

# EXHIBIT D3



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## 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 STATE**

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1634 (a)



1

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

**TERESA LUCKY LAKELA KAUNDA**

Applicant

---

**NOTICE OF MOTION  
(APPLICATION IN TERMS OF COMMISSION RULE 3.4)**

---

TAKE NOTICE THAT the Applicant intends to make application to the Commissioner for an order in the following terms:

1. That the Applicant is permitted to cross examine the witness Ms Mabel Patronella ("Vytjie") Mentor ("Ms Mentor") about the contents of paragraphs 60 – 64 of Ms Mentor's statement, dated 25 July 2018;
2. Further and/or alternative relief;

TAKE NOTICE FURTHER THAT the Sworn Statement of TERESA LUCKY LAKELA KAUNDA, together with annexures shall be used in support hereof.

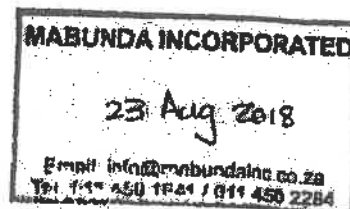
TAKE NOTICE FURTHER THAT the Applicant has appointed the address

of McMenamin Van Huyssteen & Botes Attorneys, stated herein below, as her attorneys at which address she will receive service of all notices and/or documents in these proceedings.

DATED AT PRETORIA ON THIS THE 23<sup>rd</sup> DAY OF AUGUST 2018

**McMENAMIN VAN HUYSSTEEN & BOTES**  
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 Sunnyside, PRETORIA  
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 Ref: E McMenamin/IM

TO:  
 THE COMMISSION  
 The Secretary  
 2<sup>nd</sup> Floor, Hillside House  
 17 Empire Road  
 Parktown  
 Johannesburg  
 C/o MABUNDA INC.  
 2 Protea Road  
 Corner Riley  
 Bedfordview  
 Tel: 011 450 2284/1641  
 Fax: 011 450 1565  
 Email: [busani@mabundainc.co.za](mailto:busani@mabundainc.co.za)  
 Ref: Mr PB Mabunda



Received a copy hereof on the 23 August 2018

For the Commission

3

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

TERESA LUCKY LAKELA KAUNDA

Applicant

---

**SWORN STATEMENT  
(IN TERMS OF COMMISSION RULE 3.4)**

---

I the undersigned,

TERESA LUCKY LAKELA KAUNDA

State under oath as follows:

1. The contents hereof fall within my personal knowledge and according to my belief are both true and correct.
2. I have been served with a notice in terms of Rule 3.3 of the Commission's Rules to which had been attached an extract of a statement dated 25 July 2018, by Ms Mabel Patronella ("Vytjie") Mentor ("Ms Mentor").
3. The purpose of this sworn statement is to motivate an application as

1637

Yolk \$

contemplated in Rule 3.4 of the Commission's Rules to cross examine a witness, namely Ms Mentor.

4. In paragraph 60 of Ms Mentor's statement it has been alleged that as the "PA" of former President Jacob Zuma (now "Mr Zuma") I have telephoned Ms Mentor during October 2010 to inform her about a meeting which was supposed to take place between Ms Mentor and Mr Zuma, the following day.
5. Paragraphs 61 to 64 of Ms Mentor's statement include other allegations concerning the alleged telephonic conversation between her and me.
6. I deny the contents of paragraphs 60 to 64 insofar as Ms Mentor implicates me in her statement.
7. I have established that Ms Mentor has made three written statements regarding the alleged meeting, namely:
  - 7.1. A statement in the investigation by the Public Protector into *"Complaints of Improper and Unethical Conduct by the President and Officials of State Organs Due to Their Alleged*

*Inappropriate Relationship with Members of the Gupta Family in the Removal and Appointment of Ministers and Directors of SOEs Resulting in Improper and Possibly Corrupt Award of State Contracts and Benefits to the Gupta Family's Businesses", which had been deposed to during 2016, of which annexure "A" hereto is a copy;*

- 7.2. A statement which had been made in an intervention application under Pretoria High Court case number 79808/16, dated 24 October 2016, of which annexure "B" hereto is copy; and
- 7.3. The statement, dated 25 July 2018, which had been attached to the Rule 3.3 notice, served on me in these proceedings (of which I only received an extract) and being annexure "C" hereto.
8. A number of inconsistencies and/or discrepancies appear from the three mentioned statements themselves, whilst a number of the factual averments which were made by Ms Mentor are simply incorrect.

9. In paragraphs 25(a) and 25(b) of annexure "A" Ms Mentor alleged:

*"I struggle for two (2) months to arrange a meeting with the President. I went to the Tuin Huis with a letter requesting a meeting. I followed protocol in arranging the meeting. I also phoned Ms Lukhele Kaunda at Luthuli House. Eventually (25b) I also phoned Luthuli House repeatedly to get an Appointment with the President"*

10. During 2010 I served as the Deputy Director General: Head of the Private Office of the Presidency. During 2014 I was appointed as the Chief Operations Officer ("COO") of the Presidency (a post equivalent to a Director General post in Government).
11. During 2010 I have not been stationed at Luthuli House. At the time, after Mr Zuma had been sworn in as President of the Republic, I joined the Presidency at the Union Buildings, where I performed my duties. Thus, during 2010 the Presidency of the Republic had to be contacted at the Union Buildings, not Luthuli House.
12. As the COO to the Presidency I have had access to the archived records of the Presidency. From an investigation of the archives of

the Presidency it has been ascertained that during December 2009 Ms Mentor has once attempted to arrange a meeting with former Deputy President Kgalema Motlanthe. Annexure "D" hereto consists of the relevant email messages relating to the meeting. No other record could be found which could support that Ms Mentor attempted over a period of two months (supposedly during 2010) to make an appointment with Mr Zuma.

