



EXHIBIT T 31

**THABANG
MAKWETLA**



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

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

STATEMENT OF THABANG MAKWETLA

I, the undersigned,

THABANG MAKWETLA

state as follows:

INTRODUCTION

1. I am an adult male currently employed as a Deputy Minister of Defence and Military Veterans, situated at Armscor Building, Block 5, Level 4, cnr Delmas Avenue and Nossob Street, Erasmuskloof, Pretoria.
2. I have held various public office positions including when I served as the Deputy Minister for Justice & Correctional Services in the Republic of South Africa from 2014 to 2019. I am currently serving as the Deputy Minister of Defence and Military Veterans. I attach my brief curriculum vitae for ease of reference as annexure "TM 1".


SM

3. I have been requested in a written notice to provide evidence that may be relevant to the allegations made against me by Mr Richard Le Roux during ~~in~~ his testimony before the Commission. To this extent, the Commission has provided me with the relevant extracts ^{from} from the affidavit that he deposed to and his testimony.
4. The facts contained in this statement are, unless the context indicates otherwise, within my personal knowledge and are to the best of my knowledge and belief true and correct.
5. Prior to dealing with the specific allegations insofar as they relate to me, I need to provide some background in order to contextualize the sequence of events.

BACKGROUND

6. I have known Gavin Watson and his brother Ronnie Watson from the days of the struggle against apartheid. They were a well known family for their anti-apartheid-government stance and very involved in the dismantling of apartheid.
7. When I was appointed to the position of the Deputy Minister for Justice & Correctional Services in 2014, I was advised by the facilities' branch to undertake visits to industry partners to familiarize myself with services and technologies that were being utilized by the Department of Correctional Services ("DCS"). This resulted in me visiting the Operations Centre in Krugersdorp, then run by BOSASA, with a delegation of officials from DCS where I met Mr Watson.
8. I subsequently met Gavin Watson on several occasions in my aforementioned capacity.

Handwritten signature
TM

We had a good professional working relationship.

9. When I returned home from a vacation in Cape Town over the festive season of 2015/6, I found my home burgled. I was upset, and anxious to urgently secure it. I wanted a company that could install an electric fence over the wall to prevent further break-ins.
10. It was very early in January 2016 and most companies that provide this type of work were still closed and had not commenced with business for the New Year.
11. At around the same time, Gavin Watson had requested an urgent meeting with me concerning DCS and BOSASA operations. At this meeting, after exchanging pleasantries and wished one another a happy new year, he enquired about my vacation and I enquired about his. I shared with him the mishap that my house had been burgled and that I was stressed with having to sort it out.
12. I also explained that I was battling to find a company to install an electric fence for me. That was when he told me that BOSASA also dealt with domestic security and could assist me immediately. He said that he would send a team immediately to my house to do an evaluation. I was happy and relieved. I told him to send me a quote before they commenced with work. This was so that I could still try and get another opinion on the price without him knowing. Gavin Watson agreed to provide me with a quote and we parted.
13. Unfortunately and most regrettably, Gavin did not do what we agreed upon. At my next visit to the house, I came back to find that work was already done and near completion




without being informed and without a quotation as agreed.

14. Furthermore additional equipment in the form of cameras was installed. This created a lot of anxiety to me. I was very upset because I did not know how much I was going to be charged for the job.
15. I contacted Gavin Watson over the phone and he assured me that I should not worry, he will explain the quotation when we meet.
16. We met and he said that I could not expect him to charge me for assistance that he could afford to offer me as a comrade without incurring any significant costs.
17. I objected and explained that I disagreed with him completely because BOSASA was doing business with DCS and perceptions of a conflict of interest would arise and be difficult to dispel. I tried hard to persuade him to see my point of view. I pleaded with him several times after that meeting to send me the bill for the job, but he consistently refused to do so.
18. This development caused me a lot of frustration because the installed system had regular glitches and I was unable to assert my rights as a client because of outstanding payment and equipment that I did not requisition. Eventually after several discussions with Gavin about this matter, the camera system was removed.
19. I, however, remained unhappy with the fact that I had not paid for the electric fence and I asked for an appointment with the President to inform him about this matter. Despite



my numerous offers to pay for the installation I couldn't do anything about it.

20. I did not declare this work as a benefit with the Registrar of Members' Ethics as a Member of Parliament because I refused to accept it as a benefit.
21. Following media reports in September 2018 about allegations against BOSAS, I wrote to both the Parliamentary Ethics Committee and the chief-whip of my party to explain this matter.
22. Furthermore, I took up the responsibility to raise this matter with the Secretary-General of my party Mr Ace Magashule suggesting that it was in the interest of propriety for the matter to be ventilated with the Integrity Committee of the party.
23. In the wake of these media reports Gavin Watson called me and apologized most profusely. He confessed that he was wrong and that his decision was most regrettable. I advised him to direct his apology to the Parliamentary Ethics Committee, a suggestion which he accepted. It is my understanding that he indeed obliged because he emailed me a draft of that apology.
24. He further forwarded me an invoice for this job which I settled. An amount of R25 thousand was paid to BOSASA for the electric fence as requisitioned 

RESPONSE TO ALLEGATIONS IN LE ROUX'S AFFIDAVIT

25. AD PARAGRAPHS 1-46:

I note the content hereof and record that I had no previous knowledge thereof. I reiterate




that I had no reason to doubt that the job done at my house by BOSASA was normal and straight forward business operation.

26. AD PARAGRAPH 47:

I confirm the installation at my home, but have no knowledge of what happened within BOSASA at the time.

27. AD PARAGRAPH 48:

I confirm the installation at my house, but have no knowledge of the details of the equipment installed. There were maintenance issues with the equipment installed and these were attended to by *inter alia* Mr Le Roux, before the ^{camera} system was replaced.

sm

28. AD PARAGRAPH 49:

28.1. The contents of this paragraph are denied.

28.2. In particular, I deny that the value of the work done at my house was in the region of R350 000.00. I paid R25 000 for the BOSASA job. I had an existing alarm system at my house which was installed by Carapax. It was possibly augmented during this project, but I may not know how, technically. I had endless problems with the system and eventually had to replace it. I only requested that an electric fence be installed.

29. AD PARAGRAPHS 50-62:

I have no knowledge and would have had no clue about the internal operations activities of what to me was just another contractor, except that my impression of BOSASA was

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that it was a modern well run, high tech company.

RESPONSE TO THE ORAL TESTIMONY OF LE ROUX ON 31 JANUARY 2019

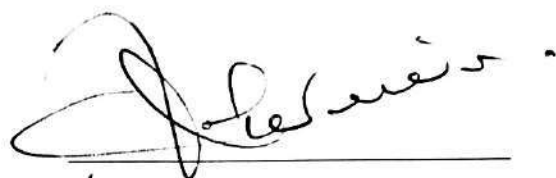
CONCLUSION

30. At no stage was I ever requested to do anybody at BOSASA or BOSASA as a business corporate body any favours. I enjoyed and appreciated the ethos of the BOSASA establishment in the collaboration which existed between the DCS and BOSASA, particularly in relation to BOSASA's corporate social investment.
31. The business BOSASA is alleged to have irregularly secured from DCS was long before I was appointed to serve in the DCS Ministry. As a matter of record there is ^{STm} ~~not~~ tendered awarded to BOSASA in the five years of my stay at the DCS, except the only one which was put out ~~on tender~~ ^{STm} just before I left. Still I can confirm without any shadow of doubt that my office had no knowledge of who were members of the committees which were involved in this tendering process. It is the ~~tendered~~ ^{STm} which BOSASA went to court about believing they were cheated.
32. I fully support and have endeavoured to cooperate with the Judicial Commission of Enquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State by providing this statement.
33. I reject with contempt any insinuation that I conducted myself in any manner that sought to violate the precepts of promoting clean, transparent, accountable and equitable

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governance.



THABANG MAKWETLA.

I hereby certify that the Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at Johannesburg, on this 21 day of JULY 2020 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: HOUDIS
SWIEGERS LAAT

BUSINESS ADDRESS:
119 DUXBERG STR
HIDDERST

DESIGNATION: CAPTAIN

AREA/OFFICE: SAP 9

SUID-AFRIKAANSE POLISIE
STASIE BEVELVOERDER
2020 -07- 21
BROOKLYN STATION COMMANDEUR
SOUTH AFRICAN POLICE

STM

Annexure "TM1"

Deputy Minister of Defence and Military Veterans Mr. Thabang Samson Phathakge Makwetla**Personal**

Mr. Thabang Makwetla (Hon), South Africa's current Deputy Minister Defence and Military Veterans. He was born in Bochabelo (Middelburg) in the Province of Mpumalanga, South Africa.

Academic Qualifications

Mr Makwetla obtained a Diploma in Public and Policy Development Administration (PPDA) from Wits Graduate School and a Diploma in Social Science from the Academy of Social Sciences in Sofia, Bulgaria.

