA: That is it.

ADV MIKE HELLENS: And thereafter you became friendly?

MR DUDUZANE ZUMA: I like to believe so, yes.

ADV MIKE HELLENS: Mr Booysen does not characterise that relationship you had as a friendship or a fairly close acquaintanceship. He does not characterise it as that?

MR DUDUZANE ZUMA: No. He does not.

ADV MIKE HELLENS: He says you - you unexpectedly took him to the Gupta home.

MR DUDUZANE ZUMA: That is what he said.

ADV MIKE HELLENS: And what is the truth?

MR DUDUZANE ZUMA: That all along as I detailed before when I was asked by the evidence leader that day in question there was an agreement for us to go through to the said meeting.

CHAIRPERSON: I think Mr Hellens if I am not mistaken to be fair to General Booysen he does say that the two of them had several meetings. So - so the extent that what you have said to the witness might suggest that his version is that there might not have been much interaction between them before that.

I am just saying my understanding of his affidavit is that he does say before that there had been quite some interaction between the

two of them.

ADV MIKE HELLENS: Mr Chairman without asking the witness let me make a direct submission if I may.

CHAIRPERSON: Yes.

ADV MIKE HELLENS: We invite the Commission to - to investigate whether Mr Zuma was a co complainant. If it is show that he was not it would colour the background reason ...

CHAIRPERSON: Hm.

ADV MIKE HELLENS: To Mr Booysen explaining that they met and how they met and it would give impetus to Mr Zuma's evidence. Namely that ...

CHAIRPERSON: Hm.

ADV MIKE HELLENS: We were friendly and he wanted to see the Guptas at my suggestion as I understand it ...

CHAIRPERSON: Hm, hm.

ADV MIKE HELLENS: And so I took him there.

CHAIRPERSON: Hm.

ADV MIKE HELLENS: As opposed to it started off as and then ...

CHAIRPERSON: Hm.

ADV MIKE HELLENS: Something formal and then out of the blue.

CHAIRPERSON: Hm, hm.

ADV MIKE HELLENS: The investigation of co complainant ...

CHAIRPERSON: Hm, hm.

ADV MIKE HELLENS: Would contextualise and

CHAIRPERSON: Hm.

ADV MIKE HELLENS: Destabilise we submit Mr Booysen's evidence to the extent necessary ...

CHAIRPERSON: Hm.

ADV MIKE HELLENS: To make far less onerous - ominous the trip to 5 Saxonwold.

CHAIRPERSON: Hm.

ADV MIKE HELLENS: That is the point and then in conclusion. Mr Sundaram, he mentions you but without a purpose because you do not appear to have done anything in any of these meetings at all.

MR DUDUZANE ZUMA: Yes sir.

ADV MIKE HELLENS: But you get a mention.

MR DUDUZANE ZUMA: Honourable every time.

ADV MIKE HELLENS: *Ja*. Sometimes when you are not there and once when you were there?

MR DUDUZANE ZUMA: Yes sir.

ADV MIKE HELLENS: And then Mr Ramatlhodi too. There does not seem to be much point in him pulling you in. It is just that you are on the crime scene as Mr Mokoena loves to say. Coincidentally apparently.

MR DUDUZANE ZUMA: Yes sir.

ADV MIKE HELLENS: Thank you Mr Chair.

CHAIRPERSON: Thank you Mr Hellens. I - I see Mr Hellens that you kept to your 10 to 12 minutes that was - that is to be commended.

ADV PIET LOUW: So sorry.

ADV MIKE HELLENS: I have been around a long time.

ADV PIET LOUW: Sorry. Excuse me.

CHAIRPERSON: Yes.

ADV PIET LOUW: Excuse me. Mr Chair we spoke on this side and there is no chance of completing my side of the work today ...

CHAIRPERSON: Yes.

ADV PIET LOUW: And we ...

CHAIRPERSON: Yes.

ADV PIET LOUW: Thought of asking you whether you could perhaps commence at 9 o' clock ...

CHAIRPERSON: Yes.

ADV PIET LOUW: Tomorrow morning. Then I should be done by 10 o' clock.

CHAIRPERSON: No that. Well one, adjourning is fine but we - we might not need to start at - at 9 o' clock. We might be fine with starting at 10 o' clock because the other witnesses that are scheduled for tomorrow will be very short.

ADV PIET LOUW: I thought ...

CHAIRPERSON: So ...

ADV PIET LOUW: It might just assist in getting the job done.

CHAIRPERSON: Yes. No, no I understand. No. I - I understand.

ADV PIET LOUW: So it will be 10 o' clock then.

CHAIRPERSON: Yes. So we will start at 10 o' clock. We - oh I am sorry. Mr Zuma.

MR DUDUZANE ZUMA: So sorry to ...

CHAIRPERSON: You want to say something?

MR DUDUZANE ZUMA: Yes please. Just a concern from my side and it is quite a big concern.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Just from the evidence pack that has been presented today ...

CHAIRPERSON: *Ja*.

MR DUDUZANE ZUMA: And that I have been questioned on. There is a glaring omission. I am not sure if there is a mistake.

CHAIRPERSON: A glaring omission.

MR DUDUZANE ZUMA: Omission of - of a witness that testified in front of the Commission and ...

CHAIRPERSON: Oh who has not been mentioned here? Who has not been include here?

MR DUDUZANE ZUMA: Correct. That will be an Ms Vytjie Mentor. So I am not sure where that ...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Line of questioning will be.

CHAIRPERSON: I think - I think what may have been intended - maybe we should - we should adjourn. Your counsel hears what you are saying and I think they have started talking to Mr Mokoena.

MR DUDUZANE ZUMA: Okay.

CHAIRPERSON: They will discuss and tomorrow morning I will be told what happened to your concern.

MR DUDUZANE ZUMA: Alright.

CHAIRPERSON: It is possible that it was thought that you might be

asked to come back at another time but Mr Mokoena will - will deal with the ...

MR DUDUZANE ZUMA: Okay.

CHAIRPERSON: The concern and then tomorrow morning I will be told.

MR DUDUZANE ZUMA: Thank you Chair.

CHAIRPERSON: So we - we are going to adjourn or before we - we adjourn. Okay. Maybe we can deal with this tomorrow. We will adjourn and then tomorrow we will start at 10 o' clock. We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS TO 8 OCTOBER 2019

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

PARKTOWN, JOHANNESBURG

10

08 OCTOBER 2019

DAY 179

20

PROCEEDINGS RESUME ON 8 OCTOBER 2019

CHAIRPERSON: Good morning, good morning everybody. Before we start I just want to deal with something else and then we will continue.

ADV PIET LOUW: Pleases You.

CHAIRPERSON: You may be seated. Thank you. In the business day of Friday the 4th October 2009 an article appeared on the front page which was titled and I quote "Zuma to get preview of nuke-deal questions" In that article the Business Day said that the commission had sent former President Mr Jacob Zuma questions that he would be asked when he next appears in the commission.

It referred to the fact that prior to his appearance before the commission last time former President – the former President had asked that he be furnished with the questions that he would be asked once he was in the witness desk – on the witness stand and that I as Chairperson had made a decision to refuse that he be furnished with questions in advance.

The article goes on to say that the commission had sent Mr Zuma's lawyers eleven pages with 80 questions. When you read the whole article it certainly gives the impression that the commission has changed its decision on the question of whether Mr Zuma should be furnished questions before he – before he appears before the commission.

Since then I think another newspaper has published the same article. The fact of the matter is the commission has not sent Mr Zuma's lawyers any questions. The – there is a document which has

eleven pages and I saw that in the article there is a reference to eleven pages. There is a document with eleven pages that was sent by Mr Paul Pretorius to counsel for Mr Zuma. That document contains areas of interest in the various affidavits that had previously been given to Mr Zuma as the affidavits from which questions would arise.

That document was in accordance with the agreement that was reached on the 19th July 2019 which was the last day of Mr Zuma's appearance before the commission that week.

The terms of that agreement were announced publicly by myself. Counsel for Mr Zuma and the head of the commission's legal team Mr Pretorius were asked after I had announced the terms to confirm whether those were the terms of the agreement.

They stood up here in public and confirmed that those were the terms of the agreement. Anyone who listened to the terms of the agreement as I announced them or anyone who wishes to listen to the recording of that day will know that there is nothing – there was nothing to say Mr Zuma would be sent questions.

That same day after the proceedings had been adjourned some of the TV stations began to say in their reporting that the commission was now going to send Mr Zuma questions and some of them were raising questions as to why he had not been given questions when he had asked for them before the hearing.

Either the same day or the following day but I believe the same day the commission issued a media statement clarifying this that the terms of the agreement did not include that Mr Zuma would be

given questions in advance that he would be asked when he takes the witness stand.

I am aware that some – one or more of the TV stations did correct and said no we got it wrong. The arrangement is not that he is going to be given questions.

One would have thought that with that background it would have been clear that the commission still stood on the position that the former President would not be given questions in advance that he would be asked once he takes the witness stand.

I subsequent to me being aware of this article in the Business Day I asked Mr Paul Pretorius to please give me the document once again that he had sent to counsel for Mr Zuma. And before that he told me that there were no questions that he had sent.

He gave me the document again and I could not see any questions. All I could see was an indication of areas in various affidavits or incidents or events in which the legal team was saying they were interested so that he could deal with those issues in the affidavits contemplated in the agreement that I announced.

I thought it is important that I set the record straight because I do not know why on the basis of the document that we know it is said that we have sent questions to Mr Zuma when a mere reading of the document will show that really there are no questions.

I will cause that document to be released to the public either today or at the latest tomorrow so that the public can see for itself that there were no questions that were sent. That is the eleven page

document that I am talking about.

I do not know whether there might be an eleven page document elsewhere that has been manufactured by somebody else and has presented it to the media as coming from us, the commission but the eleven page document that we have does not have – does not give Mr Zuma questions. It indicates the areas on which questions will arise but not the actual questions.

We – we appeal to the media to please just check the affects and to be fair to everybody including the commission. I spoke some time earlier this year about an article that had been published by the Sunday Independent in regard to Mr Nombembe who is Head of the Commission's investigation team where in the article it was alleged that – or somebody had alleged that he had done certain things because he wanted to be appointed as NDPP and I said then I cannot understand how any newspaper would publish that story when the editor must know and I would have expected the journalist concerned to have known that to be NDPP you need to have at least a legal degree and Mr Nombembe does not have a legal degree. He is an auditor. But that was published.

I think that the media must realise that when they do not check their facts properly or when they do some things that are difficult to understand to the ordinary reader that might give rise to all kinds of suspicions and we do not need any unnecessary suspicions to be associated with the media. The media plays a very important role and they need to be respected, their rights need to be respected.

Journalists do generally speaking a very good job. Society relies on them. We would like to be able to know that they do their job with the necessary professionalism.

So we just ask that we be treated fairly as the commission just like we say everybody should be treated fairly. But in order to make sure that the side of the story of the commission is known arrangements will be made for us – we will make arrangements to release the document that was sent to the lawyers for the former President the only eleven page document that I know about that will be released.

Thank you very much. We can now proceed.

ADV PIET LOUW: Thank you Justice. Mr Zuma may I just remind you; you are still under oath?

CHAIRPERSON: Yes you are still under oath Mr Zuma. Good morning.

MR DUDUZANE ZUMA: Good morning Chair.

CHAIRPERSON: Yes. Okay alright.