13. It is also evident from paragraph 25(a) of annexure "A" that my first name had been misspelt as "Lukhele", whilst it was supposed to be "Lakela", which suggests that Ms Mentor has at all times been unfamiliar with me.
14. In paragraph 8 of annexure "B", the statement dated 24<sup>th</sup> October 2016, regarding the alleged meeting with Mr Zuma, Ms Mentor remarked that:

*"In and around 2010, I received a telephone call from a woman (I do not know her name) inviting me to a meeting, ostensibly with the President at the Union Buildings. I boarded a flight from Cape Town to Johannesburg to attend this meeting." (Emphasis added.)*

15. In annexure "B" Ms Mentor was correct to state that during 2010 the Presidency was situated at the Union Buildings, but evidently Ms Mentor could not put a name to the person who allegedly telephoned her.

16. Regarding annexure "C" I deny paragraphs 60 to 64 where I have been implicated, because:

16.1. I have not spoken to Ms Mentor as alleged;

16.2. During 2010 Ms Mentor and I have been unknown to each other;

16.3. During 2010 I have not been the "PA" of Mr Zuma;

16.4. As stated above, during 2010 I served as Deputy Director General: Head of the Private Office of the President. During 2014 I was appointed as the COO. My duties as Deputy Director General did not include the making of appointments, for and on behalf of Mr Zuma; and

16.5. I did not make the appointment as alleged by Ms Mentor.



17. In the event that the Commission permits me to cross examine Ms Mentor I will offer her an opportunity to comment on whether she can deny that it had not been me who contacted her during October 2010.
18. I make this application to cross examine Ms Mentor subject to the contingency that the Legal Team confirms in writing that it is conceded and generally accepted by Ms Mentor that I have not spoken to her during 2010, as alleged. Should this concession be made then there would not be the need for me to persist with this application. However, without the suggested concession, I remain obliged to persist with this application to be allowed to cross examine Ms Mentor about the abovementioned narrow issue.

DATED AT PARKTOWN ON THIS 23<sup>rd</sup> DAY OF AUGUST 2018

[Signature]  
DEPONENT

SIGNED AND SWORN TO BEFORE ME AT Perth  
ON THIS 23 DAY OF August 2018,

THE DEPONENT HAVING ACKNOWLEDGED IN MY PRESENCE THAT SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, THE PROVISIONS OF GOVERNMENT GAZETTE R1478 OF 11 JULY 1980 AS AMENDED BY GOVERNMENT GAZETTE R774 OF 20 APRIL 1982, CONCERNING THE TAKING OF THE OATH, HAVING BEEN COMPLIED WITH.

*[Signature]*  
COMMISSIONER OF OATHS (L.P. There)

CAPACITY: Constable

FULL NAMES: Lehlake Bo ba THELLE

PHYSICAL ADDRESS: Brooklyn Saps  
119 Duxbury road  
Hillcrest

BUID-AFRIKAANSE POLISIEDIENS  
GEMEENSKAPSDIENSSENTRUM  
2018-08-23  
BROOKLYN  
COMMUNITY SERVICE CENTRE  
SOUTH AFRICAN POLICE SERVICE

"A" 11

I Mabel Petronella Mentor declare under oath in English

1  
I Mabel Petronella Mentor declare under oath in English.

2  
I'm an adult female ID [redacted] resides at [redacted] with  
contact numbers [redacted] and [redacted]

3  
I am sober and with my full conscious. My home language is Setswana but speaks English, Afrikaans  
and Zulu fluently. I also do speak a bit Xhosa. I am comfortable making this statement in English.

4  
Since 1998; 1999, 2000; 2001 until August 2002. I was an official in the Department of Education,  
and Councillor in the Northern Cape. I am an ANC member.

5  
After August 2002 I became a member of the Parliament. When I arrived at Parliament I functioned  
under Public Services and Administration and also serve under the Portfolio for Education. During  
this period I received three (3) times promotion.

6  
From 2004 until 2009 I became the ANC: (1) <sup>S.P</sup> Caucus Parliamentary Chair Person (2) Chairperson:  
Joint Standing Committee on Intelligence for Parliament (3) Chairperson: Rules Committee of  
Parliament; (4) Chairperson of Public Enterprises. Member R

7  
Due to my positions I was entrusted with, I was exposed <sup>to get</sup> and experienced sensitive matters. Phant

8  
The DENEL-Company resorted under me; in fact all state owned companies resorted under me.  
Meaning I was overseeing together with the Committee reporting under me.

9  
Denel is a state-owned Arms Manufacturing Company which was at a stage one of the most stable  
companies, meaning highly profitable and best run.