Government (Provincial and National Executive)**Most recent:**

- Former Deputy Minister of Justice and Correctional Services, responsible for the Corrections portfolio, served from May 2014 – May 2019
- Mr Makwetla served as the Deputy Minister of Defence and Military from 11 May 2009 to 25 May 2014.
- He served as the Premier of the Mpumalanga Province from 21 April 2004 to 10 May 2009.
- He served as MEC for Safety and Liaison in Mpumalanga from 2001 - 2004.

Political Activism**The 1970s:**

Thabang Makwetla joined the South African Students Movement in 1974. He went into exile in 1976, where he joined Umkhonto we Sizwe (MK). He lived in different countries in Africa including Botswana, Angola, Lesotho and Zambia. Where he carried out various duties on behalf of the African National Congress (ANC) and its military wing uMkhonto we Sizwe (MK) underground until political organization were unbanned in 1990. In Angola he was based in the MK Camps in as a Camp Commisser for more than 6 years.

The 1980s:

The ANC deployed comrade Thabang in the frontline states to further its missions. During his stint as Chairperson of the ANC's Regional Politico Military Council (RPMC), he was the overall commander of ANC's political and military underground activities operating from Botswana. Simultaneously, he also served as Treasurer of the South African Communist Party (SACP), Botswana region from 1986 to 1988.

" TM1 "

The 1990s and 2000s:

He returned to South Africa after political organisations were unbanned in 1990. Together with the late Jackie Selebi and Ambassador Vusi Mavimbela they were tasked by the then ANC President Oliver Reginald Tambo to lead and guide the process of reviving and relaunch the African National Congress Youth League (ANCYL) inside the country working closely with last National Executive Committee of the South African Youth Congress (SAYCO) under leadership of the late Peter Mokaba, Mpho Lekgoro and Ambassador Febe Potgieter the current ANC's General Manager, amongst others.

He served as an executive member of the ANC Gender Commission in 1992; He was later elected into the ANCYL National Executive Committee and National Working Committee (NWC) from 1990 to 1994 after the relaunch of the ANCYL in the country under the first legal President Peter Mokaba after the unbanning. After the first democratic national elections, he became a member of the first non-racial parliament. In parliament he was assigned to being ANC's Parliamentary Caucus Chairperson from 1996 until 2001. And he served in the below mentioned parliamentary structures

Parliament

Mr Makwetla served in the following committees:

- The Portfolio Committee on Sport and Recreation from 1994 to 1996
- The Portfolio Committee on Tourism and Environment from 1994 to 1996
- The Joint Standing Committee on Defence from 1994 to 2001
- Chairperson of the ANC Caucus from 1996 to 2001
- The Joint Standing Committee on Intelligence from 1998 to 2001
- The Standing Committee on Public Accounts from 2000 to 2001
- The Finance Committee from 2000 to 2001
- The Ministerial Task Group on Civic Education in the South African National Defence Force (SANDF).

Makwetla was elected a member of ANC's Provincial Executive Committee (PEC) in Mpumalanga Province in 2002 and he served as the Chairperson of the African National Congress (ANC) in Mpumalanga Province from 2004 - 2008.

During the recent ANC's 54th National Conference held in December 2017, as a member of the highest decision making body, the National Executive Committee of the ANC.

Currently he serves in the following ANC National Executive Committee Subcommittees

Peace and Stability
Political Education
Legislature and Governance

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

STATEMENT OF THABANG MAKWETLA

I, the undersigned,

THABANG MAKWETLA

do hereby state as follows:

1. I am an adult male currently employed as Deputy Minister of Defence and Military Veterans, situated at Armscor Building, Block 5, Level 4, cnr Delmas Avenue and Nossob Street, Erasmuskloof, Pretoria.
2. The facts contained in this statement are, unless the context indicates otherwise, within my personal knowledge and are to the best of my knowledge and belief both true and correct.
3. I have been requested by the Judicial Commission of Inquiry into Allegations of State Capture, Corruption, and Fraud in the Public Sector including Organs of State ("Commission") evidence leaders to depose to a supplementary statement following my initial statement to the Commission dated 22 July 2020.
4. The Commission requested that I should provide copies of the documents referred to below and/or where I am unable to do so, provide an explanation thereto. These documents are:

SPM 

- 4.1. Communication to the Parliamentary Ethics Committee;
 - 4.2. Communication with Mr. Ace Magashule;
 - 4.3. The email containing the "draft apology" from the late Gavin Watson;
and
 - 4.4. The invoice for the amount of R25 000.00 which I settled.
5. In complying with the above request. I provide the following context.

Communication with Mr. Ace Magashule

6. On 24 September 2018, following media reports where my name was mentioned concerning the security infrastructure installed at my private house in Bramley by BOSASA (now called African Global Operations) I wrote to the Secretary General of my party Comrade Ace Magashule requesting the matter to be dealt with by his office and be ventilated by the integrity committee of my party, the African National Congress. I attach the aforementioned letter as annexure "A".
7. As far as I know, the Secretary General of the ANC did not respond to my letter nor pursue the matter further with me.

Communication to the Parliamentary Ethics Committee

8. On 26 September 2018, I received a letter from the acting Registrar of the Joint Committee on Ethics and Members' Interest Adv. Ntuthuzelo Venara informing me that they received a complaint from Honourable John Steenhuisen alleging that I have breached clause 9.3 of the Code of Ethical Conduct and Disclosure of Members' Interest by not disclosing the security

→ Don P

infrastructure installed at my private house by BOSASA. The letter is attached hereto as annexure "B".

9. I furnished the acting Registrar of the Joint Committee on Ethics and Members' Interest with my response dated 4 October 2018. The statement was further sent to the Chief-Whip of my party. I attach my response as annexure "C".
10. I did not hear anything from the Joint Committee on Ethics and Members' Interests until the following year in 2019. In March 2019 I received correspondence from Advocate A. Gordon who was the acting Registrar of Members Interests at that time addressed a letter to me inquiring on whether I was able to raise the matter with the Honourable President of the Republic of South Africa. In response thereto, I provided the Joint Committee on Ethics and Members' Interests with proof of my attempts to engage the President on the matter.
11. To my utter dismay, within three days of submitting the evidence that the Joint Committee on Ethics and Members' Interests requested they came back with adverse findings that I derived some sort of benefit from the security infrastructure that was installed in my private house and I ought to have disclosed it in terms of the Code of Ethical Conduct and Disclosure of Members' Interest. The Joint Committee on Ethics and Members' Interests did not refer their findings and recommendations to Parliament for possible ratification as stipulated in clause 10.7.8 of the Code of Ethical Conduct and Disclosure of Members' Interests. The Committee was quick to release a press statement on its findings.

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12. In light of the glaring irregularities and apparent breach of the Code of Ethics by the Committee itself in arriving at the adverse findings against me, I challenged these findings on various grounds. Herein, I refer to my letter dated On 9 April 2019 sent to the Chairperson of the Joint Committee on Ethics and Members Interests uttering my discontent and disdain with how the complaint was handled and the prejudice to me thereto. I attached the letter as annexure "D".
13. In addition, I instructed my attorneys to request the record of the Joint ~~Committee~~ ^{Speaker} on Ethics and Members Interests when they deliberated on this complaint. I attach the communication of my attorneys and the Speaker of Parliament requesting the record as annexure "E1, E2 and E3" dating as far back as January 2021. Regrettably, all of these letters remain unanswered. By the Speaker.

Invoice for the amount of R 25 000 settled and the apology

14. I reiterate that I have never accepted the security infrastructure installed at my private house by BOSASA as a benefit. I always expected to pay for the services. This is supported by my constant requests right from the onset to BOSASA to provide me with the quotation and invoices for the work done. Despite this, Mr. Watson refused to provide me with a quotation and invoices as requested.
15. Following the media statement in 2018, around the security upgrade at my house, Mr. Watson called me to apologies for refusing to invoice me for the work done by BOSASA. When Mr. Watson eventually agreed to send the invoice to me, we disagreed on the quantum charged for the services I

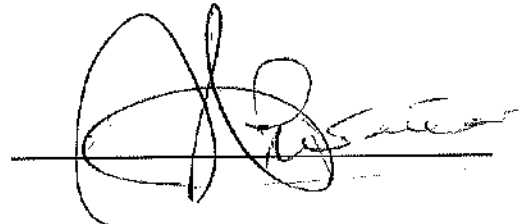
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received. I recall that in some of our communications, Mr. Watson, requested that I pay approximately R 90 000.00 (ninety thousand Rand) for the security infrastructure installed at my house. I disputed the amount demanded by Mr. Watson, as I had only requested the electric fence and repair on the alarm system, nothing more. I then calculated and paid what I considered to be fair and reasonable amount for the services requested and received. Part of the correspondence between Mr. Watson and me is attached as annexure "F1 – F2".