MR DUDUZANE ZUMA: Thank you.

ADV PIET LOUW: Mr Zuma perhaps to commence the issues I wish to deal with – with exactly what the Deputy Chief Justice has been dealing with now namely the press and things have been reported up to now concerning you as well. In the first place – the first point I wish to make is this. You were asked questions yesterday out of any discernible sequence not that there is anything wrong with it but you did not have the opportunity to actually explain your whole involvement in the meeting how it came about and what happened afterwards and

what happened during the course of the meeting in one narrative. You were asked questions perhaps important questions but in silos and you did not have the opportunity to explain what had actually happened as one narrative. Now those who are privy to the commission documents would have read your affidavit, the affidavit that you prepared when you applied to cross-examine Mr Jonas. And there the – the story is told in its – in its extremity. But just perhaps also because this commission is conducted in – in public scrutiny it is perhaps important for you I would think just at the beginning to give a very quick overview of how it came about that this meeting was organised, what the purpose of the meeting was, what your role and function was and what happened afterwards?

MR DUDUZANE ZUMA: Okay thank you. I will try and be quick Chair. As I had said...

ADV PIET LOUW: Sorry can I just say.

MR DUDUZANE ZUMA: Okay.

ADV PIET LOUW: Your affidavit of course is at page 37 – sorry 735 which is in Volume LL1.

MR DUDUZANE ZUMA: B.

ADV PIET LOUW: Yes B. LL1B. Perhaps you can just keep that open next to you as you give a very, very quick overview high level overview and I will ask you questions about that – about the – about the meetings, how it came about?

MR DUDUZANE ZUMA: Yes what page is that again Sir?

ADV PIET LOUW: I – my note says 735 let me just double check. I think – that is indeed correct. At page – the second bundle of LL1.

CHAIRPERSON: I think there may be confusion with the changes that were made in the numbering and the labelling. Maybe Mr Mokoena should just check that you have your files are labelled the same way as his in terms of the latest labelling.

ADV PIET LOUW: It is LLB

CHAIRPERSON: Oh.

ADV PIET LOUW: The requirement for the National Director of Public Prosecutions.

CHAIRPERSON: Okay, okay. LL1B.

MR DUDUZANE ZUMA: This is LL1B.

CHAIRPERSON: Ja there is a 1.

ADV PIET LOUW: I said 1 – 1 [indistinct].

CHAIRPERSON: Okay and what page did you say?

ADV PIET LOUW: Page 735.

MR DUDUZANE ZUMA: 735 okay. Okay.

CHAIRPERSON: That is the red numbers – page numbers.

ADV PIET LOUW: At the left of. Mr Zuma do you have it?

MR DUDUZANE ZUMA: I have got it Sir.

ADV PIET LOUW: Right keep that next to you I do not want you to read it out.but if you can just for purposes of commencing your re-examination this morning give a quick overview in a chronological fashion of what happened please.

MR DUDUZANE ZUMA: Okay. So I had said there were rumours making the rounds on a certain issue which has been termed as blackmailing between Uncle Fana and Mr Jonas. These were rumours

that were persisting for a few months and by the time I had spoken to Uncle Fana this was at a point where I was like okay we need to – we need to – to see what is going on here because on the one hand when I had spoken to Uncle Fana he was not too sure about the rumours and he just said, look let us leave it. I popped it up again he said the same thing and at the third I have asked him he said okay if you are very sure about this and serious about this you resolve it. So he gave me...

ADV PIET LOUW: You resolve it?

MR DUDUZANE ZUMA: Yes. Resolving meaning set up a meeting, get the three of us to sit down and we will discuss this matter.

ADV PIET LOUW: And can – just for the record Mr Mokoena just reminded me. If you say Uncle Fana you mean Hlongwane?

MR DUDUZANE ZUMA: It is Mr Hlongwane yes sorry about that. Cool. Ja can I just –

ADV PIET LOUW: Go ahead.

MR DUDUZANE ZUMA: Thank you. So if I am not mistaken that would have been the period leading up to October 23rd meeting. I was given the number obviously by Uncle Fana because I did not have Mr Jonas' number. As I had said I never met him before. I did not see anything untoward. It is normal course. If there is any issue, if there is any discussion to be had you speak to people. I did not see – they agreed to meet or not. So I got his number and contact was initiated. Initially it was via sms and then one or two phone calls but there was a busy period in between and I think it took quite a few weeks for us to sit around the table. So by the time we decided to meet up it was on the

23rd Mr Jonas was at Nedlac which is in Rosebank.

ADV PIET LOUW: 23rd October?

MR DUDUZANE ZUMA: Yes.

ADV PIET LOUW: Yes.

MR DUDUZANE ZUMA: So this is the day in question. So the Nedlac offices are in Rosebank. I am not too far from Rosebank. I live in Saxonwold as is known and...

ADV PIET LOUW: Saxonold is the suburb that...

CHAIRPERSON: As – yes.

ADV PIET LOUW: That is next to Rosebank.

MR DUDUZANE ZUMA: Next to Rosebank. It is adjacent to Rosebank. So I had received a message from Mr Jonas saying look I will be leaving out of town later this afternoon/evening. There is an opportunity to meet because Nedlac seemed like it is finishing off early today. And that is when he had sent the times and if I am not mistaken he moved it again a bit earlier. I actually arrived to the meeting slightly late because the time was moved a bit. As I got to the venue which was the Hyatt Regency in Rosebank.

ADV PIET LOUW: So – just to stop there for a moment. Whose idea was it to go to the Hyatt?

MR DUDUZANE ZUMA: It was Mr Jonas' idea.

ADV PIET LOUW: Alright and then?

MR DUDUZANE ZUMA: When I got to the Hyatt he was – he was there already sitting in the reception – reception area. The lobby should I say. And greeted him. Exchanged very short pleasantries and

obviously we were waiting for Uncle Fana to arrive. And in that inter-leading period that is when the phone call came in and said...

ADV PIET LOUW: Which phone call.

MR DUDUZANE ZUMA: The phone call that was a venue change phone call.

ADV PIET LOUW: Just explain that in a bit more detail please?

MR DUDUZANE ZUMA: Okay. So the phone call came in on my mobile device from Uncle Fana to say look I am not comfortable meeting in a public area. Mr Jonas also looked uncomfortable as was I because it is a hotel lobby and people are sitting around there. Everyone has got their own profile or whatever it is. So the phone call came in. They had the discussion between the two of them and I said look whatever you guys decide we will go. So the venue – the decision for the venue was a very difficult one because we could not go to Uncle Fana's house because he stays in another suburb in that area.

ADV PIET LOUW: In Hyde Park?

MR DUDUZANE ZUMA: Yes. He was on his way to the meeting. He wanted the meeting changed to somewhere more private and that is when I had suggested down the road there is a place that I do work from which happens to be the household. And the reason why I do work from there is because there are also some office facilities so I had been conducting my meetings outside of the office for a very long time. From the Gupta residence as it is called.

ADV PIET LOUW: Could I perhaps just interrupt you here. Why not your own home we heard it was about 600 meters away from the Gupta

residence?

MR DUDUZANE ZUMA: I do not conduct meetings from my personal home.

ADV PIET LOUW: Do you have facilities at home or did you have at that time?

MR DUDUZANE ZUMA: I have got an office but that is purely for own private matters.

ADV PIET LOUW: And if you could just expand a bit on the facilities at the Gupta residence. What – what were they like? Were there facilities and why would that be a good place to go?

MR DUDUZANE ZUMA: Ja so when I say facilities it is just obviously printing capacity staff in between I mean there is – what is it – catering sort of.

ADV PIET LOUW: Catering?

MR DUDUZANE ZUMA: Catering yes.

ADV PIET LOUW: Yes.

MR DUDUZANE ZUMA: Food, water, coffee whatever it is – snacks and it just makes it easier as opposed to sitting in a coffee shop. It is a private area so that is what I mean by office facilities.

ADV PIET LOUW: And could I just ask you this. Do you any of the – did any of the – if I say do I I mean back in October 2015.

MR DUDUZANE ZUMA: Sure.

ADV PIET LOUW: Did any of the Gupta brothers work from home? Did they conduct any business from home – from that – that specific part of what I think has generally been called the compound?

MR DUDUZANE ZUMA: Yes. As I said the person that I worked very closely with was a Mr Tony Gupta that is the person that I was in business with and we conducted...

ADV PIET LOUW: He is now – he is...

MR DUDUZANE ZUMA: Rajesh.

ADV PIET LOUW: Say that again please?

MR DUDUZANE ZUMA: Mr Rajesh – Rajesh Gupta.

ADV PIET LOUW: Rajesh Gupta also knows as Tony.

MR DUDUZANE ZUMA: Also known as Tony.

ADV PIET LOUW: Yes.

MR DUDUZANE ZUMA: As I had said we – we spend a lot of time together. We conducted business on a daily basis wherever it was. Whether it was – we went – we would go to the office at times and as I said yesterday I limited my movements to the office and we conducted a lot of our business from the household. As for the other two brothers they spent a lot of time at the offices and obviously there is varying officers in Midrand and in Sandton.

ADV PIET LOUW: Alright. So it was a convenient venue to move the discussion to as – and if you can go one then.

MR DUDUZANE ZUMA: Yes.

ADV PIET LOUW: What happened?

MR DUDUZANE ZUMA: So after the phone call after there was mutual agreement between the three parties – I am obviously the one that came up with the venue that is when we decided to make a move.

ADV PIET LOUW: Did Mr Jonas know where you were going?

MR DUDUZANE ZUMA: Yes that is correct Sir.

ADV PIET LOUW: Did you mention the name of the owner of the property, the family?

MR DUDUZANE ZUMA: Yes I did.

ADV PIET LOUW: And was he happy with that?

MR DUDUZANE ZUMA: He was – like I said the whole time from when I had met him, during the meeting, post the meeting there was no apprehension from his side. There was no hostility. So the way I took it is he was fine to do so. And if he was not he would have said so I am sure.

ADV PIET LOUW: And then what happened?

MR DUDUZANE ZUMA: From that point logistically he decided to come with me because he said you have your own vehicle. I said yes, jump in with you. I said no.

ADV PIET LOUW: Did he ask you about your vehicle?

MR DUDUZANE ZUMA: Yes.

ADV PIET LOUW: Did he ask you to – in fact go with you or did you offer him to come with you?

MR DUDUZANE ZUMA: I had said I have got my vehicle and if we can go it just made logistics easier you do not have to follow. We do not have to follow each other and he said if you do have a vehicle I will jump in the car with you.

ADV PIET LOUW: Alright and then?

MR DUDUZANE ZUMA: So he had his security/entourage which he had to leave behind obviously.

ADV PIET LOUW: Did he give them any instructions?

MR DUDUZANE ZUMA: I am not sure what their discussion was but they did not come along no.

ADV PIET LOUW: And then what happened?

MR DUDUZANE ZUMA: And well obviously well the reason he done that obviously was because we were going somewhere private otherwise he would have followed us with his – with his team. And I appreciated that. So we jumped into my vehicle and we made our way to the residence.

ADV PIET LOUW: Did you stop anywhere?

MR DUDUZANE ZUMA: We stopped at - there is an Engen Garage which is just around the corner from the Hyatt because I was low on - on petrol. So that took a bit of time and from there we continued to - to the residence and that is when we had arrived almost simultaneously with Uncle Fana. Walked into the residence, went to the lounge. We sat in the lounge and that is when we started the discussions.