10  
The Gupta brothers are <sup>currently</sup> co-owners/partners of Denel. This I can state factually because of the  
following reasons: The Gupta Brothers approached the Industrial Development Cooperation (IDC)  
and borrow and or make a loan to establish a company that will partner with DENEL. The amount  
borrowed was 8000 million Rand. R293 m

Ph

12  
12  
I Mabel Petronella Mentor declare under oath in English

11

This money was paid out to them. The Guptas was supposed to service the loan amount immediately. For +- 18 months they didn't do it. R300 million became R350 million that the Guptas Brothers owed the IDC. They used the money to buy OAKBAY Investments which gave birth to SHIVI URANIUM and VR-LAZOR.

12

SHIVI URANIUM specializes in uranium, but also supplies ESCOM with Coles. VR-LAZER specializes in cutting steel. *another Gupta Company* *Pimento*

13

The Gupta Brothers then, because of the debt of R350 million, arrange a meeting with the IDC and made a deal with the IDC. The deal was then that the IDC will become shareholders of VR-LAZOR for a percentage of 3, 4 shares. *(This now turns out to be in me 2+%)*

14

The IDC then cancelled the debt, because VR-LAZER will cut steel for the project of manufacturing army vehicles in South Africa. There-after the Defence Force and or Army paid an amount of ten (10) billion rand upfront to VR-LAZER for the building of cutting steel for army vehicles still to be produced.

15

*Pimento* *still* *De Kete*  
In this time frame a Mr Igbal Surty was the Chief Director within the Department of Trade and Industry. He was the central player and was close with Minister Rob Davis, the Minister of Trade and Industry. Mr Igbal Surty was also closely related to the Gupta Brothers.

16

VR-LAZER together with DENEL went to Asia, Hong Kong where they did contracts of which I have no knowledge. *They opened an office in Asia, largely funded by DENEL*

17

*Pimento*  
Denel has capability to manufacture any sorts of arms and ammunition including vehicle aircrafts, etc, that has to do with defence. *The Gupta Company has no such capability* *Pimento*

18 (a)

SHIVI-URANIUM was strategically placed to supply uranium to the Government for the Nu-clear energy Plant that will still be build.

18 (b)

*Pimento*  
In their House at Saxonworld in 2010, the Gupta Brother asked me about Uraniun deposit in The Northern Cape where I came from. They/He said they were interested in mining uraniun.

1646

*Mark*

13  
13

I Mabel Petronella Mentor declare under oath in English

19

After becoming aware of all this this information, I came to the conclusion that there are discrepancies and irregularities which I didn't agree with. They also established arms manufacturing plant in Soshale Arable.

20

I believe that corruption plays a definite part/role between the Gupta - brothers and government (identified government ministers and employees mentioned in this statement).

21

During this period I became aware that the PEBBEL BED MODULAR REACTOR: A mini test Nu-Clear Station located in Pretoria, must be closed down. This I was very unhappy with, for we were going to lose the Intellectual Property + Human Resources we built there.

I then arranged meeting with the Minister of Energy and share with her my concerns when the Mini Testing Nu-clear Station will be closed. I raised my concerns with the IP (Intellectual Property) and Human Resources we would lose should we mothball/close down PBNR.

At that stage the Government already spend R8 billion Rand; Development Human Resources, it was a product already producing, Intellectuals Property Right (Westing House, an American Company who was in partnership with the government) as also eyeing the IP (Intellectual Property Rights). We were losing Human Capital.

25 (a)

I struggle for two (2) months to arrange a meeting with the President. I went to the Tuin Huis with a letter requesting a meeting. I followed protocol in arranging the meeting. I also phoned Ms Lukhele Kaunda at Luthuli House eventually (25b).

I also phoned Luthuli House repeatedly to get an Appointment with the President. After spoken to Mr L. Kaunda, she made contact with me one Sunday evening after ten on my official phone. She just informed me that the person will, phone me with regards to my meeting with the President together with the arrangements. That was to be for the next day, which was a Monday.

Shortly after her call, a person phoned me. The person who contact me was a male. He told me that I must take the plane the following Monday at 06:00 at Cape Town International.

28

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151

14  
14  
I Mabel Petronella Mentor declare under oath in English

I was worried, because I was on crutches and asked the man how will I travel. He assured me that my flight was already booked and transport is sorted out, i.e. From the Airport to the President. He said 2 men will meet me and identify themselves at the Airport. *Present*

The Monday I took the flight as discussed. When I arrived at Johannesburg International (OR Tambo), two males dressed in black was waiting for me. They wear dark glasses with ear-pieces and was driving a black double cab bakkie vehicle. I thought they were Presidential *Present*  
Security or Drivers. *Present*

I got into the vehicle and was expecting to be driven to the Union Building in Pretoria where I was to meet with the President. In fact they drove to SAHARA. They stopped there and I assumed that they were collecting something. Instead they asked me to go with them to say "hello" to someone. So I go with them. Inside I wait in a small waiting area at the end of a long corridor and was told that the person is busy on the phone. *Present*

31  
Finally I went to meet this person and he was introduced to me as the oldest brother. By now I know all three of them are Indians. I observed the following from the oldest brother: He is shortest/fat shorter than the other two, but was wearing a big brilliant gold ring with a red ruby in the index finger. *of the complex*