16. To conclude this point, I was prepared to pay R 10 000.00 (ten thousand Rand) for the repair on security alarm system and R 15 000.00 (fifteen thousand Rand) for the electric fence. These I believed to be fair and reasonable amounts for the services received.
17. I will also expand at the Commission how I arrived at the amounts stated above as fair and reasonable. For the benefit of the Commission, I provide proof of payment made by me to BOSASA in relation to the security system installed at my house to the total amount of R 25 000.00 (in two payments) as annexure "G1 and "G2".
18. To sum up, I submit that I never received any benefits from BOSASA, the documentation referred to above serve to buttress my case that I have always expected to pay and I paid for the services received. Furthermore, to an extent that I consider that there are irregular, unprecedented malicious, and adverse findings against me, I have taken steps to challenge those findings in order to clear my name. As such I can state without fear of contradiction that I have

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never performed BOSASA any favours in return for security upgrades at my house or any other benefit for that matter. There is nothing to gainsay this.


THABANG MAKWETLA

I hereby certify that the Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at BRAMEY, on this 17th day of **MARCH 2021** 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

THULANI NKOSI :
COMMISSIONER OF OATHS
Practising Attorney (RSA)
6th Floor, Aspern House, 54 De Korte Street
Braamfontein, Johannesburg
2001

A

Cde Ace Magashule
Secretary General
ANC Head Office
Johannesburg

24 September 2018

Dear Secretary General,

The recent media reports about allegations of impropriety by ANC Public office bearers are a matter of legitimate concern to the ongoing battle to restore the moral image of our movement.

My name has been mentioned in relation to the service I procured from BOSASA, which I provided an explanation thereof. I have appraised the ANC Chief-whip in parliament about this matter, and copied him the statement I released in response to media enquiries around this matter. On his return from his aborted trip to Cuba, Chief-Whip has assured me that the matter is receiving priority attention. I stand to be guided by your office if there is any other engagement within the party you consider necessary, to ventilate this matter.

Your office may be aware that there are also reports in the media suggesting that deliberations of the NEC were leaked to the media by some among us. This relates to the input I made in March this year 2018, at the first ordinary meeting of the NEC which took place in Cape Town. It relates to the view I submitted that we must not address the problem of corruption in theoretical terms. I proceeded to share a personal experience by relating what happened in 2004 immediately after I assumed responsibilities in the premier's office in Mpumalanga, that I was put in an invidious position where I had to drive in a panic to Head Office in Johannesburg to seek advice and protection because I was refusing to accept what was an obvious attempt to bribe me.

I further explained that fortunately we were able to deal with the matter successfully within days. This was in support of my submission that perhaps it was time that the party deals with the problem of corruption in a more proactive and constructive manner to protect, in a sustainable way, its cadres who are deployed in influential public responsibilities.

I am recounting these details because a concocted account intended to besmirch my name has been put out to the media, conflated with the BOSASA allegations in a gibberish press statement attributed to Carl Niehaus, in the name of the so-called MK military veterans.

I have not responded to these accusations and slander and referred the media to

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your office believing that it is the appropriate place where it should be handled. I trust that my judgement was correct and will be met with your approval.

I loathe a situation where I am compelled to respond to these accusations in the media, to protect my reputation and conduct, in violation of established discipline protocols governing these matters, as particularly reinforced by the sentiments of our 54th National Conference.

Trust that you find the above in order.

I look forward to your urgent intervention and advice on this matter,

Yours in the struggle,

(By e-mail)

Thabang Makwetla (NEC Member)

Sam P

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PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

OFFICE OF THE SECRETARY

PO Box 15 Cape Town 8000 Republic of South Africa
Tel: 27 (21) 403 2240 Fax: 27 (21) 403 2604
www.parliament.gov.za

12 September 2018

Email: mbalenhle.ntuli@dcs.gov.za

Hon T.S. P. Makwella, MP
Deputy Minister of Correctional Services
120 Plein Street, 5th floor Room 541
Cape Town
8000

DEPUTY MINISTRY OF CORRECTIONAL SERVICES
2018 -09- 26
PRETORIA
ADJUNK MINISTERIE VAN KORREKTIEWE DIENSE

Dear Mr Makwella

**RE: ALLEGED CONTRAVENTION OF THE CODE OF ETHICAL CONDUCT AND
DISCLOSURE OF MEMBERS' INTERESTS**

The Office of the Registrar of Members' Interest received a complaint from Hon J. Steenhuisen, Chief Whip of the Opposition (DA), the "Complainant", against yourself Hon Deputy Minister. Copy of the self-explanatory complaint (*together with annexure*) is attached for ease of reference.

In terms of clause 10.2.2.4 of the Code of Ethical Conduct and Disclosure of Members' Interest, I am obliged to inform you of the relevant complaint.

This letter therefore serves to inform you of the complaint against you Sir and afford you an opportunity to respond in writing to the aforementioned allegations. In your response, you may deny or admit the allegations and provide an explanation either way.

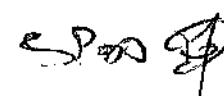
Kindly be advised that you are required to respond in writing, within **seven (7)** days of receipt of this letter, to the allegations. Further, be advised that failure to respond to the complaint, without good reason, may lead to the Committee investigating the complaint.

Please feel free to contact writer for further information on 021 403 2477, alternatively on 021 403 2476.

Sincerely


Adv. Ntuthuzelo Vanara

Acting Registrar of Members' Interests



C



MINISTRY OF JUSTICE & CORRECTIONAL SERVICES
REPUBLIC OF SOUTH AFRICA

Private Bag X853, Pretoria, 0001, Tel: (012) 307 2934, Fax: (012) 323 4111
Private Bag X9131, Cape Town, 8000, Tel: (021) 464 4600, Fax: (021) 465 4375

DEPUTY MINISTRY OF CORRECTIONAL SERVICES
2018 -10- 04
PRETORIA
ADJUNK MINISTERIE VAN KORREKTIEWE DIENSE

04 October 2018

ADV. NTUTHUZELO VANARA,
ATTENTION: ACTING REGISTRAR OF MEMBERS'S INTERESTS
PARLIAMENT OF THE RSA
CAPE TOWN
8000

Dear Adv. Vanara,

**RE: ALLEGED CONTRAVENTION OF THE CODE OF ETHICAL CONDUCT AND
DISCLOSURE OF MEMBERS' INTERESTS**

1. I wish to acknowledge receipt of correspondence from the Registrar of members' interests, pertaining allegations by Hon. J. Steenhuisen to the effect that I am guilty of contravening provisions of the Code of Ethical Conduct and Disclosure of Members Interests of Parliament of the RSA.
2. I welcome and appreciate the opportunity to submit a reply and an explanation to this concern.
3. Firstly, I wish to state emphatically that I have at all material times in my execution of duties, exercised the requisite awareness to avoid decisions which could suggest that I am guilty of a conflict of interests. The complaint by Hon. Steenhuisen on this matter is respectfully the opposite of what transpired, both factually and in reality. The reason why I did not declare the service rendered by BOSASA is because I refused to accept it as a gift or a benefit, and not pay for it.

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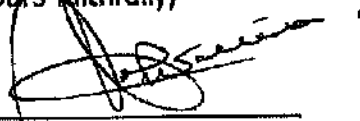
4. It is my considered view that the code of ethics of members is not enjoining members to declare their interests as a procedure to legitimize them or to have them condoned regardless of their nature and circumstances. And in this particular case, it is my view that whether a conflict of interests obtained or not, it is immaterial. For purposes of managing public perceptions and to protect public trust in government authority, the service rendered cannot and should not be allowed to be free of charge. This is the context and understanding on which my decision was based.
5. I wish to state that it was my intention, and still is my intention, to escalate this matter for attention of the President of the country, who simultaneously is the president of my party, for its resolution. However, the utilization of this option became virtually impossible due to the difficult environment which played itself out in my party, in the recent past. However, I had no doubt that this issue, approached through the intervention of the office of the president could be expedited to ensure that payment is effected without any ill-feelings. This is a view I still hold and committed to pursuing.
6. I believe in all accounts, I have sort to act within the broad provisions of the Code of Ethical Conduct and Disclosure of Members' Interests of Parliament of the Republic of SA, in particular Clause 5.2
7. I wish to respectfully attaché my account of the circumstances surrounding this particular matter as quoted in the submission of Hon. Steenhuisen, marked as Annexure A, and as it is also contained in the report I deposited with the Chief-Whip of my party, the ANC.

SPM 4

8. I pray that the above response meets your approval.

9. I stand to be guided by your good office of any other way I can be of assistance to expedite this enquiry, to set the legitimate public concerns at rest.