Obviously pleasantries were exchanged. These are two gentlemen that have known each other for a very long time as they have both confirmed. They shared a few war stories from their MK days and that is when I introduced the meeting and the reason we there for the meeting.

ADV PIET LOUW: So your role has been described differently. Sometimes as that of a mediator. Sometimes as that of a spectator. Sometimes as that ...

MR DUDUZANE ZUMA: Of a policeman.

ADV PIET LOUW: As merely as somebody who got people together ...

MR DUDUZANE ZUMA: True.

ADV PIET LOUW: And the question was asked and I think legitimately so. Why need you? Why were you there at all?

CHAIRPERSON: Well - well ...

ADV PIET LOUW: Why ...?

CHAIRPERSON: Before he answers. I must just say that he described his role in that meeting as almost a spectator or - or mediator.

MR DUDUZANE ZUMA: Mediator.

ADV PIET LOUW: Yes. No, no certainly.

CHAIRPERSON: *Ja*.

ADV PIET LOUW: Mr Chair I have no quarrel with that but ...

CHAIRPERSON: Yes.

ADV PIET LOUW: The question - the qualitative question that followed on that was well why were you needed at all.

CHAIRPERSON: No, no ...

ADV PIET LOUW: Why not leave just to the two of them to sort it out over the phone or by some other meeting?

CHAIRPERSON: Yes.

ADV PIET LOUW: And - and it is - it is (intervenes).

CHAIRPERSON: No. I do not have a problem with that. It is just that it - I gained the impression that - that it was as if it is other people who described his role as (intervenes).

ADV PIET LOUW: No, no. I - I thought I made the statement wide enough.

CHAIRPERSON: Yes.

ADV PIET LOUW: In fact if one reads his own statement.

CHAIRPERSON: Yes.

ADV PIET LOUW: He uses the term mediator there.

CHAIRPERSON: Yes. *Ja*.

ADV PIET LOUW: So I am asking now the - the witness really just too ...

CHAIRPERSON: No that is fine, *ja*.

ADV PIET LOUW: To clarify your function in that meeting please.

MR DUDUZANE ZUMA: Yes. So my - my function in the meeting was besides pulling the two parties together because that is - that is what resolving issues is about. Get the people around the table. That was my one function and the second one as per agreement that meeting could never have happened between the two of them without the person that is - had introduced this issue of the background rumours and that sort of thing.

So if you are raising that you need to be part of that meeting. You need to own that - that rumourmongering idea and you need to present it yourself because when I am asked and I am alone in that meeting it is - it is a very difficult thing to do because he is - Uncle Fana would be asked but who is saying this. He might mention my name.

He might not mention my name. So the idea was that I be in the meeting. I own the issue of the meeting and I - I present it and that is exactly what happened.

ADV PIET LOUW: So you had an active role in so far as that is concerned. If I correctly understand Mr Zuma tell me if I miscategorise what your function was. You were actually there to explain the fact of the rumour. Not the - not the truth of it of course ....

MR DUDUZANE ZUMA: Yes.

ADV PIET LOUW: But the fact of the rumours of blackmail. You were there to present evidence so to speak.

MR DUDUZANE ZUMA: *Ja*.

ADV PIET LOUW: Of the fact that there are rumours like that. Otherwise there would simply be a denial?

MR DUDUZANE ZUMA: Correct. I was - if I may say I was - I was acting as a witness as well in that meeting because you know I was going to be tested which I was to say okay you are raising this. Where did you hear it? Why did you hear it? Who was saying it? Whatever, whatever that the questions would have been at that time and - and why are you pulling us together?

Why did you not just raise it with Uncle Fana? You raise it with me. All those - all those questions would have obviously been canvassed in - in that meeting ...

ADV PIET LOUW: *Ja*.

MR DUDUZANE ZUMA: And they were and I said look I am over here. I cannot just say something. I have had the discussion with Uncle Fana. I cannot not own this issue and that is exactly why I was there to say I am presenting it to you and I - I was at the risk of a denial and that is exactly what happened.

ADV PIET LOUW: So you denied ...

MR DUDUZANE ZUMA: *Ja* of course.

ADV PIET LOUW: Mr Jonas denied?

MR DUDUZANE ZUMA: Yes he did.

ADV PIET LOUW: He denied - he - he denied the fact of blackmail but not the fact of the rumour. Is that correct?

MR DUDUZANE ZUMA: He denied the fact of blackmail, yes.

ADV PIET LOUW: But not the fact that there was a rumour?

MR DUDUZANE ZUMA: Yes. No, no. I am not sure if he was aware of it or not. I do not know but this is what I heard.

ADV PIET LOUW: Alright and then what happened?

MR DUDUZANE ZUMA: So the meeting continued. It took the shape it did.

ADV PIET LOUW: How long was the meeting?

MR DUDUZANE ZUMA: Say approximately 40/45 minutes. I mean I will need - I will need to - to check the time.

ADV PIET LOUW: *Ja*. Well it is an approximate.

MR DUDUZANE ZUMA: Well let us - let us call it ...

ADV PIET LOUW: Please give us an idea. Yes.

MR DUDUZANE ZUMA: Let us call it, *ja*. 45 minutes.

ADV PIET LOUW: And - and then how did it end?

MR DUDUZANE ZUMA: It ended in a stalemate obviously. There was this allegation that was put to him that he denied. There was a back and forth between the two of them that ended up the way it did but by the time the meeting was done. It was agreed that look this matter will

- will pick up on - on another occasion because there was obviously time constraints from - from Mr Jonas who was travelling to wherever he was travelling.

Then at that point I had walked Mr Jonas out to - to the arrival area - the parking lot and I had asked him where he was going to and he said look he is not sure. He is either going to go to the Gautrain in Rosebank or to - to the airport - to the airport and I said look here is a driver. He will take you wherever you need to go and that was - that was the end of that of - of that eventful day.

ADV PIET LOUW: Alright. So he then left. Now during the course of the meeting your statement stays - affidavit says that Mr Rajesh Gupta made an appearance and there was an interaction with him. What happened?

MR DUDUZANE ZUMA: So it was an interaction to the meeting which was purely to get my attention for confirmation for a meeting which was going to be over the next day or a few days. So he peered into the room, got my attention and I had walked out of the room whilst the conversation continued and then I popped back in and that was for a short period. It was not a long period.

DV PIET LOUW: You explained your relationship with the - the - Tony - Mr Tony Gupta - Rajesh - yesterday. Could I ask you at this point to give a quick overview of the three brothers whose names have been mentioned? Ajay, Atul and Rajesh. Just age wise and where were the other two brothers that day. Were they at home or were they elsewhere? What - what is your recollection?

MR DUDUZANE ZUMA: Okay. Mr Ajay obviously will be the eldest brother. Mr Atul is the middle brother. Age wise I am not too sure. Let me approximate it as well. Let us put Mr Ajay at late 50s and Mr Atul in his mid-50s.

CHAIRPERSON: Please raise your voice Mr Zuma.

MR DUDUZANE ZUMA: Sorry.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Mr Ajay in his late 50s. Mr Atul in his mid-50s and Mr Tony in his late 40s.

ADV PIET LOUW: Is it possible to say who the - who the - not - I do not think one should call it a patriarch but who is main outside face of the family at that time?

MR DUDUZANE ZUMA: By outside face you ...

ADV PIET LOUW: Yes. The - the person who makes representations ...

MR DUDUZANE ZUMA: Representations.

ADV PIET LOUW: And decisions and so forth.

MR DUDUZANE ZUMA: No that is - that is - in my view it would Mr Atul which is the middle brother because he was the Chairman of the group.

ADV PIET LOUW: And ...

MR DUDUZANE ZUMA: And sorry - and then on - on that day if I - because when we have meetings at the house there is generally nobody else. Nobody else meaning the brothers would also go - the other brothers - two brothers would be either travelling or at the office because they were quite strictly office bound. So for them not to be

there is not an anomaly here.

ADV PIET LOUW: Now Mr Ajay Gupta do you - do you have any idea where he was that day? Was he around or not?

MR DUDUZANE ZUMA: I am not sure where he would have been that day. I read his testimony but from my recollection at that time I did not see him in the household at any point.

ADV PIET LOUW: He states under oath that he was at the office.

MR DUDUZANE ZUMA: Then it is probably where he was sir.

ADV PIET LOUW: And Mr Atul Gupta?

MR DUDUZANE ZUMA: Once again he was not at the house at that particular point in time and I have read the - the documents in front of me and as the documents state he was in the country at that time. So he was travelling.

ADV PIET LOUW: Right. Now Mr Jonas had now left after the meeting with a vehicle that you organised - one of the Gupta vehicles that you organised a driver for him to take him either to the airport or the Gautrain whatever the case might be. Did you have anything further to do with him? Did you meet him again - see him again?

MR DUDUZANE ZUMA: So before he left the house after the meeting we had agreed that we would have a follow up in the following week - the Monday or Tuesday or so and that never happened. There was one or two SMS exchanges and then it just quietened down and that is the last bit of communication that we had had post the meeting.

ADV PIET LOUW: Did you see him again?

MR DUDUZANE ZUMA: Yes. I - I did see him again. Like I said I think

twice. Once was at the same Hyatt Hotel. He was standing outside waiting for whoever or whatever on his phone and I had seen him. Like hey Mr Jonas how are you sir and this was post obviously now the - the news stories had broken. He had put out a statement. He made these allegations and I went to greet him to check how he was doing.

He looked okay. Gave him a big handshake and a hug and kept moving and then the next time I had seen him after that was I may be mistaken. It was either the State of the Nation Address or opening of parliament. One of the two. I do not know.

ADV PIET LOUW: But you saw him in Cape Town?

MR DUDUZANE ZUMA: Yes. In Cape Town. It was after the event when everyone was walking out of the venue and we actually ended up bumping into each other. We were walking down the stairs together and that is when I greeted him and he greeted back and we continued on our paths sir.

ADV PIET LOUW: Alright. Now against that background I am going to ask you some pointed questions about issues that came during our learned colleague's examination of you yesterday. In the first place the - there are three points I think that have to do with - with the media ...

MR DUDUZANE ZUMA: Sorry. With the?

ADV PIET LOUW: With the media.

MR DUDUZANE ZUMA: Okay.

ADV PIET LOUW: The first - can I ask you now to go to the first file of these two. I think it is File A. Just call it File A - LL1 ...

ADV PHILLIP MOKOENA: A.

ADV PIET LOUW: LL ...

ADV PHILLIP MOKOENA: LL1A.

ADV PIET LOUW: LL1A at page 23. You were asked a number of questions about - about this. We - you will recall that this is a - a statement that came out by Oakbay and it is dated 13 March 2016. It is looks a media ...

MR DUDUZANE ZUMA: No.

ADV PIET LOUW: A media statement.

MR DUDUZANE ZUMA: No. This is (intervenes).

CHAIRPERSON: Okay. Well is that one about which he had - we had problems yesterday.

ADV PIET LOUW: LL1 - LL1A.

CHAIRPERSON: A.

ADV PIET LOUW: Page 23.

CHAIRPERSON: Is that not the page that - did not have a statement from my side.

MR DUDUZANE ZUMA: That is the one Chair.

ADV PIET LOUW: Oh yes. Oh yes. I - I do recall.

CHAIRPERSON: *Ja*, but it is ...