32  
He talked to me about my family, asked me about my children. I told him that my son is playing cricket for Western Province. He then offered to buy a cricket bat but I told him that at that stage I already bought my son a new cricket bat made of English Wood. He then suggested that I could ask him for a bat next time. He also said they owned a Suite at the New *was*  
Land Cricket Stadium. He said I could *Present*  
This oldest brother then continues by offering me access to a suite at Newlands Cricket grounds when ever there was a cricket game and I can take my son with. This man then told me that I am a famous person and it was a privilege for him to meet me. He knew what my position was and also knew that I had an appointment with the President. He found I was a Chair of the *Present*  
Portfolio of Public Enterprises. He said I was good at my work. *Present*

34  
He then hinted that the President was not available yet because he at that stage attend to a meeting at Luthuli House. I became agitated and impatient, because it was very strange to me that this man knows about my visit and seems to know the whereabouts of the President. I was now getting *Present*  
unsettled and uncomfortable. *Present*

35  
I have never met any of them previously, that day was my first time. We spend ~45 minutes at SAHARA. From there, we drove and I thought we are going straight to the Union Building for my meeting with the President. *Present*

15  
15

I Mabel Petronella Mentor declare under oath in English

36

Instead of going there, they drove to big Cluster Mansion with 4-5 big houses. It was a private complex. I will be able to identify the house because it wasn't finished at that stage. There was a big pillar not finished yet and other small structures not yet finished. I remember the cream marble steps. They took me to a foyer that was very big with two coaches where I had to wait. They told me that the older brother will come to meet me again. K

*Photo of the house was a beige-cream outside at that time. Photo*

37

Also, showed me where the bathroom was and asked if I wanted something to eat and drink. I was served with Chai tea with naan bread and curry. By then I was upset and not feeling well, there-for I didn't enjoy the food. The young Indian Chef who was wearing a white vest served me. He did not speak English. K

Later the older brother arrived and sat on the other coach. We talked just there. He mentioned the following: "as the Chair Person of the Public Enterprises if I am aware that Denel are for the past 4 years having legal problems in India" I pretend not being aware, because I wanted to know more about this man (older brother) he then said that he can help. They are the Gupta brothers (family). He also touched on my agenda with the President. I was very surprised and angry. He claimed that they are very closed to the Indian government as the Gupta brothers. K

39

He continues and spoke about the SAA Airline Route between South Africa and India. He wants me to commit myself by making a deal that I will influence SAA to stop flying the South African Route between SA and India. He go on and said: 'you could be a Minister of Public Enterprises in a weeks' time when the President will reshuffles cabinet and removes the current (the then Minister) of public Enterprises (Barbara Hogan). He also spoke about the PEBBLE-GEED - first MODULAR REACTOR. The very matter I wanted to see the President for. He said it must be closed. But at the same time he said he was looking into mining Uranium. I asked him how he will do it. He responded that he will put in a word with the President to appoint me. I was doubtful and he could see it. So he said that they have done it previously I must just play along, meaning I must agree to influence SAA to stop the route. K

41

I got very angry and raise my voice. I request, in a loud voice to be taken back to the airport. I never at any stage commit myself or agreed to any of his proposals. At that moment the President entered the foyer from the back of me. I stood up and was angry. I stood up in respect of the President, but this man remained seated! K

*while still standing*  
I explained to the President what transpired between me and this man; about him telling me that he would put in a word with the President for me to become the Minister. Also that he was aware and informed about the meeting with the President. The President rather choose to calm me by telling

1649

*Signature*

16  
16  
I Mabel Petronella Mentor declare under oath in English

for me to calm down and not to worry. The President never reprimanded the man, nor did he <sup>assure me or</sup> ~~hang up~~ <sup>R</sup> end up for me. <sup>in my defence.</sup>

43 (G)

He didn't even look surprised. I was the person made to be the mad one. The President didn't even have a meeting with me. He walked me out of the house to the vehicle and saw I walked with crutches. So he told me that if he was aware he would have made other arrangements. <sup>that would be on crutches</sup> <sup>R</sup>

<sup>43 (H)</sup> This man interrupted me and the President by offering him <sup>R</sup> food. The president declined and said he would go and eat next door. <sup>R</sup>

As we walked out, the President took my handbag. While this elder brother continue sitting. I asked the President why he meet me with these people and in that house. He said that his son is staying next door. He also said that he was sorry. <sup>R</sup>

45

I remember that while I was waiting at that house I phoned a friend of mine to arrange a place to sleep because it was becoming late and do not know when I will meet the President.

46

None of them informed me how my flight arrangements <sup>were for</sup> <sup>R</sup> back to Cape Town. The same two brothers took me to the airport. On the way to the airport I phoned my friend again that I am on my way to the airport but if I do not get a flight that I will phone her again.