Yours faithfully,



Hon. Thabang Makwetla, MP

Deputy Minister for Justice & Correctional Services

DATE: 04/10/2018

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ANNEXURE A**A STATEMENT OF RESPONSE TO ALLEGATIONS MADE BY HONOURABLE
JOHN HENRY STEENHUISEN**

1. I wish to confirm that I know the Watson brothers, including Mr Gavin Watson from the struggle days. Their anti-apartheid-establishment stance is legendary.
2. Upon my assumption of duties at the Ministry of Justice and Correctional, I was briefed by the branch Facilities about the industries and major enterprises which support Correctional Services. I was advised to familiarize myself with the services and technologies which the Department of Correctional Services (DCS), is utilizing to deliver on its mandate. In pursuance of this objective, I visited the operations centre of BOSASA in Krugersdorp with a delegation from DCS on invitation by BOSASA management.
3. I have subsequently met BOSASA CEO, Mr Gavin Watson on several occasions , on matters pertaining weaknesses and opportunities around the services they are rendering to DCS, with a view to optimize this mutual contractual relationship.
4. In the above regard, may I just add that BOSASA's Services to the DCS are enormous and the overall performance of the Department is, therefore largely determined by the excellence this relationship delivers.



5. For example over 9,000 offenders have received training in catering through the BOSASA kitchens, the only one with the compliance level that allows us to issue offenders with certificates upon completion of their training.
6. During the festive period of 2016, if my memory serves me well, on the 5th of January to be exact, I found my house burgled on my return from Cape Town. I was anxious to have it urgently secured, to reinstall an alarm system and to put up an electric fence. I could not get any security infrastructure company at the time to do the job, because they were still closed for holidays. Around the same time I had received a request for an urgent meeting from Gavin about his displeasure regarding how the Department was treating his company. When I told him about the burglary problem at my house, he told me that his company also deals with domestic security and he could assist.
7. To my relief, he promised to dispatch a team immediately to attend to my problem. We agreed, but I asked him to send me a quote first.
8. Mr Watson promptly did as he promised. However, to my discomfort the team proceeded to install the security infrastructure without forwarding any quote, as agreed. When I spoke to Gavin about it, he said I don't expect him to charge me as a comrade for assistance that he can afford to offer without incurring any significant costs. I immediately disagreed with him for the obvious reason that perceptions of conflict of interest would be difficult to dispel because his company was doing business with DCS. I expected him to

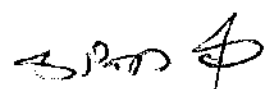
SPm 4

see my point of view without much persuasion that this was not about his generosity of spirit. I have pleaded with Mr Watson, not once, not twice, not thrice, but continuously ever since, he has simply, flatly refused to send me the bill for the job.

9. This has been a source of serious frustration to me. In the intervening period, the camera system which was installed had to be removed because it had glitches from day one. I opted to get another company to install cameras for me. For the cost of the electric fence and alarm system please contact Mr Watson for details.

10. I don't know why this job would have been a subject of a confidential discussion by any persons in BOSASA, be they employees or managers. Any suggestion that this job was treated differently concerns me. Any member of BOSASA who seeks to use my name to lend credence to their claim in the internal feud at the company, will at the end be exposed for their unethical practices and immoral aims.

11. I wish to assure the hard working tax-payers of this country that I am not guilty of any wrong doing for the entire period during which I have been the Deputy-Minister of our Correctional Services. I have not sort to communicate or influence, not once, anyone of the department's officials who serve on the structures of DCS supply-chain environment. To ensure that the interests of the broad public are protected at all times, I undertake to approach the office

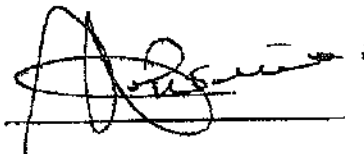


of the Public Protector to investigate all tenders issued to BOSASA and any other big enterprise during my term in the ministry, and to interview all the officials who were involved in adjudicating these tenders as to whether they ever had any individual discussions of their work with me at any time during these processes.

12. I reject with contempt, insinuations that I have conducted myself in any manner that sort to violate the precepts of promoting clean, transparent, accountable and equitable governance in our administration.

13. I hope the above is in good order.

Yours faithfully,



Hon. Thabang Mawetla

Deputy Minister for Correctional Services

SPM 7

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MINISTRY OF JUSTICE AND CORRECTIONAL SERVICES
REPUBLIC OF SOUTH AFRICA

Private Bag X853, Pretoria, 0001, Tel: (012) 307 2934, Fax: (012) 323 4111
Private Bag X9131, Cape Town, 8000, Tel: (021) 464 4600, Fax: (021) 465 4375

The Chairperson

The Joint Committee on Ethics and Members' Interests

Parliament

Cape Town

Date: 2019/04/09

Attention: The Registrar

Re: Committee verdict on DA allegations of transgression.

The above matter refers.

I received, with disbelief, the correspondence from the Committee on the above matter on Friday, the 29th March 2019. After a careful consideration of its contents, I reached the conclusion that the Committee's finding is a travesty of justice and grossly inappropriate.

I wish to put it to the committee that, the only thing I have, is my integrity. Nobody should have their character defaced glibly, least of all by an institution which must uphold everything that our democratic constitution propagates. It is for this reason that I, respectfully, wish to appeal for a serious review of the decision of the committee, and for the necessary remedial action to be taken on the following grounds:-

1. All committees of parliament function as processing fora of the business of parliament. By implication, all work by committees of parliament must be tabled before the House for ratification. In this regard, it is my submission that the

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committee is in breach of the Rules of Parliament, specifically the Schedule of the 8th edition of the Rules of the National Assembly, which provides for the 'procedure to be followed in the investigation and determination of allegations of misconduct and contempt of parliament'. The decision by the Ethics Committee to have dealt with this matter, when for all intents and purposes the 5th parliament had already dissolved, opens the committee to serious questions of integrity regarding its intention with this decision, more so because the committee has been sitting with this matter since last year, 2018, without attending to it. Under the circumstances, it will assist if the committee could clarify the status of its pronouncement so as to establish certainty on the way forward.

2. The committee has strangely violated the rule of natural justice, the audi alterum partem rule, and the schedule of parliamentary rules which governs such enquiries. It still boggles my mind why the committee found it unnecessary to invite me to appear before the committee, if it found the records I submitted as requested, to be insufficient to corroborate my explanation.
3. I find it against procedure, and highhandedness, that without providing any report of the deliberations of the committee, I was handed findings which I was unable to comprehend how they were arrived at. I therefore would appreciate being furnished with a record/report of the deliberations of the committee and the attendance register thereof.
4. In the same vein, understanding that in my conduct as a member I am accountable to my party through the office of the Chief-Whip, was the Chief-Whip of my party furnished with the same report when the Committee disclosed its findings to the public?
5. Similarly, in accordance with the same schedule of the Rules of the National Assembly, was the Speaker furnished with a report of the committee when the committee findings were disclosed and communicated to me? Is there a reason why the outcome and sanction were not communicated to me by the Speaker or the Speaker's office? Why was there a deviation from the standing practice which is in accordance with the rules?

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This intervention should not be viewed as contempt for the work of this senior committee of parliament. My desire is to plead, respectfully, for a careful review of the facts in this matter and a rigorous reflection on fairness by the Committee.

The Committee will recall that in the statement I promptly issued when this allegations were first reported in the media in 2018, (the same statement that I have submitted to the Committee), I stated my intention to approach the office of the Public Protector to have the veracity of these allegations investigated for the good of the public. Knowing the truth as I know it on this matter, I was ambivalent of the appropriateness of the recourse I was contemplating, simply because of the exorbitant costs to the state it was going to be, to selfishly clear my name. The decision by the DA to refer this matter to the Ethics Committee brought much relief to me as it offered a quick and less costly process to have this allegation of impropriety dispelled.

I do not want to harbour bitterness and disappointment in our parliament because of a suggestion that at times, our parliament works in ways that are at variance with democratic practices. Parliament MUST remain the hope of all citizens, myself included.

I am on public record of my applause with the decision to establish the Commission investigating State Capture. I believe it provides the necessary rigour to establish the veracity of all allegations of state capture and corruption in the public sector. Much of the facts pertaining to allegations of corruption and proof of corruption in the public service, as I know them, will be fully ventilated when I appear before the Zondo Commission.

I wish to pledge my cooperation with the Committee in whatever way possible, to advance its duty to parliament.

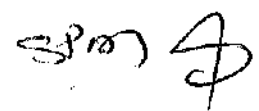
I will await the Committee's further guidance to my submission.