ADV PIET LOUW: I do recall.

CHAIRPERSON: It is fine. You can continue.

ADV PIET LOUW: Mr Chair have you seen the statement?

CHAIRPERSON: No. I have seen it, yes.

ADV PIET LOUW: Good.

CHAIRPERSON: I have seen it.

ADV PIET LOUW: I think the witness ...

CHAIRPERSON: Has got it.

ADV PIET LOUW: You gave him it yesterday.

CHAIRPERSON: Yes. No that is fine.

ADV PIET LOUW: Excellent. So now everybody has one.

CHAIRPERSON: Yes.

ADV PIET LOUW: The - just to get the record straight again on 13 March 2016 Oakbay - oh it would appear - it is Oakbay Investments if you look at the foot of the page. Statement issued by Oakbay - Oakbay Investments on 13 March 2016. You were asked whether at that time you were a director of Oakbay. Can you recall?

MR DUDUZANE ZUMA: I will have to check. I cannot recall but ...

ADV PIET LOUW: Were you ...?

MR DUDUZANE ZUMA: Chances are I was sir.

ADV PIET LOUW: Were you asked about this statement?

MR DUDUZANE ZUMA: Asked by who sir?

ADV PIET LOUW: Anybody in the Gupta family?

MR DUDUZANE ZUMA: No, no.

ADV PIET LOUW: The person who made the statement?

MR DUDUZANE ZUMA: No. I was not asked.

ADV PIET LOUW: Now it would appear that this statement was in response to an article on the same day that was published in the Sunday Times. Just too perhaps give you a broad overview and ask you whether you have any knowledge of these dates. These dates come from the statement of Mr Jonas and they would seem to be quite

correct.

Namely that there was a Financial Times London report on 8 March 2016. Did you see that report? Do you know anything about it?

MR DUDUZANE ZUMA: I - I know about it. I did not - I did not follow up on it at that time, no.

ADV PIET LOUW: And then there was a News24 report on 10 March 2016. Did you see that?

MR DUDUZANE ZUMA: I ...

ADV PIET LOUW: Can you recall it?

MR DUDUZANE ZUMA: I think I did - I did - I did see that one.

ADV PIET LOUW: We are going to go to that in a moment and then there as the Sunday Times report of 13 March 2016 and then came the Oakbay statement.

MR DUDUZANE ZUMA: Yes. I - I did see that one.

ADV PIET LOUW: Now we have been able to find a - the - the statement that was public - the may - not statement. I apologise. The report that was made in the Sunday Times. An article that was written about this on 13 March 2016. Mr Chairman I wonder could I perhaps ask to hand this to you. It - it provides a lot of context and ...

CHAIRPERSON: *Ja*. I think that is fine. Let us - let us probably it should not be a problem.

ADV PIET LOUW: And there is one for the witness as well.

CHAIRPERSON: We will have to ...

ADV PIET LOUW: I thought ...

CHAIRPERSON: We will have to make it - put in as a ...

ADV PIET LOUW: I put at the right top in pencil LL123A because it sits snuggling ...

CHAIRPERSON: Hm. Well maybe ...

ADV PIET LOUW: Behind the (intervenes).

CHAIRPERSON: Maybe let us just make is a separate exhibit on its own - as his exhibit.

ADV PIET LOUW: Fine.

CHAIRPERSON: *Ja*. So this was LL. Mr Mokoena will be hearing me. He might be able to suggest. It should be LL ...

ADV PHILLIP MOKOENA: Exhibit Two.

CHAIRPERSON: LL2.

ADV PIET LOUW: *Ja*, but ...

ADV PHILLIP MOKOENA: LL ...

ADV PIET LOUW: We have got an LL2.

CHAIRPERSON: Oh we have got LL2.

ADV PIET LOUW: If I am not mistaken. We have got LL1 which consist of two bundles.

CHAIRPERSON: *Ja*.

ADV PIET LOUW: A and B.

CHAIRPERSON: Yes.

ADV PIET LOUW: And then LL2.

CHAIRPERSON: *Ja*.

ADV PIET LOUW: Which is the small bundle the C Bundle.

CHAIRPERSON: *Ja*. So it should be LL3.

ADV PIET LOUW: So this will be LL3.

ADV PHILLIP MOKOENA: LL8.

ADV PIET LOUW: Eight?

UNKNOWN PERSON: We have up to LL7.

ADV PIET LOUW: Oh. I see. So the numbers have gone on. So it must be LL8. LL8.

CHAIRPERSON: LL8. This is one article?

ADV PIET LOUW: It is one article.

CHAIRPERSON: It is one article. Okay. The - and it is the article from the Sunday Times? Where is it from?

ADV PIET LOUW: You can see at the foot on the first page Times Live Sunday Times. The date is given 13 March 2016 and the article is headed "How Guptas Shopped for New Minister".

CHAIRPERSON: Okay. So this will be - this article - Sunday Times article of 13 March 2016 will be marked EXHIBIT LL8.

ADV PIET LOUW: Chair with - with your leave not 18 March but 13 March.

CHAIRPERSON: Oh. Is it 13 March?

ADV PIET LOUW: 1-3.

CHAIRPERSON: Oh. No I thought I said the 13th but let me (intervenes).

ADV PIET LOUW: I thought I heard 18. I apologise.

CHAIRPERSON: The 13th *ja*. No. I said - I think I said the 13th, *ja*.

ADV PIET LOUW: Oh, good.

CHAIRPERSON: Okay.

ADV PIET LOUW: Mr Zuma ...

CHAIRPERSON: Yes.

ADV PIET LOUW: Do you see that? I - I just want to take you to a few points in this document. Now before I do so could I just remind you questions that were put to you yesterday about the Oakbay statement of 13 March and the - the main issue was in the middle of the page it was pointed out to you that there was a statement to the following - in the following words:

"To be clear: there was no meeting at all."

Do you see that?

MR DUDUZANE ZUMA: Yes. I see.

ADV PIET LOUW: You - you recall that?

MR DUDUZANE ZUMA: I recall that sir.

ADV PIET LOUW: And the question quite fairly was put to you. Well what about your meeting? There was a meeting. Was there not?

MR DUDUZANE ZUMA: Yes sir.

ADV PIET LOUW: Now the question of course is one of context. The meeting that was dealt with in - in this statement that was issued by Oakbay obviously dealt with the meeting that was reported about in the Sunday Times article. That I am going to take you to now in a moment which on your version is a fiction. It never happened.

MR DUDUZANE ZUMA: With the inclusion of the brothers?

ADV PIET LOUW: Yes.

MR DUDUZANE ZUMA: *Ja*. That did not happen.

ADV PIET LOUW: Alright. So if I can quickly take you to the report or

the article that was published in the Sunday Times. It starts off with the news that:

> "President Jacob Zuma's son Duduzane was present when members of the Gupta family offered Deputy Minister Mr Jonas then Finance Minister Nhlanhla Nene's job the Sunday Times can reveal. Jonas is said to have been offered the Finance Ministry twice. First by the Guptas at a Sandton Hotel on November, the 27th last year."

Now that would have been 2014. Is that correct? Sorry I apologise. The article was written in 2016.

MR DUDUZANE ZUMA: 2015.

ADV PIET LOUW: So that was 2015.

MR DUDUZANE ZUMA: That is correct.

ADV PIET LOUW: Of course. Apologise.

> "The - the London based Financial Times reported this week that the Guptas close friends - friends of Zuma met Jonas just before Nene was fired to tell him they wanted him to be the next political head of the National Treasury. The Guptas said through an attorney yesterday there have been an extraordinary number of allegations around the Gupta family in recent weeks. Several of which have involved the finance - Finance Ministry. As we have said countless times our primary focus is on

business not politics. To be absolutely clear there was no meeting at all. Let alone any inferences or cash offers ..."

You see that?

MR DUDUZANE ZUMA: Yes. I see that.

ADV PIET LOUW: It then goes on.

"...but the Sunday Times has established that the meeting took place at about 03:00 pm at a Sandton Hotel the last Friday of November."

Right and it goes on across the page.

"Accordingly - sorry. According to highly placed sources at the Treasury the meeting was arranged by a fixer described as a controversial business person and political figure in Gauteng. This was two weeks before Zuma axed Nene. Jonas turned the Guptas down."

Right. It goes on and it says:

"Numerous attempts to get comment from Jonas were unsuccessful yesterday."

Then it deals with what a Presidency spokesperson Bongani Majola said. It is reported that he said:

"Only the President has the authority to appoint Ministers and Deputy Ministers."

And then there is a quotation.

"It is therefore totally unacceptable that anyone

would seek to abrogate that responsibility to themselves. Such alleged actions have - know that the knowledge sanction will support of the President."

It goes on.

"Treasury spokeswoman, Phumza Macanda, declined to comment."

It goes on then further and this is where it becomes important.

"Severally - several highly placed sources in the Treasury and the ANC Alliance confirmed to the Sunday Times that Jonas met with Ajay and Atul Gupta and the President's son Duduzane is a business ..."

There is a verb missing I think.

"...is a business partner of the Gupta brothers in a number of registered companies. This - "

"He" must be a reference to you.

"He responded to a written question - sorry. He responded to written questions in an email. There was no such meeting at all. As such your questions are irrelevant."

Now assuming for the moment that reference of "he" is to you. Do you have any recollection of having sent an email at that point or not?

MR DUDUZANE ZUMA: Well most definitely not.

ADV PIET LOUW: So that "he" cannot be a reference to you. It must be somebody else?

MR DUDUZANE ZUMA: That is somebody else, yes.

ADV PIET LOUW: And then it goes on.

> "Of course they do this to prove those things - sorry - those they call that "whether you like it or not we are in charge"".

And there is a - it seems to me a - something missing in the text but it goes on.

> "In the meeting Jonas was told that the job was his if he wanted it but could come with conditions - but would come with conditions. He would have to push for the approval of the nuclear procurement program and clear certain men from the top echelons of the Treasury."

And it goes on.

> "He was given a list of people to get rid of including Director-Generals, General Lungisa, Ismail Momoniat, Andrew Donaldson and Kenneth Brown. The four who have been with the Treasury for more than 22 years are among the fiercest critics of the nuclear procurement program which they believe would bankrupt South Africa."

And then it goes on in a similar vein. Across the page.

"It cannot be that we have a state that is run by a family or a grouping of people apart from its selected representatives."

I think that is actually a quotation mark that is written out.

"...and then firing them sources said would have allowed the family to capture the Treasury as full vacancies would have been filled by bureaucrats approved by the Guptas."

Then it goes on about the nuclear program Shiva Uranium and so forth and at the foot of that:

"Jonas is believed to have called ANC General Gwede Mantashe and many report the Gupta meeting. After the meeting Jonas according to the source also called Duduzane to tell him to stop what he is doing."

Was there ever such a phone call ...

MR DUDUZANE ZUMA: No. There was not.

ADV PIET LOUW: Or any other communication of any sort?

MR DUDUZANE ZUMA: Nope. There was not.

ADV PIET LOUW: It goes across the page.

"It is quite clear that the Guptas influence cannot be understated. That is what we need to stop. Mantashe denied receiving a call from Jonas and referred the Sunday Times to the Deputy Minister and then in an enigmatic - in an enigmatic way he

said phone Mcebisi and ask him because he is alive. He is not an ancestor. He is capable of speaking for himself."

And then importantly the next paragraph reads as follows. Please listen carefully.