47

At the airport I manage to book a flight back through my office. I went home not satisfied having a meeting with the President and with the following questions in mind: why didn't the President found it not strange to meet me at that house? How did the President know I was there? Why he was not surprised when I told him what the elder brother said about putting in a word with the President to appoint me as Minister? <sup>find</sup> <sup>he not</sup> <sup>R</sup>

48

The same Monday I flew back to Cape Town. The Tuesday I phoned the CEO of SAA and arrange an appointment with her. That same week she came to my office and I asked her how long it will take to cultivate an international Airline Route. She said that the first 4 x years capital are invested (putting in money) from the fifth year up till the ninth/ten year you break even, and only making profit thereafter. Then I told her that some-one approached me to influence SAA to close the route between Indis and SA. <sup>find</sup> <sup>R</sup>

49

She said it was SA main and most profitable route and that it would not make sense economic sense to close that route. Then it made sense to me. <sup>point</sup> <sup>R</sup>



17<sup>17</sup>  
17

I Mabel Patronella Mentor declare under oath in English

Interestingly, Minister M Gigaba was present in Saudi Arabia when the arm manufacturing factory was opened by Denel and the President meanwhile his line-function of Home Affairs has nothing to do with the arms manufacturing.

59

*Current*  
The Minister of Mineral Resources and Mining was also a constant factor and denominator in negotiating the IOC-Loan, the Denel-Axis Venture as well as the Saudi Arabia arms manufacturing factory was opened. He is reported and confirmed that he flew to Dubai in December where he met with the Gupta brothers. The President was also in Dubai at the time of the meeting of Minister of Resource and Mining and Minister (Minerals) with the Guptas. *R*

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According to the media reports the Gupta family moved to Dubai. *(They are now back in SA)* *R*

61(a)

I am off the conclusion that the Gupta family, the son of the President and some ministers whom I have named in this statement as well as the President to certain extent All have a corrupt relationship that gives unfair advantage to the Gupta family and their associates at the expense of the State using state resources and agencies all the way for their own benefit. *CEO's of Eskom; DENEL and Defence Force*

*62(b)* *R* 283 - Mr Brian Molefe, CEO of Eskom funded the Gupta family for supplying Eskom with inferior quality coal.

From the onset the year of the first Local Government Election after 1994 Mr Chabuka, current ANC MP; reported to me that he met the Gupta brothers in a garage which they rented in Bedford view Johannesburg. As they were doing door to door campaign for the ANC.

*62(a)* *R* Mr Brian Molefe Funded the Gupta companies and their breakfast show while *62(b)* he was still at TRANSNET. *R*

The Gupta -brothers requested to be introduced to the leadership of the ANC and of Government in Luthuli House. They specifically wanted to meet President Mandela, Deputy President Thabo Mbeki and Minister Isop Pahad for this introduction they were willing to donate R50 000.00 for the ANC for election purposes.

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*R* Eventually they manage to meet with Minister Isop Pahad in Luthuli House and they did donate R50 000.00. and they were introduced to Essop Pahad, who later appointed one of them to a certain Board. *65(a)* *R*

To date Isop Pahad is still having relationship with them and he is responsible for the content of their journal called "THE THINKER". He was also responsible for putting a Gupta Brother in the board of Proudly South African Government Entity / Agency. That is all I want to state, but I do request criminal investigation in this matter.

*65(b)*

The Guptas boasted in the media at the time when Deputy President Zuma was fired that they were supporting him financially. *R*

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**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)**

Case No: 79808/16

In the application for intervention by:

**MABEL PATRONELLA ("VYTJIE") MENTOR**

Intervening Party

In the matter between:

**PRESIDENT OF THE REPUBLIC  
OF SOUTH AFRICA**

Applicant

and

**THE OFFICE OF THE PUBLIC PROTECTOR**

First Respondent

**THE PUBLIC PROTECTOR**

Second Respondent

---

**NOTICE OF MOTION**

---

**KINDLY TAKE NOTICE THAT** the Ms Mabel Patronella ("Vytjie") Mentor intends to bring an application to the above Honourable Court, on 1 NOVEMBER 2016 at 10h00 or as soon thereafter as counsel may be heard for an order in the following terms:

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1. Granting Ms Mentor leave to intervene as a respondent in this application.
2. Dismissing the President's application.
3. Directing the President to pay the costs of the application.
4. Further and/or alternative relief.

**TAKE NOTICE FURTHER** that the affidavit of **MS MABEL PATRONELLA ("VYTJIE") MENTOR** and its attachments will be used in support of the relief sought in this application.

**TAKE NOTICE FURTHER** that the applicant has appointed the offices of its attorneys of record, **WEBBER WENTZEL**, at the address below as the address at which it will accept service of all process in these proceedings.

**TAKE NOTICE FURTHER** that the applicant consents to service of all affidavits, notice and processes by email to the address specified below.

**TAKE NOTICE FURTHER** that if you intend opposing this application you are required to -

1. Notify the applicant's attorney in writing of your intention to do so on or before 26 October 2016;
2. In such notification, appoint an address at which you will accept notice and service of all documents in these proceedings; and

*[Handwritten signature]* 15/10

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3. File your answering affidavit, if any, on or before 17h00 on 28 October 2016.

**TAKE NOTICE FURTHER** that if no notice of intention to oppose is received, the relief sought above may be granted in your absence.

**KINDLY PLACE THE MATTER ON THE ROLL ACCORDINGLY**

Signed and dated at JOHANNESBURG this 25<sup>th</sup> day of October 2016.