Yours sincerely,

Thabang Makwetla (MP)

CC: Speaker of the National Assembly, Hon. Baleka Mbete

CC: Chief Whip of the Majority Party, Hon. Jackson Mthembu





Mdhuli, Pearce Mdzikwa
and Associates Incorporated
Reg. no. 2012/012564/21

NATIONAL ASSEMBLY

Ground Floor,
120 Plein Street,
Cape Town

Attention: Speaker of Parliament and Chairperson of the Joint Committee on
Ethics and Members' Interests

Per email: info@parliament.gov.za

15 January 2021

Dear Madam,

**RE: REPORT OF THE JOINT COMMITTEE ON ETHICS AND MEMBERS'
INTERESTS ON THE COMPLAINT AGAINST THE HONOURABLE DEPUTY
MINISTER OF CORRECTIONAL SERVICES, MR THABANG MAKWETLA, MP**

1. We act on behalf of the Honourable Thabang Makwetla ("our client").
2. Our client informs us that on or about January 2016 he used the services of Bosasa to install the security infrastructure at his home after a burglary.
3. On or about 11 September 2018 the Honourable John Steenhuisen, lodged a complaint against our client at the joint Committee on Ethics and Members' Interests ("the committee") that our client infringed the Code of Ethical Conduct and Disclosure of Members' Interests ("the Code") in failing to disclose the aforementioned information.
4. The Committee found that our client was in breach of the Code for failing to disclose the aforementioned information as stipulated in the Code.
5. Our client informs us that he is intending to review the decision of the Committee.
6. Our client instructs us to request the minutes, the attendance register and all the information that was considered when the Committee deliberated this complaint.
7. We hope you find the above in order.

Yours faithfully,



Physical Address:
6 North Road, Aldgate Building
Dunkeld Office Park, Dunkeld West
Tel: 011 781 3972, Fax: 086 416 2200
E-mail: mpm@mpmgroup.co.za

www.mpm-associates.co.za

Director: Ursula Pearce



Mdhluli, Pearce Mdzikwa
and Associates Incorporated
Reg. no.: 2012/012504/21

NATIONAL ASSEMBLY

Ground Floor,
120 Plein Street,
Cape Town

Attention: Speaker of Parliament and Chairperson of the Joint Committee on Ethics
and Members' Interests

Per email: info@parliament.gov.za

5 March 2021

Dear Madam,

**RE: REPORT OF THE JOINT COMMITTEE ON ETHICS AND MEMBERS'
INTERESTS ON THE COMPLAINT AGAINST THE HONOURABLE DEPUTY
MINISTER OF CORRECTIONAL SERVICES, MR THABANG MAKWETLA, MP**

1. We refer to the above matter and our letter dated 15 January 2021 for your ease of reference the letter is attached to this letter.
2. We have not received the information that our client requested.
3. We hereby request you to furnish us with the requested minutes, the attendance register and all the information that was considered when the Committee deliberated the complaint by Honourable John Steenhuisen against our client within 14 days failing which our client will approach the Court for an appropriate relief.
4. We hope you find the above in order.

Yours faithfully,

(Electronically transmitted, thus unsigned)

Physical Address:
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Dunkeld Office Park, Dunkeld West
Tel: 011 781 3972, Fax: 086 416 2200
E-mail: mpm@mpmgroup.co.za

www.mpm-associates.co.za

Director: Ursula Pearce

SPm J P



Mdhluli, Pearce Mdzikwa
and Associates Incorporated
Reg. no: 2012/012504/21

E 1

NATIONAL ASSEMBLY

Ground Floor,
120 Plein Street,
Cape Town

Attention: Speaker of Parliament and Chairperson of the Joint Committee
on Ethics and Members' Interests

Per email: speaker@parliament.gov.za

11 March 2021

Dear Madam,

**RE: REPORT OF THE JOINT COMMITTEE ON ETHICS AND MEMBERS'
INTERESTS ON THE COMPLAINT AGAINST THE HONOURABLE
THABANG MAKWETLA, MP**

1. The above matter refers.
2. On 11 September 2018 Honourable John Steenhuisen lodged a complaint against Honourable Thabang Makwetla ("our client") for alleged breach of the Code of Ethical Conduct and Disclosure of members Interests ("CODE").
3. It would appear that the Joint Committee on Ethics and Members' Interests ("the Committee") made adverse findings against our client and concluded that he was guilty of breaching the CODE.
4. On 15 January 2021 and 5 March 2021 respectively, we sent letters requesting the record of the alleged proceedings (minutes and

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www.mpm-associates.co.za

Director: Ursula Pearce

SPM P

documents) that the Committee considered when they deliberated the complaint against our client.

5. We also confirm that the letters referred to above, were preceded by a letter sent directly by our client requesting the same record.
6. We requested the above records deliberately. This is so because our client is of a reasonable belief and firm view that the said Committee did not sit as alleged. Or if it did sit, it did so improperly. It would appear that our client's views are legitimized by your failure/negligence to respond to any of the three separate requests by our client to have the record/minutes and/ or transcript of the alleged Committee sitting.
7. In addition, we are informed that the Committee failed to report its alleged findings to the appropriate house of Parliament in terms clause 10.7.8 of the Code for deliberations and possible endorsement. This failure is fatal as it renders the alleged findings of the Committee unenforceable as they have not been sanctioned by Parliament and as such, should not have been made public.
8. The Committee failed to invite our client to state his side of the story and as a result they violated the rules of natural justice and the *audi alterum parten* rule.
9. The Committee failed to provide our client with the report of its deliberation instead he was provided with the findings which he was unable to comprehend how they were arrived at.

SPm 4

10. Apropos, our clients wishes to challenge "the outcome/findings" of the Committee for various reasons including but not limited to procedural and substantive unfairness of the process.
11. In order for our client to exercise his rights to challenge the alleged adverse findings against his good name, we request for the quadruple time that you provide us with the record/ minutes/ transcript of the alleged sitting of the Committee.
12. As you would appreciate, the matter is rather pressing for our client and as such, we would be grateful for your urgent response herein.

Yours faithfully,

(Electronically transmitted, thus unsigned)

MPM ATTORNEYS

SPM \$

F1

On 26 Nov 2018, at 15:21, Thabang Makwetla <thabang.makwetla2018@gmail.com> wrote:

Cde Gavin thank you for your email of the 2nd November, 2018. I believe you were possibly wondering whether I received it or not. I have been seized with arrangements for my wedding celebrations and the aftermath thereof.

Thank you very much for your understanding that your company must invoice me for the installation of the electric fence and the alarm system at my residence, as amplified by the legitimate public confidence deficit it has engendered. Your desire to donate the payment thereof to charity is laudable. However, I would have been happy and able to advice if this suggestion was raised right at the beginning, when payment for the job was discussed. At this point it is a matter you can pursue with Parliament Ethics Committee, if you feel strongly about it.

For my part, I will humbly appreciate it if your company can forward me an invoice with banking details in which payment can be made.

Be assured of my considerate support at all times.

I thank you in anticipation,

Yours in transformation,

Thabang Makwetla MP

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F2

Begin forwarded message:

From: Gavin Watson <gavinjwatson777@gmail.com>
Date: 02 November 2018 at 08:27:58 SAST
To: thabang.makwetla2018@gmail.com
Subject: Draft Letter

DRAFT LETTER FOR THE ETHICS COMMITTEE

Dear Deputy Minister Makwetla

RE: INSTALLATION OF SECURITY EQUIPMENT - DEPUTY MINISTER MAKWETLA

In light of the recent reports in media pertaining to the installation of security equipment at your property in 2015, I trust that the following will provide perspective regarding the circumstances under which the security equipment was installed.

We (yourself and I) have been closely acquainted as far back as the struggle and the apartheid years. We have upheld our relationship ever since.

At the beginning of 2015, just after New Year, you told me that you had a robbery at your home. I offered to assist you based on the immediate availability of our team to deploy the required security measures, as the recent robbery at your residence warranted immediate action to be taken. I deployed a team to install the necessary security equipment to safeguard your home. The security equipment amounted to the value of approximately R85,500.00.