"Nene told ..."

CHAIRPERSON: Well - I am - I am sorry. What would have come across as Mcebisi was Msebenzi.

ADV PIET LOUW: Mcebisi. I apologise Chair.

CHAIRPERSON: *Ja*. Mcebisi is Mr Jonas' name.

ADV PIET LOUW: No, no. Certainly, yes.

CHAIRPERSON: Msebenzi might be somebody else.

ADV PIET LOUW: I am - I am going to receive lessons afterwards about clicks. Then the next paragraphs is of importance Mr Zuma.

"Nene told the Sunday Times that he knew nothing about the meeting and did not recall any conversation with Jonas about the meeting with the Gupta family."

See that?

MR DUDUZANE ZUMA: Yes. I see that.

ADV PIET LOUW: That of course from other sources appears to be contradicted at this point.

MR DUDUZANE ZUMA: Yes sir.

ADV PIET LOUW: It then goes on.

"After Jonas turned down the offers to replace Nene

David Van Rooyen was appointed Finance Minister.

The markets reacted with shock."

And it then goes into the whole Nenegate thing and the replacement with Mr Gordhan and it really then goes on about other political fallout issues from - from this report. Now was this - I take it - this was the report to which the Oakbay statement responded?

MR DUDUZANE ZUMA: I am not - I am not sure but it - it seems like that.

ADV PIET LOUW: The times ...

MR DUDUZANE ZUMA: (Intervenes).

ADV PIET LOUW: Workout in that sequence.

MR DUDUZANE ZUMA: Yes.

ADV PIET LOUW: Alright. Then importantly still on this topic of - of statements and so forth. If I could ask you just about something that you testified about the Public Protector yesterday and you expressed some concern with the way that the Public Protector dealt with the investigation and your role and function in that whole investigation.

Perhaps you can just explain to the Chair what had happened and what was it that made you concern - raised your concerns concerning the - the Public Protector's investigation.

MR DUDUZANE ZUMA: Okay. I think the reason we all sitting here today at the State Capture Commission is based on the findings of the Public Protector Report. The various role players that have had to come and testify. I mean that is not what I am getting into but some of us have been integral to those investigations. We have sat here

alleged of all sorts of wrongdoing, corruption, bribery.

You know it has been going on almost on a daily basis from about three years ago. So what I would have expected was a - a fair opportunity to represent or reflect on my side of the story like I am doing here yesterday and today. I did not get that opportunity. Was communication sent to me? Yes. It was.

ADV PIET LOUW: Sorry. Can I just ask you? Perhaps just point at questions. Were you invited to the Public Protector?

MR DUDUZANE ZUMA: This was towards the tail end. From a time frame perspective towards the tail end. Time wise I - I - but before the tail end meaning before the report was finalised. I was travelling at the time. I had received a phone call. I forget the - the lady's name that called and she said she is from the Public Protector's Office and she was checking if I had received communication and I said I will check my - my emails and she telephonically said no check it.

We are inviting you just to come and sit and have a discussion and interview and just to get to your side of the story and the - and the version of events and I said cool. I will check that. Checked the email and indeed there was an email. Following up and this was a very short period after the phone call and the email. I received a summons or ...

ADV PIET LOUW: Subpoena.

MR DUDUZANE ZUMA: A subpoena of some sort to appear urgently and the discussion that I had had with the - the representative from the Public Protector's Offices - I am not in the country currently. I am

conducting business. I am not living in South Africa any longer at that time. So I will need time and when I get back I will look you up and I will come and - and present myself.

So that was the - the version - the sequence of events and before I could even make those decisions there was a - a finalised report that had come out. Now the reason I had raised it yesterday is obviously I am sitting here today. I have been mentioned in all sorts of lights. I - I did not have an opportunity to - to give my - my version of events and the basis of that report is what this whole State Capture Commission is about.

I am sitting here having to answer all sorts of allegations that could have been answered that that point.

ADV PIET LOUW: Did you – the Public Protector make available, to you the versions of other persons such as Mr Jonas perhaps?

MR DUDUZANE ZUMA: No I...[intervenes].

ADV PIET LOUW: For you to respond to it?

MR DUDUZANE ZUMA: I did not receive any notices, I didn't receive any transcripts that was – everything I've seen has been post the finalising of the report.

ADV PIET LOUW: Good now if I could perhaps then ask you one or two rather small questions about questions that were put to you yesterday to conclude? The first one concerns an invitation by the Chair to you to speculate about what the reasons would have been why Mr Jonas raised the human cry after the meeting with Messrs. Nene and Gordhan. I'm not going to ask you about the contents of those

discussions that's before the Commission and we'll deal with that in due course but I'm going to ask you is this, not to speculate. What actually happened to you as a consequence of Mr Jonas' statements, taking into account the fact that he did not lay a charge against you for reasons that he gave to the Commission earlier, what happened to you, what were the consequences of his statements?

MR DUDUZANE ZUMA: There have been quite a few consequences I'll get into them but before I get to that and answer your question, I'd just like to make a point if I may?

ADV PIET LOUW: Of course.

MR DUDUZANE ZUMA: I mean I'm not sure if I'll have an opportunity to speak ever again so once I leave this chair I just want to satisfy that.

CHAIRPERSON: Yes you can make your point.

MR DUDUZANE ZUMA: Thank you, I think there are three levels to this whole scenario that need to be satisfied, the first one being it's the deal in being political, legal and perception. Now on the perception front that is purely on the Court of public opinion which is driven by a narrative that stems from media reports and allegations from wherever they come from. Now I'm look at as a criminal, I'm looked at as this face of corruption, this guy that's plundered trillions out of this country which is not the case by the way. So I would just like to say to the public out there, I'm not corrupt, I'm not taking any money from anybody, I never have and I never will. How they take it, that's for me to decide. So I just want to make that clear so if you see me walking around you know, just know that it's not me. Secondly there's the legal

perspective which is obviously one of the reasons I'm sitting here today. There have been a lot of legal repercussions stemming out of all sorts of investigations or lack of investigations. I've had to walk in and out of court rooms, I've had to face charges that...[intervenes].

ADV PIET LOUW: Can I just ask you there, just be a bit more specific, you were arrested, is that correct?

MR DUDUZANE ZUMA: Yes that's correct.

ADV PIET LOUW: And what were you arrested for?

MR DUDUZANE ZUMA: This was at the Specialised Commercial Crimes Court and that was a charge of corruption.

ADV PIET LOUW: And what did that stem from, what was the complaint?

MR DUDUZANE ZUMA: No the complaint is the specific matter we're dealing with right now.

ADV PIET LOUW: The Jonas matter?

MR DUDUZANE ZUMA: The Jonas matter yes.

ADV PIET LOUW: The Jonas meeting?

MR DUDUZANE ZUMA: Yes.

ADV PIET LOUW: And I think, if I may just perhaps assist you, the charges would have been framed under the prevention and combating of corrupt activities of 2004?

MR DUDUZANE ZUMA: Yes that's correct.

ADV PIET LOUW: Also known as PRECA?

MR DUDUZANE ZUMA: Yes that is correct.

ADV PIET LOUW: As well as perhaps POCA, the Prevention of

Organised Crime Act of 1998. Now how did the arrest take place, where were you arrested and what happened?

MR DUDUZANE ZUMA: Obviously there was a lot of speculation in the media and by the time I'd – you know I was labelled the fugitive so I was living out of the country I was in self – so-called self exile which I was not the reasons why I was not living here which I'll get into. When I landed at OR Tambo I was escorted to...[intervenes].

ADV PIET LOUW: So you were just coming back to South Africa for some other purpose?

MR DUDUZANE ZUMA: Ja I was coming for my little brother's funeral last year, that's the reason I was coming back. So on my arrival there was obviously some sort of notice that I had to face the consequences of my actions and that when I asked the gentleman at the immigration he told me it was a notice that was originating from the Rosebank Police Station. So that complaint was put forward by the Democratic Alliance, that was at the airport, fortunately my legal team managed to arrive on time and resolve that issue and we dealt with the matter on the Monday because I arrived, I think, on the Thursday evening.

ADV PIET LOUW: Was there any press present when you were arrested?

MR DUDUZANE ZUMA: No not at the airport no. On the Monday, that's when we went through the whole rigmarole of going to the police station and then the court room and, you know, that's public knowledge. So that is the way that the arrest happened and at all material times I had my legal representative with me and we just wanted to see the

documentation which was not forthcoming by the Law Enforcement Officers, we wanted to see the charge sheets, we wanted to see the warrants, if there were any and we were not furnished with those. So it was a very peculiar situation but you know, it turned out the way it turned out.

ADV PIET LOUW: But it was based on Mr Jonas' reports about what happened at the meeting?

MR DUDUZANE ZUMA: Yes that's eventually what that...[intervenes].

ADV PIET LOUW: Only on that?

MR DUDUZANE ZUMA: Eventually that's what we found out...[intervenes].

ADV PIET LOUW: And Mr Jonas refused to make a statement?

MR DUDUZANE ZUMA: Yes that's also what we found out via his testimony here.

ADV PIET LOUW: And then what happened with these charges?

MR DUDUZANE ZUMA: They persisted for – so when we appeared in the...[intervenes].

ADV PIET LOUW: Sorry I think you were arrested in July last year?

MR DUDUZANE ZUMA: Yes it was around that time, so after we appeared at the Specialised Commercial Crimes Court they postponed it for, I think it was a period of six months or so for further investigations and by the time we'd gone back to appear that's when the charges were provisionally withdrawn and that was on the basis that they are waiting for the outcome of the Commission.

ADV PIET LOUW: Do you feel aggrieved by the arrest?

MR DUDUZANE ZUMA: Ja of course I do.

ADV PIET LOUW: Are you going to take any legal steps about it?

MR DUDUZANE ZUMA: Most definitely, most definitely.

ADV PIET LOUW: Have you – do you know – I suppose you do know that your lawyers have addressed a letter of demand to the police?

MR DUDUZANE ZUMA: Yes that's exactly...[intervenes].

ADV PIET LOUW: For wrongful arrest.

MR DUDUZANE ZUMA: Correct Sir.

ADV PIET LOUW: Alright.

MR DUDUZANE ZUMA: If I may make a point the reason for that is as you found out on the charge sheet there has not been a complainant so you know, my limited knowledge of how things work is, if there is no complainant, there's no charges. So you know, someone has to explain exactly what's going on...[intervenes].

ADV PIET LOUW: Look I think there were complainants but they were not Mr Jonas?

MR DUDUZANE ZUMA: No.

ADV PIET LOUW: And Mr Jonas would not provide a statement?

MR DUDUZANE ZUMA: That's the point I'm trying to make.

ADV PIET LOUW: Alright then...[intervenes].

MR DUDUZANE ZUMA: Sorry if I may continue, I wasn't done...[intervenes].

ADV PIET LOUW: Ja you were still at the third point or second point you're going to the third point.

MR DUDUZANE ZUMA: Yes the second point was a legal which we've

covered a bit of and I'll leave that so I won't belabour that point and then the first is obviously the political and I think we'd all be fooling ourselves to think that there hasn't been a political play in the background, you know, speculation is one thing but I think if you look back in hindsight the history speaks for itself. If you look at how a lot of issues have come to the fore the people that have brought the issues to the fore, what has happened to people on either side of the political wranglings, I think that is an obvious case, and I've said it before and I'm saying it again, I believe I'm unfortunately caught in a political storm.