**WEBBER WENTZEL**  
Ms Mentor's Attorneys  
90 Rivonia Road  
Sandton  
Johannesburg, 2196  
PO Box 61771, Marshalltown  
Johannesburg, 2107, South Africa  
Tel: 011 530 5526/ 5539  
Fax: 011 530 / 6526/ 6539  
Email:  
tshego.phala@webberwentzel.com  
Ref: M Hathorn/T Phala / 3013932  
**C/O SAVAGE JOOSTE & ADAMS**  
**ATTORNEYS**  
141 Boshoff Street  
Nieuw Muckleneuck  
Pretoria, 0181  
Tel: 012 452 8200  
Fax: 012 452 8201  
e-mail: stephenl@savage.co.za  
Ref: S Leinberger

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TO: THE REGISTRAR OF THE ABOVE  
HONOURABLE COURT  
FILED BY HAND

AND TO:

**STATE ATTORNEY PRETORIA**

Attorneys for President of the  
Republic of South Africa  
316 SALU Building  
Corner Francis Baard and Thabo Sehume Street  
Private Bag X91  
Pretoria  
REF: 7313/16/Z75/js  
Email: [ichowe@justice.gov.za](mailto:ichowe@justice.gov.za)  
Tel: (012) 309 1562  
Fax: 086 507 2194

**KHAMPA ATTORNEYS INCORPORATED**

Mr Van Rooyen's Attorneys  
c/o TM Chauke Attorneys Incorporated  
2<sup>nd</sup> Floor, East Wing,  
Sammy Marks Square  
314 Church Street  
Pretoria  
Tel: 011 234 1735  
Fax: 086 500 0945  
Ref: Cogta/A Khampha  
Email: [azwi@khampainc.co.za](mailto:azwi@khampainc.co.za)

**ADAMS AND ADAMS**

Attorneys for the Public Protector  
Lynwood Bridge Office Park  
4 Davenry Road  
Lynnwood Manor  
Pretoria  
Tel: (012) 432 6000  
Fax: (012) 432 6599  
Email: [andrew.molver@adamsadams.com](mailto:andrew.molver@adamsadams.com)  
Ref: ANM/gkd/LT3340

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*Handwritten signature*

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**IAN LEVITT ATTORNEYS**  
Attorneys for the first intervening party  
19<sup>th</sup> Floor, Sandton City Office Towers  
Sandton City  
West Street  
Sandton  
Tel: 011 784 3310/082 445 1586  
c/o Friedland Hard Solomon Nicolson  
79 Steenbok Avenue  
Pretoria  
0180  
Tel: 012 424 0200

**MABUZA ATTORNEYS**  
Attorneys for the second and third intervening parties  
c/o Nkomo Inc Attorneys  
Suite 204  
Hatfield Forum East  
107 Arcadia Street  
Hatfield  
Tel: 012 342 6009  
Fax: 012 343 2454

**MINDE SHAPIRO SMITH INC.**  
Attorneys for the fourth intervening party  
Tyger Valley Office Park  
Building Number 2  
Cnr Willie van Schoor & Old Oak Roads  
Belville  
Ref: DEM16/0300 Jonker/sw  
c/o Klagsbrun Edelstein Bosman De Vries Inc  
220 Lange Street  
Nieuw Muckleneuk  
Pretoria  
Tel: 012 452 8900  
Fax: 012 452 8901  
Email: [venashan@kebd.co.za](mailto:venashan@kebd.co.za)  
(ref: Hugo Struwig/VS/HS000055)

*Handwritten signature*

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**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)**

Case No: 79808/16

In the application for intervention by:

**MABEL PATRONELLA MENTOR**

Intervening Party

In the matter between:

**PRESIDENT OF THE REPUBLIC  
OF SOUTH AFRICA**

Applicant

and

**THE OFFICE OF THE PUBLIC PROTECTOR**

First Respondent

**THE PUBLIC PROTECTOR**

Second Respondent

---

**FOUNDING AFFIDAVIT**

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I, the undersigned,

**MABEL PATRONELLA ("VYTJIE") MENTOR**

do hereby make oath and state as follows:

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1. I am an adult female residing in Cape Town. For security reasons, I prefer not to give my full residential address.
2. I was formerly a Member of Parliament for the African National Congress ("ANC"). I held the position of Chairperson of the Portfolio Committee on Public Enterprises.
3. The facts in this affidavit are within my personal knowledge except where the contrary is expressly stated or clear from the context. To the best of my knowledge, they are true and correct.
4. Where I make legal submissions, I do so on the advice of my legal representatives, which advice I believe to be correct.
5. The purpose of this affidavit is to seek leave to intervene as a party in these proceedings under rule 12 of this Court's rules.
6. In what follows, I address the following in turn:
  - 6.1 The facts;
  - 6.2 My application to intervene;
  - 6.3 The manner in which section 7(9)(ii) of the Public Protector Act 23 of 1994 ("the Act") is to be interpreted;
  - 6.4 The Public Protector is *functus officio* in relation to the report and the

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relief which the President is seeking is consequently moot;

- 6.5 The President's failure to demonstrate any real risk of prejudice;
- 6.6 The requirements for an interdict have not been met; and
- 6.7 Conclusion.