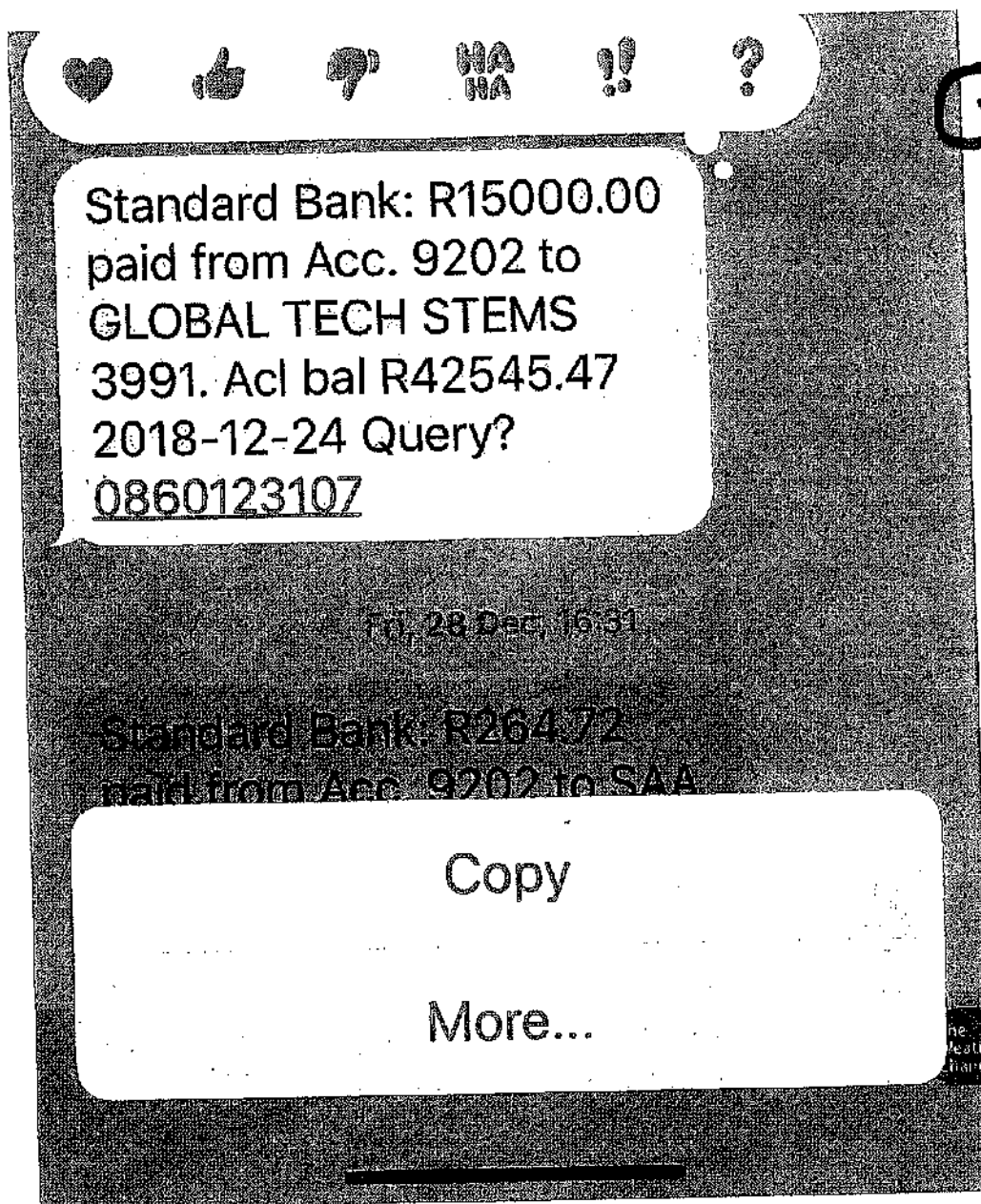
Although you asked for a quotation and an invoice, I did not charge you for the work done as it was an authentic act of assistance based on our longstanding friendship.

Due to the possible misinterpretation of the above events, please donate the value of the security system to any cause or organisation of your choice.

I trust that the above clarifies the circumstances in question.

Yours sincerely





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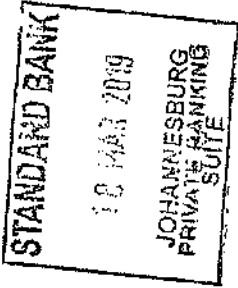
ELECTRONIC INTERBANK PAYMENT RECEIPT

Transaction date : 2019-03-18
Value date : 2019-03-18
Time : 12:48
Processed at FOR : MD 5 ON SIMMONDS

TRANSACTION DETAILS

Request number : 05148071248790806
Transaction total : R 10,000.00
EIP fee waived : NO
Beneficiary account no. : 628361665
Beneficiary name/initials : GLOBAL TECHNOLOGY SYSTEM
Beneficiary address 1 : 77 2ND AVE
Beneficiary address 2 : BRAMELEY GARDENS
Beneficiary address 3 :
Beneficiary address 4 :
Postal code : 2001
Remitter account no. : 000139202
Remitter name/initials : SIMPSON MARETELA SP
Remitter address 1 : 77 2ND AVENUE
Remitter address 2 : BRAMELEY GARDENS
Remitter address 3 :
Remitter address 4 :
Postal code : 2001

Beneficiary payment details : THABANG MARETELA



Conditions: Please ensure the account number is correctly inserted, as the bank cannot be held responsible for errors resulting from incorrect information furnished.

SPM 4



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OF THE REPUBLIC OF SOUTH AFRICA

PO Box 15 Cape Town 8000 Republic of South Africa
Tel: 27 (21) 403 2911
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Parliament: Following up on our commitments to the people

15 March 2021

Prof Itumeleng Mosala
Secretary
Judicial Commission of Inquiry into State Capture
3rd Floor, Hillside House
17 Empire Road
JOHANNESBURG
2193

Via email: <mailto:AlanN@commissionsc.org.za>

Dear Prof Mosala

**REQUEST FOR DOCUMENTATION IN RESPECT OF HONOURABLE
T MAKWETLA, MP**

Your letter dated 11 March 2021 refers.

Please find attached to the e-mail electronic copies of the public part of the declaration forms applicable to the Hon T Makwetla, MP for 2016 and 2017.

Kindly note that in terms of Item 9.19 of the Code of Ethical conduct –

*“(4) No person who has access to the confidential part of the Register may, **except when a court so orders**, disclose particulars of any entry in the confidential part to anyone other than the Member concerned or another person who has such access”.*

I also attach the following documents:

1. Correspondence by Honourable T Makwetla, MP addressed to the Joint Committee on Ethics and Members’ Interests (JCEMI) in response to the allegation;
2. Correspondences between the Acting Registrar of Members’ Interests, Adv Gordon (on behalf of the JCEMI) and Honourable T Makwetla, MP;

3. The Report of the JCEMI as ATC'd on 28 March 2019.

I trust that you will find the above in order.

Sincerely



PN TYAWA

ACTING SECRETARY TO PARLIAMENT

2016

I, NAME OF MEMBER TABANG MAKWELA
Please Print

Undertake to fulfill the responsibilities of my office and be guided by the following principles:-

Selflessness, Integrity, Objectivity, Openness, Honesty and Leadership. I further confirm that the information contained in this form is correct and accurate.

SIGNATURE OF MEMBER [Signature] DATE 10/08/2016

PUBLIC DISCLOSURE SECTION

1. SHARES AND OTHER FINANCIAL INTERESTS (Family and other trusts). See information sheet Note 1

NUMBER OF SHARES	NATURE	NOMINAL VALUE	NAME OF COMPANY
	NONE		

2. REMUNERATED EMPLOYMENT OUTSIDE PARLIAMENT. Must be sanctioned by your Political Party.

See Information sheet Note 2

NAME OF EMPLOYER	TYPE OF BUSINESS
	NONE

Signature of Whip _____ Party _____ Date _____

Name of Whip _____

3. DIRECTORSHIPS AND PARTNERSHIPS. See Information sheet Note 3

DIRECTORSHIP / PARTNERSHIP IN ANY CORPORATE BODY		TYPE OF BUSINESS ACTIVITY
	NONE	

4. CONSULTANCIES OR RETAINERSHIPS See Information sheet Note 4

NAME OF ORGANISATION	TYPE OF BUSINESS ACTIVITY	VALUE OF ANY BENEFIT DERIVED
	NONE	

5. SPONSORSHIPS See information sheet Note 5

SOURCE OF SPONSORSHIP	DESCRIPTION OF ASSISTANCE / SPONSORSHIP	EXTENT
	NONE	

6. GIFTS AND HOSPITALITY See Information sheet Note 6

DESCRIPTION	VALUE	SOURCE
1. COMPLIMENTARY TICKETS TO SOME OF KAIZER CHIEFS SOCCER MATCHES WHEN I AM AVAILABLE .		KAIZER CHIEFS F.C. MANAGER BOBBY MOTAHUNG
2. THE REST PLEASE SEE OFFICE GIFT DIARY (AS ATTACHED)		

7. BENEFITS See Information sheet Note 7

SOURCE	DESCRIPTION OF BENEFIT
NONE	

8. TRAVEL See Information sheet Note 8

SPONSOR	DESCRIPTION OF JOURNEY
NONE	

9. LAND AND PROPERTY See information sheet Note 9

DESCRIPTION OF PROPERTY	LOCATION-AREA	EXTENT OF THE PROPERTY
FAMILY HOUSE		NOT SURE
	77 2ND AVENUE	
	BRAMLEY GARDENS	
	JOHANNESBURG	

10. PENSIONS See information sheet Note 10

SOURCE	PUBLIC/PRIVATE
GOVERNMENT	PUBLIC

11. PUBLIC CONTRACTS AWARDED See Information Sheet 11

PERIOD OF CONTRACT	NAME OF STATE ENTITY	VALUE OF CONTRACT	DETAILS OF CONTRACT AND MANAGEMENT THEREOF
	NONE		

12. TRUSTS See Information Sheet 12

NAME OF TRUST	REGISTRATION NUMBER	TRUSTEE/BENEFICIARY	DETAILS OF ALL BENEFITS DERIVED
	NONE		



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Parliament: Following up on our commitments to the people

CONFIDENTIAL

14 March 2019

Hon. T. Makwetla, MP
Deputy Minister of Correctional Services
Ministry of Justice and Correctional Services
Private Bag X81
PRETORIA
0001

BY HAND

Dear Hon. Makwetla, MP

**RE: COMPLAINT OF ALLEGED BREACH OF THE CODE OF ETHICAL
CONDUCT AND DISCLOSURE OF MEMBERS' INTERESTS**

The above matter refers.