ADV PIET LOUW: Alright the second last point I wish to deal with is, a point that our learned colleague made yesterday, over and over again which was that there is a discrepancy between the version that you told the Chair about the meeting, namely that Mr Rajesh Gupta came in and what Mr Hlongwane said in his interview with the Public Protector saying that it was not one of the three Gupta brothers it might have been another one, he doesn't know but it perhaps not Mr Rajesh, do you recall that?

MR DUDUZANE ZUMA: Yes I recall that.

ADV PIET LOUW: And it was put to you on the basis, I would think that this discrepancy is destructive of your version.

MR DUDUZANE ZUMA: Yes.

ADV PIET LOUW: And the truth of your version. Now could I ask you not to speculate about what Mr Hlongwane might have thought on this point but perhaps just to turn to page – in the second bundle of LL1A –

sorry this is now at B – LL1B, page 742.

CHAIRPERSON: Please just repeat the page number?

ADV PIET LOUW: 742.

CHAIRPERSON: 742.

MR DUDUZANE ZUMA: That would be Mr Rajesh's statement?

ADV PIET LOUW: Yes you perhaps have seen this before but he makes the point that he was there at the property that indeed he did peek in to the meeting, take you out and had a quick discussion with you about administrative things and then left.

MR DUDUZANE ZUMA: Yes.

ADV PIET LOUW: And this in on oath, is that correct?

MR DUDUZANE ZUMA: Yes sir.

ADV PIET LOUW: Good Mr Zuma I think in conclusion, may I ask you whether there's anything that you would want to add to your evidence, you have refreshed your memory about the statement that you made that you made to the Chair, you made the point yesterday that your statement is perhaps not as comprehensive as otherwise it could have been, it didn't deal with all of the phone calls and SMS's and WhatsApp's perhaps leading up to the meeting with Mr Jonas and perhaps afterwards. You've seen what Mr Jonas said about that, you agree that there were communications between you, is there anything else perhaps, detail that you would want to focus on in conclusion, you will not have the chance again?

MR DUDUZANE ZUMA: I think a lot of the points we've covered and as Mr Mokoena said and there's a lot of common cause issues that are

[indistinct] because we agree on the versions. At this point I think I've said – I've said what I can say, my statement obviously is not as comprehensive as it should be but I think that's the points that I wanted to cover. A lot of what has been said I don't know the detail of I have not checked people's cell phone records, SMS's, phone calls and whatever else may have been left out of my affidavit.

ADV PIET LOUW: Mr Zuma if there are any further queries by the Commission would you assist?

MR DUDUZANE ZUMA: I'm here to comply, I've complied the whole way through, even though it's been made to look like I've been evasive and running away I've been here three times before, this is my fourth time so I have no issues with complying with the Commission. I hope I don't have to see Mr Zondo ever again but if I have to, I've complied and I will comply.

ADV PIET LOUW: Chair those are the questions, thank you.

CHAIRPERSON: No thank you very much. I suspect that Mr Mokoena wishes to say something but I think we must take the tea adjournment now. I will also have maybe a few questions to put to you Mr Zuma. I can mention that I did share with your counsel, the legal team that there are other statements in which you have been mentioned in regard to meetings other than the ones that you have been asked about and – but the arrangement is that – my impression, or my understanding is that those would have been sent to you before but your legal team was not sure whether they were sent or whether they received them. So the arrangement is that the Commission's legal team will look at whether

they were sent and be in touch with your legal team and if there is a need for you to deal with them in one way or another there will be discussions around that, that may or may not entail a request that you come back but both legal teams will look at all issues and you will hear from your legal team about those. So I thought I would just mention that for now.

MR DUDUZANE ZUMA: Thank you very much.

CHAIRPERSON: Yes but I realise that you don't want to see me again. We are going to take the tea adjournment it's twenty-six minutes past eleven, we'll resume at twenty to twelve, we adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes Mr Mokoena.

ADV PHILLIP MOKOENA SC: Mr Chair you would recall that yesterday I stayed away posing any questions relating to the Public Protector because I thought that that proceedings had their own life and sway and they were dealt with decisively. But I see that they also emerged in re-examination and I thought that maybe there must be two or three clarity questions from our side to Mr Zuma simply you know to place the matter in its proper context. And if I am permitted I will limit myself to only those three or four questions of the PP because I think it is quite important.

CHAIRPERSON: Okay no that is alright. And I think you must maybe use this opportunity to tell me what happened to the discussions that you were supposed to have with Mr Zuma's legal team about the issue

that he raised yesterday. I think he was saying there was some omission.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: And I said the legal teams will talk and then I would be updated – I would be – I would get a report back this morning about whether it is something that I need to know or what the position is.

ADV PHILLIP MOKOENA SC: It would appear that it was never persisted with because Mr Louw did not persist with it today Chair and I take it that it was since resolved either between Mr Zuma and his legal team because no one have raised it for today. So it might be that it is no – it is no longer an issue.

REGISTRAR: Yes.

ADV PHILLIP MOKOENA SC: But ought you know to receive your attention

CHAIRPERSON: Okay.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Well if there is no – no issue and whatever he might have been – had in mind is sorted then that would be fine.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: But I think Mr Louw will or wishes to say something. Maybe let us clear that and that before you continue.

ADV PHILLIP MOKOENA SC: Yes.

ADV PIET LOUW: Thank you Mr Chair the – there are two points that our learned colleague made. He wants to ask a few questions about the Public Protector we have no quarrel with that of course. The

reason why we dealt with the Public Protector is because of reports that have apparently been published overnight in some of the press about what Mr Zuma said yesterday in these – in these proceedings. So it was really to give him an opportunity to deal with that and just to perhaps clarify issues from his perspective.

CHAIRPERSON: Yes, yes.

ADV PIET LOUW: It was not – it was not to deal with a new front and opening a new front.

CHAIRPERSON: Ja.

ADV PIET LOUW: The second point is the issue of it was dealt – it was termed I think yesterday an omission or an oversight or a gap or something like that.

CHAIRPERSON: Yes. Yes.

ADV PIET LOUW: Mr Chair with – with respect after some reflection.

CHAIRPERSON: Hm.

ADV PIET LOUW: We decided not to ask questions about it. It really concerns Ms Mentoor.

CHAIRPERSON: Yes.

ADV PIET LOUW: And what she testified about...

CHAIRPERSON: Yes.

ADV PIET LOUW: And what had happened but we can deal with all of those.

CHAIRPERSON: Yes.

ADV PIET LOUW: Aspects.

CHAIRPERSON: Yes.

ADV PIET LOUW: At the end of the day should you invite us to present argument.

CHAIRPERSON: Yes.

ADV PIET LOUW: Which we take – take it that you will.

CHAIRPERSON: Yes.

ADV PIET LOUW: Taking into account Mr Chair that.

CHAIRPERSON: Yes.

ADV PIET LOUW: Insofar as this part of item 1.1.

CHAIRPERSON: Yes.

ADV PIET LOUW: Of the schedule to the proclamation is concerned.

CHAIRPERSON: Yes.

ADV PIET LOUW: You have to make a factual finding.

CHAIRPERSON: Yes.

ADV PIET LOUW: And we would like of course in due course to present an argument to you.

CHAIRPERSON: Yes.

ADV PIET LOUW: On that factual finding.

CHAIRPERSON: Yes.

ADV PIET LOUW: Submissions yes.

CHAIRPERSON: Yes.

ADV PIET LOUW: So – so we have no quarrel with questions about the Public Protector.

CHAIRPERSON: Ja.

ADV PIET LOUW: I told you why we went there this morning and then insofar as the other aspect is concerned once again.

CHAIRPERSON: Ja.

ADV PIET LOUW: It is not really a matter for Mr Zuma to deal with.

CHAIRPERSON: Yes.

ADV PIET LOUW: It is more a matter of argument.

CHAIRPERSON: Yes. Okay.

ADV PIET LOUW: Thank you.

CHAIRPERSON: No that is fine. Thank you.

ADV PIET LOUW: Ja.

ADV PHILLIP MOKOENA SC: Mr Zuma I am sure that the Public Protector's you know reports which are not here well speak for themselves. We did not bring them along and I am simply asking these questions in order to clarify certain aspects you know arising from your re-examination. Do I understand you correctly that you did as a matter of fact receive an invitation from the Public Protector?

MR DUDUZANE ZUMA: At some...

ADV PHILLIP MOKOENA SC: To participate in the proceedings.

MR DUDUZANE ZUMA: At some point yes I did.

ADV PHILLIP MOKOENA SC: Yes. And you then went overseas, am I correct?

MR DUDUZANE ZUMA: Yes I was out of the country.

ADV PHILLIP MOKOENA SC: Yes. You received then a subpoena?

MR DUDUZANE ZUMA: After...

ADV PHILLIP MOKOENA SC: Which - yes.

MR DUDUZANE ZUMA: After a phone call yes I received the subpoena.

ADV PHILLIP MOKOENA SC: Yes. And you were not able to honour

the subpoena because you were overseas?

MR DUDUZANE ZUMA: Yes and I communicated it quite clearly that I am travelling when I get back I will come and present myself.

ADV PHILLIP MOKOENA SC: Yes. So you were not ignored. At least there was the invitation and there was subpoena?

MR DUDUZANE ZUMA: That is correct Sir.

ADV PHILLIP MOKOENA SC: Yes. Thanks Chair.

CHAIRPERSON: Okay no thank you. Mr Zuma I have just a few questions to clarify certain things.

MR DUDUZANE ZUMA: Yes. Before you ask Chair can I just clarify one thing?

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Just from the line of questioning about [indistinct].

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: I just want to make it clear the procedural part of how the Public Protector dealt with it it is – it is up for debate. All I am saying is my version is not on the final report and I take your point, look for another avenue. You said that I should have maybe taken an approach like Mr Ajay Gupta did to force himself to go and present himself. Once again I humbly disagree with that because if people are looking for aversions and aversions of events you know that is something that we need to present. They need to give us that opportunity. We cannot be fighting for that opportunity especially when it is something that affects us via allegations. So I am just merely

putting across that I am sitting here today and that is what I said yesterday why is my version not on – of events not on the Public Protector's Report? That is all I am saying.

CHAIRPERSON: No that is fine.

MR DUDUZANE ZUMA: Thank you.

CHAIRPERSON: But also I must just say when I refer to what Mr Ajay Gupta did I was not necessarily saying that is what you were obliged to do or necessarily should have done. I was simply saying here is another way in which somebody else who wanted to put his side of the story that he did maybe and I think I put that maybe that is what you should have considered as well. So I put it no higher than that.

MR DUDUZANE ZUMA: Good.

CHAIRPERSON: Ja.

MR DUDUZANE ZUMA: Thank you Chair.

CHAIRPERSON: Okay. Alright. You referred to drinks or drinking facilities when your counsel asked you I think about your – about the choice to go to the Gupta residence for this meeting among the three of you that is yourself, Mr Hlongwane and Mr Jonas. But I did not hear the exact full story of what you say about drinks. Were you saying that

ADV PIET LOUW: Not speaking into microphone.

CHAIRPERSON: Sorry yes.

ADV PIET LOUW: In facilities. It was not a shebeen. It was catering facilities.

CHAIRPERSON: Oh catering facilities. Well I did say I did not hear the whole story and maybe that is why it is important to clarify. Just

repeat exactly what you were saying about whether it is catering or drinks or whatever.