#### THE FACTS

7. I have been a member of the African National Congress since the 1980s. In 2002, I was elected as a member of parliament. In 2004, I was elected as Chairperson of the Portfolio Committee on Public Enterprises.
8. In or around 2010, I received a telephone call from a woman (I do not know her name) inviting me to a meeting, ostensibly with the President at the Union Buildings. I boarded a flight from Cape Town to Johannesburg to attend this meeting.
9. When I arrived at OR Tambo International Airport, Mr Gupta met me. I was surprised and had never met Mr Gupta before. Mr Gupta informed me that the President was unavailable.
10. Mr Gupta took me unknowingly to the Gupta's Sahara office where he introduced me to the senior Gupta brother. When I left the Sahara office, I was still under the impression that I was being taken to Pretoria in order to meet with the President. However, I was taken to the Gupta's residence in Saxonwold, where I was introduced to the other brothers. Within fifteen minutes of my arrival at their home, members of the

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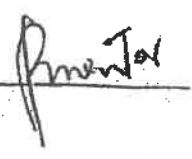
*Alternative remedy*

77. If and when it is confirmed that the Public Protector has in fact made findings against the President, he can seek to review such if he remains of the view that there is a legal basis to do so. Thus, the President has an alternative, adequate remedy.
78. In addition, as set out above, in the circumstances of this case, this is the remedy that is consistent with the Constitution as opposed to seeking to interdict the release of the report, which is not.

**CONCLUSION**

79. I submit that I have a direct and substantial interest in this matter and that my application to intervene should consequently be granted.
80. I submit further that the President has not made out a case for the relief sought in his notice of motion and that his application should be dismissed with costs.

DEPONENT



I hereby certify that the abovementioned deponent acknowledged to me that she knows and understands the contents of this affidavit, that it is to the best of her knowledge both true and correct, and that she has no objection to taking the prescribed oath and considers it to be binding on her conscience.

66. Pm

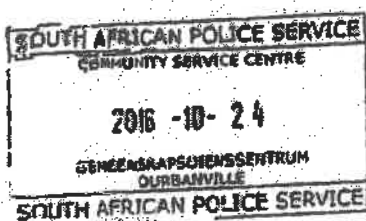
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Thus signed and sworn to before me at Juwanville on this the 24 day  
of October 2016



702100-6 SCIT  
GANT  
COMMISSIONER OF OATHS  
Juwana street  
Durbanville  
tel) 9703800

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2nd floor, Hillside House  
17 Empire Road, Parktown  
Johannesburg  
2193  
Tel: (010) 214-0651  
Email: [inquiries@sasistatecapture.org.za](mailto:inquiries@sasistatecapture.org.za)  
Website: [www.sasistatecapture.org.za](http://www.sasistatecapture.org.za)

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

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**NOTICE IN TERMS OF RULE 3.3**

---

**TO :** Ms Teresa Lucky Laketa Kaunda  
1944 Thornebrook Golf Estate  
Theresa Park  
Pretoria  
0182

**C/O :** Mr Michael Hulley (Attorney of Record)  
Hulley and Associates  
12<sup>th</sup> Floor, The Forum  
2 Maude Street, Sandton  
Johannesburg  
2196  
Tel: (011) 784 6211

*Handwritten signature and initials*

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**IN TERMS OF RULE 3.3 OF THE RULES OF THE JUDICIAL COMMISSION OF  
INQUIRY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION, FRAUD IN  
THE PUBLIC SECTOR INCLUDING ORGANS OF STATE ("THE COMMISSION"),  
YOU ARE HEREBY GIVEN NOTICE THAT:**

1. The Commission's Legal Team intends to present the evidence of Mabel Patronella Mentor, whose evidence implicates or may implicate you.
2. A copy of the portions of the witness's statement that implicate you is attached as "A".
3. The witness statement implicates you in the following respects:
  - 3.1 In your official capacity as former President Zuma's Chief Operations Officer, you facilitated a meeting between Ms Mentor and Mr Ajay Gupta at which Ms Mentor was offered a position in the national executive.
4. The witness will give evidence at the hearing commencing on 20 August 2018 at 4<sup>th</sup> floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg.
5. You may attend the hearing at which the witness gives evidence.
6. You may be assisted by a legal representative when the witness gives evidence.
7. If you wish to:
  - 7.1 give evidence yourself;
  - 7.2 call any witness to give evidence on your behalf; or
  - 7.3 cross-examine the witness

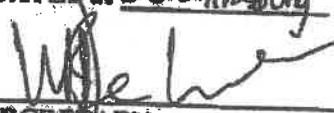
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then you must apply, within fourteen calendar days of this notice, in writing to the Commission for leave to do so.

8. An application referred to in paragraph 7 above must be submitted to the Secretary of the Commission. The application must be submitted with a statement from you in which you respond to the witness's statement in so far as it implicates you. The statement must identify what parts of the witness statement are disputed or denied and the grounds on which they are disputed or denied.
9. In the event that you are of the belief that you have not been given a reasonable time from the issuance of this notice to the date on which the witness is to give evidence as set out in paragraph 4 above and that you are prejudiced thereby, you may apply to the Commission in writing for such order as will ensure that you are not seriously prejudiced.

DATED at Shannonburg on this 31st day of July 2018.