Please be informed that on 13 March 2019 the Joint Committee on Ethics and Members' Interests ("the Committee") deliberated on the complaint lodged against you by Hon. J. Steenhuisen, MP. The complaint relates to the security infrastructure installed at your home by African Global Operations (Bosasa).

The Committee noted that in your response dated 4 October 2018 you indicate that it was and still is your intention, to escalate the matter to the President of the Republic of South Africa. The Committee requests clarity on this, and requests that you indicate whether you were able to raise the matter with the Hon. President of the Republic of South Africa. Any supporting documentation in this regard, must please be forwarded to the Office of the Registrar of Members' Interests by 10am on Tuesday 19 March 2019, as the Committee is scheduled to meet on 20 March 2019.

You may contact me on 021-403 2477 or 2476. My e-mail address is agordon@parliament.gov.za.

Regards

ADV A GORDON
ACTING REGISTRAR OF MEMBERS' INTERESTS



MINISTRY OF CORRECTIONAL SERVICES
REPUBLIC OF SOUTH AFRICA

Private Bag X853, Pretoria, 0001, Tel: (012) 307 2934, Fax: (012) 323 4111
Private Bag X9131, Cape Town, 8000, Tel: (021) 464 4600, Fax: (021) 465 4375

The Registrar of Members' Interests
Parliament
Cape Town

Att: Adv A Gordon

Date: 2019-03-18



Dear Sir,

Re : Matters arising from the alleged breach of the Ethics Code.

I here wish to acknowledge your correspondence dated the 14th March 2019, seeking information on further developments regarding my stated intention to brief the president about the inappropriate pro bono service Bosasa offered me, without allowing me the right to accept or decline it.

My meeting with the President was eventually scheduled for Monday the 22th October, 2018. It was planned to take place at the back of a meeting of MK Veterans with the President, which I was part of.

However, the President was unable to proceed with this meeting because the MK meeting took long and crowded out my meeting with the President. The President had to attend his mandatory meeting with the ANC Officials. He then suggested that we should take this meeting in Cape Town in the same week. Ever since, I have tried virtually every week without success to get a slot on the President's schedule. The most recent attempt was during the week of the SONA as proposed by the President during the Cabinet Lekgotla.

Furthermore, I should indicate to the Committee that in the intervening period Mr Gavin Watson of Bosasa, contacted me to express his regret at the negativity this matter has engendered, and also apologized for the public criticism I have rightfully endured over this unwarranted impropriety, on

Last year Bosasa proceeded promptly to invoice me for the service rendered, and has furnished me with their company bank account. I have paid two installments (R25,000) from December last year towards their bill.

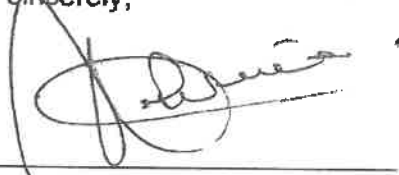
I am nonetheless still hoping to brief the President fully, at the earliest available opportunity about this matter, and undertake to submit a full report to the Committee promptly.

Confirmation of my many attempts to meet with the President can be corroborated by the President's office. I have undertaken to request the office to forward such confirmation to your good office, and will follow up on it.

Should there be any other way I can further assist your eminent Committee on Members' Interests to process this matter, be assured of my cooperation and unwavering commitment.

I hope that you will find the above in order.

Yours sincerely,



Thabang Makwetla MP





**MINISTRY OF CORRECTIONAL SERVICES
REPUBLIC OF SOUTH AFRICA**

Private Bag X853, Pretoria, 0001, Tel: (012) 307 2934, Fax: (012) 323 4111
Private Bag X9131, Cape Town, 8000, Tel: (021) 464 4600, Fax: (021) 465 4375

Adv A Gordon
The Registrar of Members' Interests
Parliament

19 March 2019

Dear Ma'am,

Please find enclosed:

- Two copies of deposits (Annexures 1 & 2) as proof of payment made for Bosasa services.
- A copy of the text message send to the President in December 2018 as a reminder of the meeting we had agreed to have (Annexure 3)
- A copy of the invoice that I received from Bosasa (Annexure 4)

I trust that you will find these documents in order.

Yours sincerely,

Thabang Makwetla MP

ANNEXURE 1

Standard Bank: R150000.00
paid from Acc. 9202 to
GLOBAL TECH STEMS
3991. Acl bal R [REDACTED]
2018-12-24 Query?
[0860123107](#)

Fri, 28 Dec, 16:31

ANNEXURE 2



ELECTRONIC INTERBANK PAYMENT RECEIPT

Transaction date : 2019-03-18
Value date : 2019-03-18
Time : 12:48
Processed at FOR : NO 5 ON SIMMONDS

TRANSACTION DETAILS

Request number : 061400771248190806
Transaction total : R 10,000.00
EIP fee waived : NO
Beneficiary account no. : 6208364665
Beneficiary name/initials : GLOBAL TECHNOLOGY SYSTEM
Beneficiary address 1 : 77 2ND AVE
Beneficiary address 2 : BRANLEY GARDENS
Beneficiary address 3 : BRANLEY GARDENS
Beneficiary address 4 : BRANLEY GARDENS
Postal code : 2401

Remitter account no. : 000139202
Remitter name/initials : SANFON MANETLA SP
Remitter address 1 : 77 2ND AVENUE
Remitter address 2 : BRANLEY GARDENS
Remitter address 3 : BRANLEY GARDENS
Remitter address 4 : BRANLEY GARDENS
Postal code : 2001

Beneficiary payment details : THABANG MANETLA

Conditions: Please ensure the account number is correctly inserted, as the bank cannot be held responsible for errors resulting from incorrect information furnished.

19:24

ANNEXURE 3

LTE



Cyril Ramaphosa >

Text Message
Mon, 17 Dec, 18:47

Dear Cde President, I know how punishing your schedule has been. I am still at attention and on standby, hoping for a brief privileged, confidential moment with the President. I will be at the President's back-and-call over this lull, hopefully before things get hectic again. Thank you

Thabang Makwetla,
apologies.

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T31-TM-052

ANNEXURE 4

Tax Invoice

Private Bag 2002, Krugersdorp, 1740. Tel(+27) 011 862-6054 Fax(+27) 011 862-6154



GLOBAL TECHNOLOGY SYSTEMS

REG. NO. 2005/000500/07

VAT REG 4370217186

T Makwetla
CORNER LINKS AND 2ND AVENUE
KEW

DOC NO	INV0008098
DOC DATE	2018/11/30
ACCOUNT NO	MAK001
ORDER NUMBER	
CUSTOMER VAT NO	

DETAILS	QTY	PRICE	AMOUNT
SUPPLY AND INSTALLATION OF: ELECTRIC FENCE ALARM SYSTEM	1.00	85 000.00	85 000.00

Please make Cheques payable to:
Global Technology Systems (Pty) Ltd

**Bank Details: First National Bank
Branch Code: 256955
Branch: Key West
Krugersdorp
Acc No: 62083646865**

SUBTOTAL	85 000.00
VAT	12 750.00
TOTAL	97 750.00



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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CONFIDENTIAL

28 March 2019

Hon. T. Makwetla, MP
Deputy Minister of Correctional Services
Ministry of Justice and Correctional Services
Private Bag X81
PRETORIA
0001

BY HAND/ E-MAIL: thabang.makwetla2018@gmail.com

Dear Hon. Makwetla, MP

RE: OUTCOME OF COMPLAINT OF ALLEGED BREACH OF THE CODE OF ETHICAL CONDUCT AND DISCLOSURE OF MEMBERS' INTERESTS

The above matter refers.

Please be informed that on 20 March 2019 the Joint Committee on Ethics and Members' Interests ("the Committee") considered the complaint against you. The Committee took into account your letters dated 18 and 19 March 2019.