MR DUDUZANE ZUMA: I will do so Chair.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Thank you. What I was referring to was immediate facilities for any catering requirements for guests or people that we meeting with. That would be tea, coffee, snacks, biscuits, nuts, whatever – whatever people have so that is what I was referring to.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Hot drinks as in...

CHAIRPERSON: Ja.

MR DUDUZANE ZUMA: Temperature not – not alcohol.

CHAIRPERSON: No. Now my difficulty with that is that I would think that in your own house at Saxonwold you would receive friends and if you would receive friends you would offer them drinks so why would – why would the fact that there are catering – there are certain catering facilities at the Gupta residence really be an important factor in the choice of the venue when you were talking about – one of the – the fact that one of these people is your friend, Mr Hlongwane was your friend and the other person was your friend's friend. So one would think that it is normal to have friends. It is not a large group it is just two people then yourself then it is three people and I would have thought that if you have two or three friends in your own home you can make sure you can afford them drinks like that. So – or is the position that you did not – you did not entertain friends in your home? Make me understand.

MR DUDUZANE ZUMA: Yes, Yes I will do.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Chair when I said the catering parts and the drinks and sort of thing I think I did not say it in isolation I mentioned office facilities as well and staff. So it is whole...

CHAIRPERSON: You know at the Gupta residence?

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Ja.

MR DUDUZANE ZUMA: Which is – yes – which is something that I may or may not have at my place which might inform my decisions not to have meetings there.

CHAIRPERSON: Yes./

MR DUDUZANE ZUMA: I was asked if I have an office there, yes I have my own personal office.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: But do I have facilities that would be office type, printers, staff, runners, whatever it is, no I do not. So to answer your question of course I have entertained very few friends not many. I do not have a huge staff compliment. I do not have typical office type equipment in my home and that is what would have made me not have any meetings of that sort. Now to answer your question. On Uncle Fana being a friend Mr Jonas being the friend's friend I think I have stated quite clearly that I do not conduct business meetings from or meetings of that nature from my residence.

CHAIRPERSON: Well this was not as I understand it and you must tell

me if my understanding of your evidence is not correct. My understanding of your evidence suggest that this was not a business meeting. This was an – a meeting where you sought to afford two friends – friends to themselves not both to you – two friends who had an issue to discuss, a private issue.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Private issue to discuss an opportunity to discuss and it just seems to me that the – there should be no reason why you cannot have two friends in your home who want to discuss a private matter.

MR DUDUZANE ZUMA: Yes. The two friends. They were friendly to each other. I only had one friend so the other technically is not – and was not my friend.

CHAIRPERSON: Yes but...

MR DUDUZANE ZUMA: So he remains – he remains a let us call it a stranger well especially at that point.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: So from – from a welcoming perspective from having someone in my home that I do not know is something that I do not generally do and I did not do on that day.

CHAIRPERSON: Hm. Ja well I would have thought that at least for purposes of that kind of meeting your friend's friend would be welcome to your home for purposes of this discussion which you had taken trouble to say I want to help them resolve this.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: You understand where I am coming from.

MR DUDUZANE ZUMA: I understand that. I understand where you coming from Chair.

CHAIRPERSON: Yes. Yes. And my – and you must tell me was there a need for any office facilities for this meeting?

MR DUDUZANE ZUMA: No though I mentioned the offices...

CHAIRPERSON: Just because you were asked.

MR DUDUZANE ZUMA: No, no because that is what my daily business.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: My daily movements were like so

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: The point I was trying to make with the office facilities because I was asked.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: A direct question, why did I not go to my office to have the meeting.

CHAIRPERSON: Yes, yes. Oh okay.

MR DUDUZANE ZUMA: What put me – what put me at a residence at that point and I had mentioned.

CHAIRPERSON: Ja.

MR DUDUZANE ZUMA: Those facilities so to highlight why I could have meetings of that nature work related.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: In that space.

CHAIRPERSON: Yes. No, no that is fine. I wanted to also mention

because you asked yesterday about the commission whether it was investigating or had investigated certain allegations against you.

1. The commission investigates allegations that fall within the terms of reference of the commission but you know there will be all kinds of allegations even in a statement of one witness. And some will be important for purposes of the commission some might not really be so important for purposes of the commission but might be important to the persons affected. So the commission might not investigate everything that it is in somebody's statement but seek to really investigate those that appear to be material for its own purposes. So it does that.

But I want to take this opportunity to mention to you for what it is worth that Mr Ajay Gupta and Mr Atul Gupta as you know are not participating in any way in these proceedings. But in regard to Mr Jonas' evidence Mr Ajay Gupta and Mr Rajesh Gupta I cannot remember about Mr Atul Gupta they filed affidavits in their application for Leave to Cross-examine Mr Jonas and in those affidavits they said what they said and in regard to Mr Ajay Gupta he said on that day he was in his Sandton offices. He was not at the Gupta residence. Months back – oh and she – and he said in his affidavit he mentioned the name of a certain lady and he said that lady who works for his company would corroborate his alibi and he said and other employees but he gave the name of a particular lady. Many months back I said the investigators must approach that lady and try and get her statement from her. And – so that if necessary she could come and give evidence to say what she

may know about where Mr Ajay Gupta was on the day. Recently I was told that there were difficulties in – in getting hold of that lady. So the commission is interested even if the Gupta's may not be participating if they have placed information before the commission that maybe helpful for the commission to get to the bottom of what happened the commission will investigate that. I can say that in due course irrespective of whether that lady is found or not in due course probably there will be one or two witnesses who will come to the commission and – and talk about Mr Ajay's alibi as well as Mr Atul – Mr Ajay Gupta's alibi, Mr Atul Gupta's position as well because my understanding is that it was said that he was out of the country at the time. That is Mr Atul Gupta. I have given instructions that the investigators must check that. And if the information that comes out shows that he was out of the country that will be put out here in the public. If Mr Ajay Gupta the investigations shows that Mr Ajay Gupta was not at the residence at the relevant time that also will be put up here publicly. So I just want you to – to know that we – we – even with them not participating if they have put information before the commission that might be important for us to establish who was where when what was happening we will look into that. And – and the public will know. So – but as I say there may be some allegations that a particular person who is affected might think is important to follow up but the commission might think for its purposes it should not spend more resources on that. But any affected person should feel free to approach the commission and say there is this allegation that was made about me I would like it to be looked into.

Then the commission might be able to say look we do not think we want to spend more resources on this but if you have anything that you want = that you are able to find bring it. You know. So – so – so I mention that just so that

1. You know. But also I just want the public to know that we are looking at everything. We are looking at everything. We do not have a version that we want to be proved. We just want the truth and wherever we might get the evidence.

MR DUDUZANE ZUMA: Thank you Chair.

CHAIRPERSON: Okay. Yes. Okay the last question that I wanted to ask relates to the rumour that gave rise to the meeting. Is the position that you also did not know any facts in relation to this rumour – all you knew is there was a rumour?

MR DUDUZANE ZUMA: That is the position Chair.

CHAIRPERSON: That is the position. And once – so in other words there was not much information that you were going to be able to give to the two men at the meeting other than this is what is being said in terms of the rumour but I have no further information.

MR DUDUZANE ZUMA: That is correct Chair.

CHAIRPERSON: Is that correct?

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: And once – once Mr Jonas denied having blackmailed Mr Hlongwane was that basically the end of that discussion because nobody had further information?

MR DUDUZANE ZUMA: There was no further information but it was

still interrogated.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Yes, yes. And on your understanding did Mr Hlongwane believe that Mr Jonas was responsible for – for this rumour or had done what the rumours suggested he had done or was his position that he did not know but want to find out?

MR DUDUZANE ZUMA: At that point from what I had known he did not know and wanted to find out.

CHAIRPERSON: Yes. Okay.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Okay. And did he accept Mr Jonas' denial as you understood the position at the meeting? Or did he not accept it.

MR DUDUZANE ZUMA: Like I said the meeting ended off after the denial it took its turn and by the time the meeting was done there was a conversation to reconvene earlier in the week.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: To pick up discussions that was the end of it. So whether it was not.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: I cannot comment on that Sir.

CHAIRPERSON: Okay alright. Now your arrest that you talked about when your counsel was leading you – was re-examining you. Was it solely related to the meeting that took place at the Gupta residence attended by Mr Jonas and yourself and Mr Hlongwane but on his

version plus somebody from the Gupta family? Did it solely relate to that or did it relate to other things as well?

MR DUDUZANE ZUMA: Chair no it solely related to that specific meeting and as my counsel pointed out that it had to do with the poker and the pucker issues. So around the so called bribe.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: Yes.

CHAIRPERSON: Yes. Did the police ever ask you whether you knew about – knew in advance about any of that somebody from the Gupta family may have made or was the position that they asked you about it and you said there was no such of at that meeting and that was the end?

MR DUDUZANE ZUMA: At what point would have that been?

CHAIRPERSON: Either at the time of arrest or subsequently before the charges were withdrawn. In other words did they – was the position that they – they asked you to confirm that there was an offer made to Mr Jonas such as the one that he gave evidence about and you said there was no such offer and that was the end of their enquiry to you. Or was there more discussion to try and see whether you knew anything in advance about any offer that was made?

MR DUDUZANE ZUMA: Like I had said the whole period leading up to – to today there had not been much communication that has been passed [indistinct].

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: We made numerous requests and still continue

to make numerous requests to...

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: The law enforcement agencies.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: To the NPA guys. What is the story? What is the situation?

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: If there is anything please let us know.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: We will comply. We will give you whatever information you need. If there is anything you investigating because there is a lot of stuff being thrown around and in the public domain.

CHAIRPERSON: Yes.

MR DUDUZANE ZUMA: We are here. We understand that is what is being said is there anything you need from us. So even up until that point there was no questioning there was no interaction of any sort. As a matter of fact we were asking them prior to the arrest.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: What is the issue can we assist? During the arrest what is the charge? We were not given that information.

CHAIRPERSON: Hm.

MR DUDUZANE ZUMA: Only after the arrest we managed to get sight of – because obviously they needed to present charge sheets and warrants and that sort of thing and that is why now I have decided to take the steps that I have decided to take because I really want to

understand what the issues are. Because I have not had that opportunity to have that conversation. I did not have the opportunity to be questioned. It was just an event that just took me in the direction they wanted to take me and it ended up the way it did.

CHAIRPERSON: Hm. Well I am asking this question because in his statement and in his evidence if I recall correctly Mr Jonas was very clear that at the meeting you and Mr Hlongwane you might not agree but he was clear that you and Mr Hlongwane were very quiet. He said the – you know you really did not take any active role in this discussion that he was having with the member of the Gupta family that he talked about. So – so I thought that maybe there may be something that in terms of questioning that may have come up. But it is fine. Before the commission we have heard persons who have been arrested and charged in circumstances where they have complained that they were being charged in circumstances where there was really no case against them and charges were later withdrawn. And I have said that I want to see what information the police had and what information the prosecutors had on the basis for which they charged those people. Because it does not matter who you are. If the police have got proper evidence and proper grounds to arrest you and the prosecutors have got proper grounds and proper evidence to charge you they should charge you. But equally It does not matter who you are if they do not have evidence and proper grounds to arrest or to charge they should not charge. So it is important that the police use their powers properly. Now I do not know whether in your case or in the case of the others

that I have talked about who have come before the commission whether it was abuse or not abuse. But it is important to simply say I want to see all of that. So in what I want to see it will include yours in the light of Mr Jonas' evidence that you were very quiet at that meeting. You and Mr Hlongwane. It may well be that there were proper grounds and it may well be that even if there were no proper grounds it was just honest you know exercise of power I do not know. But I just want to mention that I will want to see everything. I think that is the end of my clarificatory questions that I had. I see your counsel wants to say something.

ADV PIET LOUW: Mr Chair yes.

CHAIRPERSON: Yes.

ADV PIET LOUW: I just something from our side not from the witness.

CHAIRPERSON: Hm.

ADV PIET LOUW: Mr Joubert who sits next to me – apologise – was the counsel who represented Mr Zuma at the time of his arrest and merely to – from the bar just to inform you that Mr Zuma was never asked for a statement, he did not ever make a warning statement. There was no attempt to illicit further information or evidence from Mr Zuma. He was merely arrested under the Act that I read out earlier The Prevention on – And Combatting of Corrupt Activities Act of 2004 and the Prevention Of Organisation Crime Act of 1998. They go by the acronyms of PRECA and POCA. The charge insofar – no charge was ever put but the reason for the arrest is that Mr Zuma was apparently present when a bribe was offered to Mr Jonas and he did not make a

report about that. It is a report [indistinct].

CHAIRPERSON: Oh okay.

ADV PIET LOUW: So that is – it is

CHAIRPERSON: The basis.

ADV PIET LOUW: It is this inaction.

CHAIRPERSON: Okay.

ADV PIET LOUW: That I understand.

CHAIRPERSON: Okay.

ADV PIET LOUW: Was what the police were after. The supreme irony of course being that Mr Jonas himself did not make such a report and until today has refused to cooperate with the police on that point. That merely insofar as that issue is concerned.

CHAIRPERSON: Hm.

ADV PIET LOUW: With your leave may I ask the witness one final question? It is – it is something that concerns you Mr Chairman.

CHAIRPERSON: Yes.

ADV PIET LOUW: And it would have concerned me as well.

CHAIRPERSON: Yes.

ADV PIET LOUW: And perhaps I can just ask the witness a question.

CHAIRPERSON: Okay just one.

ADV PIET LOUW: Just one.

CHAIRPERSON: Ja.

ADV PIET LOUW: Mr Zuma the Gupta residence. Can I ask you this? Is it the same as any other ordinary residence? Would you be able to go five houses down the line in the same street in Saxonwold and walk

in and have a meeting? Or is there anything special? Is the house, the residence, the area where you – where you met with Mr Hlongwane and Mr Jonas different from ordinary houses or is it just another sitting room, lounge area that of which there are probably millions in Johannesburg?

MR DUDUZANE ZUMA: If there are probably millions in Johannesburg that should make it the million and first one so it is just like any other residence.

ADV PIET LOUW: Were there any ...

MR DUDUZANE ZUMA: Normal lounge –

CHAIRPERSON: Is that a second question now. I granted you permission for one.

MR DUDUZANE ZUMA: Just to clarify Chair. It is like any other – any other residence there is no ...

CHAIRPERSON: Yes nothing special.

MR DUDUZANE ZUMA: Nothing special because this – just...

CHAIRPERSON: Okay alright.

MR DUDUZANE ZUMA: Ja there is a lounge a normal lounge.

ADV PIET LOUW: Thank you Mr Chair.

CHAIRPERSON: Okay. Okay. Thank you very much. I am hoping you are not asking for one more.

ADV PHILLIP MOKOENA SC: No questions. No questions at all Chair.

CHAIRPERSON: Okay. Thank you very much Mr Zuma for coming to give evidence and share with the commission what you know. As I said earlier and there may – there will be further discussion between the

commission's legal team and your legal team and in terms of that there may be a need for you to come back. It just depends on the outcome of the discussions that will take place. But thank you very much for coming to give evidence.

CHAIRPERSON: Chair thank you very much for having me. It is an honour, a privilege and a pleasure to be here. I appreciate your fairness and thank you for giving me an opportunity to put my side of the story across. Thank you.

CHAIRPERSON: No thank you very much and you are now excused. Thank you.

ADV PHILLIP MOKOENA SC: Mr Chair.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: My colleagues are here ready and eager to proceed with the next business.

CHAIRPERSON: With the other witness the next witness.

ADV PHILLIP MOKOENA SC: But we – if we may afford them maybe ten or fifteen minutes adjournment for them to be able to ...

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENA SC: Properly you know place themselves.

CHAIRPERSON: Okay we are at thirteen minutes past twelve. If we start at twenty five past twelve will that do? They say it should be fine.

ADV PHILLIP MOKOENA SC: That is fine. Should be fine Chair.

CHAIRPERSON: We will adjourn then and resume at twenty five past twelve. We adjourn.

INQUIRY ADJOURNS

SCC DIGITAL FORENSIC TECHNOLOGIES ("DFT")

DATA ANALYTICS OUTPUT

[MCOE 2/2019]

JONAS MOBILE PHONE NUMBER ANALYSIS NOTE

20 November 2019

SYNOPSIS

1. In executing their duties at the SCC, the digital forensic technology professionals have access to, *inter alia*, vast amounts and various types of data.

2. To the extent that such data is not open source (i.e. available to the general public), the data has been sourced by using the legal mechanisms available to the SCC.

3. Based on data analytics conducted, the following *prima facie* statements of relevant facts have been established:

No	Statement
1.	Mobile phone number 072 415 **4072** was registered in the name of National Treasury, with user name Mcebisi **Jonas**, and was likely used by Mcebisi **Jonas** on 23 October 2015.
2.	Mobile phone number 082 396 **8210** was registered in the name of Duduzane **Zuma** and was likely used by Duduzane **Zuma** on 23 October 2015.
3.	Mobile phone number 083 700 **3228** was registered in the name of Zabile Hlongwane, and was likely used by Fana **Hlongwane** on 23 October 2015.
4.	On 23 October 2015, mobile phone number 072 415 **4072** (Mcebisi **Jonas**) sent three short message service (SMS) messages to mobile phone number 082 396 **8210** (Duduzane **Zuma**) at 11:01, 13:02 and 13:13 respectively. It is highly likely that mobile phone number 072 415 **4072** (Mcebisi **Jonas**) was in the greater Rosebank area during these times.

No	Statement
5.	On 23 October 2015, mobile phone number 072 415 **4072** (Mcebisi **Jonas**) received two calls from mobile phone number 082 396 **8210** (Duduzane **Zuma**) at 09:58 and 13:03 respectively. It is highly likely that mobile phone number 072 415 **4072** (Mcebisi **Jonas**) was in the greater Rosebank area during these times.
6.	On 23 October 2015, mobile phone number 072 415 **4072** (Mcebisi **Jonas**) received two calls from mobile phone number 083 700 **3228** (Fana **Hlongwane**) at 13:12 and 13:20 respectively that were forwarded to voicemail. It is highly likely that mobile phone number 072 415 **4072** (Mcebisi **Jonas**) was in the greater Rosebank area during these times.
7.	On 23 October 2015, mobile phone number 072 415 **4072** (Mcebisi **Jonas**) sent one SMS message to mobile phone number 083 700 **3228** (Fana **Hlongwane**) at 19:28. It is highly likely that mobile phone number 072 415 **4072** (Mcebisi **Jonas**) was in Port Elizabeth when sending this SMS.
8.	On 23 October 2015, mobile phone number 072 415 **4072** (Mcebisi **Jonas**) received two calls from mobile phone number 083 700 **3228** (Fana **Hlongwane**) at 19:50 and 19:53 respectively. It is highly likely that mobile phone number 072 415 **4072** (Mcebisi **Jonas**) was near the Radisson Blu Hotel in Port Elizabeth during these calls.
9.	On 23 October 2015, mobile phone number 072 415 **4072** (Mcebisi **Jonas**) made two calls to mobile phone number 083 700 **3228** (Fana **Hlongwane**) at 19:40 and 19:52 respectively. It is highly likely that mobile phone number 072 415 **4072** (Mcebisi **Jonas**) was near the Radisson Blu Hotel in Port Elizabeth during these calls.

DRAFT STATEMENT TO THE INQUIRY INTO STATE OF CAPTURE

I,

BONGANI GODLEY MORE

state as follows:

1. I am aware of the evidence which was given to the Commission of Inquiry by Mr Mcebisi Jonas. I have read page 16 of the transcript of Mr Jonas' evidence on 24 August 2018 and can confirm the correctness of Mr Jonas' account insofar as it relates to matters within my knowledge.

2. I have also read the affidavit which has been filed by Mr Fana Hlongwane in which he seeks to dispute certain aspects of the evidence of Mr Mcebisi Jonas.

3. I have accordingly deposed to this affidavit to ensure that the Commission of Inquiry has my version of the events which took place at that meeting.

4. I met Mr Jonas in approximately 1982 at the University of Fort Hare. My involvement in the African National Congress commenced with my participation in the Student Movement. In the early 1990's I met Mr Hlongwane at Shell House and we have been comrades and friends since then. In 1994, I worked in the Presidency and then held several other roles in various Government positions (both at provincial and national level until 2014).

5. I recall that Mr Jonas and I visited Mr Hlongwane in October 2015 at his residence in 4th Avenue Hyde Park. This was a social visit and the meeting

took place in a friendly atmosphere. There was no tension at all between Mr Jonas and Mr Hlongwane at the meeting, nor was there to my knowledge any tension between them at all at the time.

6. During the course of the discussion, which traversed various issues including the political situation in South Africa, Mr Hlongwane brought up the topic of the Guptas. He said that the Guptas were a force in South Africa and that it is important to work with them. Mr Jonas told him that he would not want to be associated with the Guptas. I said that I shared Mr Jonas's views in this regard.

7. At another stage in the conversation, which ranged over a number of topics, Mr Hlongwane told us that he had rekindled his relationship with Mr Duduzne Zuma and told Mr Jonas that Mr Duduzane Zuma wanted to meet him. Mr Jonas asked Mr Hlongwane to give him Mr Zuma's cellphone number and he did so.

_____

DEPONENT

I HEREBY CERTIFY that the deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn before me at on the 3rd day of December 2019, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

_____

COMMISSIONER OF OATHS

Full Names

Office
Business Address

I,

BONGANI GODLEY MORE

state as follows:

1. I am aware of the evidence which was given to the Commission of Inquiry by Mr Mcebisi Jonas. I have read page 16 of the transcript of Mr Jonas' evidence on 24 August 2018 and can confirm the correctness of Mr Jonas' account insofar as it relates to matters within my knowledge.

2. I have also read the affidavit which has been filed by Mr Fana Hlongwane in which he seeks to dispute certain aspects of the evidence of Mr Mcebisi Jonas.

3. I have accordingly deposed to this affidavit to ensure that the Commission of Inquiry has my version of the events which took place at that meeting.

4. I met Mr Jonas in approximately 1982 at the University of Fort Hare. My involvement in the African National Congress commenced with my participation in the Student Movement. In the early 1990's I met Mr Hlongwane at Shell House and we have been comrades and friends since then. In 1994, I worked in the Presidency and then held several other roles in various Government positions (both at provincial and national level until 2014).

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SOUTH AFRICAN POLICE SERVICE
GARSFONTEIN
2019 -12- 03
COMMUNITY SERVICE CENTRE
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