The Committee noted that the company Global Technology Systems (Pty) Ltd, previously called Bosasa, was contracted to the Department of Correctional Services at the time when the security infrastructure installation was done at your home in 2016. Item 4.1.3 of the Code of Ethical Conduct and Disclosure of Members' Interests ("the Code") states that, "A member must act on all occasions in accordance with the public trust placed in them.". The Committee found that you breached the public trust that is placed in you as a Member of Parliament when you allowed a company, which is contracted to your Department, to conduct work at your private residence which was not paid for.

The Committee also noted that your attempt to meet with the President of the Republic of South Africa to discuss the matter did not absolve you from the obligations of the Code. Item 9.18 of the Code provides that where doubt exists as to whether any financial interests must be disclosed the Member concerned must act in good faith. The Committee noted that you should have brought the matter to the attention of the Registrar of Members' Interests while you were attempting to raise the matter with the President of the Republic of South Africa.

In light of the above, the Committee found that you breached item 10.1.1.1 of the Code in that you did not disclose the security infrastructure. The Committee also found that you breached item 10.1.1. 3 of the Code read with item 4.1 (4.1.3) for not acting in accordance with the public trust placed in you as a Member of Parliament.

The Committee recommends the following penalty in line with item 10.7.7 of the Code.

- In respect of the breach of item 10.1.1.1 of the Code (failure to disclose), the Committee recommends that that you be fined an amount equal to 30 days salary (item 107.7.1 (ii)).
- In respect of the breach of item 10.1.1.3 of the Code read with item 4.1 (4.1.3), the Committee recommends that you apologise in the House for not acting in accordance with the public trust that was placed in you as a Member of Parliament to (item 10.7.7.2 of the Code).

The Report of the Committee in respect of the finding of breach of the Code and the recommended sanction will be ATC'd as contemplated in item 10.7.8 of the Code. In terms of item 10.7.8.2 of the Code, the House will make the final decision on the penalty.



ADV A GORDON
ACTING REGISTRAR OF MEMBERS' INTERESTS

ATC REPORT

Thursday, 28 March 2019]

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No 40—2019] SIXTH SESSION, FIFTH PARLIAMENT

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS

THURSDAY, 28 MARCH 2019

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COMMITTEE REPORTS

National Assembly and National Council of Provinces

1. REPORT OF THE JOINT COMMITTEE ON ETHICS AND MEMBERS' INTERESTS ON THE COMPLAINT AGAINST THE HONOURABLE DEPUTY MINISTER OF CORRECTIONAL SERVICES, MR THABANG MAKWETLA, MP

1. Background

- 1.1 On 11 September 2018, Honourable John Steenhuisen, MP, Chief Whip of the Democratic Alliance ("the Complainant") lodged a complaint of an alleged breach of the Code of Ethical Conduct and Disclosure of Members' Interests ("the Code") against the Honourable Deputy Minister of Justice and Correctional Services, Thabang Makwetla, MP ("the Member").

2. The Complaint

- 2.1 The Complainant alleges, by referencing a news article in the News 24 website, that BOSASA (now known as African Global Operations), a Facility Management company, installed high-end CCTV cameras, an alarm system and an electric fence at the home of the Member. He further alleged that a computer server worth R350 000 was also installed at the home of the Member.
- 2.2 The Complainant indicates that he perused the 2014, 2015, 2016 and 2017 Declarations of the Member. In perusing the Members' disclosures, he did not find that the Member disclosed the security equipment that was installed at his home by BOSASA.
- 2.3 The Complainant alleges that the Member, through his conduct, "... infringed upon the Code of Conduct and did not act in a manner which would abide by the principles, rules and obligations of the Code of Conduct; uphold the law; or while discharging his obligations, placed the public interest above his own."

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*[Thursday, 28 March 2019]***3. The response by the Member**

3.1 The Member, in his response indicates that he knows the Watson brothers, including Mr. Gavin Watson from the "struggle days". He further states that when he was appointed as Deputy Minister for Correctional Services, he visited the Krugersdorp Operations Centre of BOSASA. He did this after a briefing by the Facilities Branch.

3.2 The Member indicates that Mr. Gavin Watson assisted with the installation of the security infrastructure at his home after a burglary in January 2016. At that time of year, the Member could not obtain a service provider to provide the service as companies were closed.

3.3 Mr. Watson dispatched a team immediately to install security infrastructure at the Members' home. The Member requested a quotation but Mr. Watson refused to provide one. The Member indicates that when he spoke to Mr. Watson about it, Mr Watson said that the Member cannot expect him to charge a comrade. The Member disagreed with this view and indicates that the pleaded with Mr Watson to send him the bill.

3.4 The Member indicated that it was his intention to escalate the matter to the President of the Republic of South Africa. However, due to the difficult environment that played out in this party, it became virtually impossible for him to do so. The Member states that the reason why he did not disclose the service rendered by BOSASA is because he refused to accept it as a gift or benefit.

3.5 The Member states that, "For purposes of managing public perceptions and to protect public trust in government authority, the service rendered cannot and should not be allowed to be free of charge."

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4. The provisions of the Code

- 4.1 In terms of Item 10.1.1 of the Code, a Member breaches the Code if the Member-
- 10.1.1.1 Contravenes or fails to comply with the requirements of the provisions for disclosing interests;
 - 10.1.1.2 when disclosing registrable interests, wilfully or is grossly negligently, provides the Registrar with incorrect or misleading details; or
 - 10.1.1.3 contravenes clauses 4.1, 5.1, 5.2, 6.1, 6.2, 6.3, 7.1, 8.1 and 9.19.4 and 9.19.5 of this Code; and"
- 4.2 Item 9.3.6 and 9.3.7 of the Code provides as follows: "The following kinds of financial interests are registrable interests and must be disclosed:
- 9.3.6 gifts and hospitality in excess of R1500, from a source other than a family Member or permanent companion or gifts of a traditional nature provided that this does not create a conflict of interest for the Member;
 - 9.3.7 any other benefit of a material nature."
- 4.3 Item 4.1 provides as follows:
- "4.1 Members must:
 - 4.1.1 abide by the principles, rules and obligations of this Code;
 - 4.1.2 by virtue of the oath or affirmation of allegiance taken by all elected Members, uphold the law;
 - 4.1.3 act on all occasions in accordance with the public trust placed in them;
 - 4.1.4 discharge their obligations, in terms of the Constitution, to Parliament and the public at large, by placing the public interest above their own interests;

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4.1.5 maintain public confidence and trust in the integrity of Parliament and thereby engender the respect and confidence that society needs to have in Parliament as a representative institution; and

4.1.6 in the performance of their duties and responsibilities, be committed to the eradication of all forms of discrimination.”.

4.4 The Committee noted that the Company Global Technology Systems (Pty) Ltd, previously called Bosasa, was contracted to the Department of Correctional Services at the time when the security infrastructure was done at the home of the Member. Item 4.1.3 requires that the Member must on all occasions act in accordance with the public trust placed in him.

5. Finding

5.1 The Committee found that the Member breached Item 10.1.1.1 of the Code for not complying with the provisions for disclosing interests as contemplated in Items 9.3.6 and 9.3.7 of the Code.

5.2 The Committee also found that the Member breached Item 10.1.1.3 of the Code read with Item 4.1.3 of the Code as he breached the public trust that is placed in him as a Member of Parliament when he allowed a company that was contracted to his Department to conduct work at his private residence, which was not paid for.

6. Penalty

6.1 Item 10.7.7 of the Code provides for penalties.

6.2 Item 10.7.7.1 of the Code provides that in the event that the Committee finds that the Member breached Item 10.1.1.1 of the Code, the Committee must recommend the imposition of one or more of the following penalties:

- (i) a reprimand in the House;
- (ii) a fine not exceeding the value of 30 days' salary;

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- (iii) a reduction of salary or allowances for a period not exceeding 30 days;
- (iv) the suspension of certain privileges or a Members' right to a seat in Parliamentary debates or committees for a period not exceeding 30 days;
- (v) in the event of a breach considered minor by the committee the Member may be ordered to rectify the breach and be counselled on the requirements of the Code.

6.3 Item 10.7.7.2 of the Code provides that in the event that the Committee finds that a Member contravened clause 10.1.1.3 of the Code, the Committee shall not impose any of the sanctions contained in Item 10.7.7.1, but shall recommend any greater sanction it deems appropriate to the House, and the House shall decide on the appropriate sanction to be imposed after consideration of the recommendation of the Committee.

6.4 The Committee recommends to the House that the following penalty be imposed-

- In respect of the breach of item 10.1.1.1 of the Code (failure to disclose), a fine equal to 30 days salary (item 10.7.7.1 (ii)).
- In respect of the breach of item 10.1.1.3 of the Code read with item 4.1 (4.1.3), that the Member apologise in the House for not acting in accordance with the public trust that was placed in him as a Member of Parliament (item 10.7.7.2 of the Code).

HON. MAXEGWANA

HON. SINGH

**CO- CHAIRPERSONS OF THE JOINT COMMITTEE ON ETHICS AND
MEMBERS' INTERESTS**