  
\_\_\_\_\_  
**SECRETARY**  
Judicial Commission of Inquiry into Allegations of  
State Capture, Corruption and Fraud  
in the Public Sector including Organs of State



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

**STATEMENT OF MS MABEL PATRONELLA ("VYTJIE") MENTOR**

I, the undersigned,

**MABEL PATRONELLA ("VYTJIE") MENTOR**

do hereby state as follows:

1. I am an adult female residing in Cape Town.
2. Except where the contrary is expressly stated or clear from the context, the facts contained in this statement are within my personal knowledge. To the best of my knowledge, they are true and correct. Where I make legal representations, I do so on the advice of my legal representatives, which advice I believe to be correct.

**THE PURPOSE OF THIS STATEMENT**

3. I make this statement in order to assist the Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (the Commission), which was established in terms of section 84(2)(f) of the Constitution of the Republic of South

Africa, 1996.

60. I had communicated with Ms Lakela Kaunda (Ms Kaunda), who at the time I thought was Mr Zuma's personal assistant, in order to secure a meeting with Mr Zuma. On one Sunday evening in or around October 2010, about a week or so before the cabinet reshuffle, I received a telephone call from Ms Kaunda, to say that the President could see me the following day. I think Ms Kaunda was his PA although it could have been a different position but she definitely appeared to be from the president's office.
61. Ms Kaunda informed me that Mr Zuma would be available to meet with me the next day, being a Monday.
62. Ms Kaunda advised that a certain individual, would get in contact with me regarding the meeting. She further advised that if the individual failed to contact me, I should contact him on a number, which she provided to me. I do not recall if I asked for the person's number or if Ms Kaunda volunteered it to me.
63. I cannot recall whether I called the person or if he called me but we spoke later that evening. As far as a recall, I booked myself on a flight with South African Airways (SAA) from Cape Town to Johannesburg. The man offered me a ticket but I informed him that I needed to book it as I also had to make arrangements with the Passenger Assistance Unit as I was on crutches. I accordingly requested information regarding travel arrangements once I landed at the airport. In particular, I relayed to him my concerns regarding the short notice of the meeting and the fact that I used a wheelchair when I travel, as well as my concerns regarding



transportation to take me to Mr Zuma since I was still recovering from an injury at the time and I was using crutches to walk.

64. The name of the man given to me by Ms Kaunda was Atul Gupta, together with his telephone number. The man reassured me that the logistics for travelling from OR Tambo International Airport had all been taken care of and that there would be someone waiting for me upon my arrival in order to take me to Former President Zuma.
65. I flew to Johannesburg on Monday morning and was met by two Indian men, one of whom was holding a placard with my name. They were Atul Gupta and Rajesh Gupta. The two men escorted me to their vehicle. I should mention that even though I had briefly encountered them on my visit to China, I believe that I only recognised one of them and even then I did not pay much attention or register that they were the Gupta brothers when they came to collect me at the airport. This is probably also because judging from their appearance; I initially thought that they were security or drivers for the President. I believed they were from the President's office as their attire and demeanour appeared very official. They wore dark suits, wore ear-pieces (for communicating) and sunglasses. I do not recall the make of the vehicle save for the fact that it was a black twin cab "bakkie" with tinted windows and elevated wheels.
66. I found glossy magazines and newspapers in the vehicle. In order to keep myself occupied, I paged through them as we drove. I noticed that some of the magazines were about Sahara Computers and others about cricket. I was expecting to be taken to the Union Building to meet with the President. I was of the firm belief that one meets the President at either the Union Building or the Presidential home or possibly at Luthuli House

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on Mondays, which is where the President often is as the NEC of the ANC meets at Luthuli House on Mondays.

67. I was therefore surprised when, after driving for some time (but not long enough to have reached Pretoria), I noticed that we had come to a stop in a semi-industrial area. I enquired if this was the venue where I would be meeting with Mr Zuma. The two men informed me that we were still on our way to see Mr Zuma but that they first wanted me to meet someone else. They said it was their older brother whom they wanted to introduce me to. I asked why I would need to meet their brother, but I do not recall them answering.
68. We were parked in what appeared to be a parking lot similar to a parking lot at a shopping complex. I noticed that "Sahara" was written on the outside of the building at which we had stopped. I attach hereto marked "MPM1" a picture of the building. I was taken into the building and made to wait for a considerable amount of time for this person whom I had to meet.
72. I was eventually taken into an office where an individual was introduced to me. I now know this man to be Ajay Gupta. Ajay Gupta remained seated when I entered the office. It was neither a posh nor a big office. He sat behind a desk.
78. We (the other two Gupta brothers who had collected me from the airport and I) then drove from the Sahara building until we arrived at a huge residential home, which I did not recognise. The two brothers spoke to the security guards at the entrance, and then entered the premises. I now know that this is the Gupta home in Saxonwold which appears in the

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pictures attached hereto marked "MPM2".

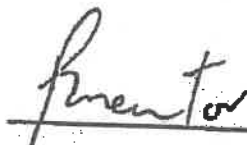
79. I was unsure where we were. I asked why we still had to stop at yet another place along the way to my meeting with Mr Zuma. I was under the impression that the meeting would be held at the Union Buildings. The two men said that I was to wait for Mr Zuma there.
92. I was growing very agitated and angry and began to speak very loudly. I had become confrontational and began raising my voice. It was at that moment that Mr Zuma suddenly entered the room. He walked in from the same direction that Ajay Gupta had entered (as opposed to the entrance that I was brought through).

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single greatest threat to our constitutional democracy since the end of apartheid.

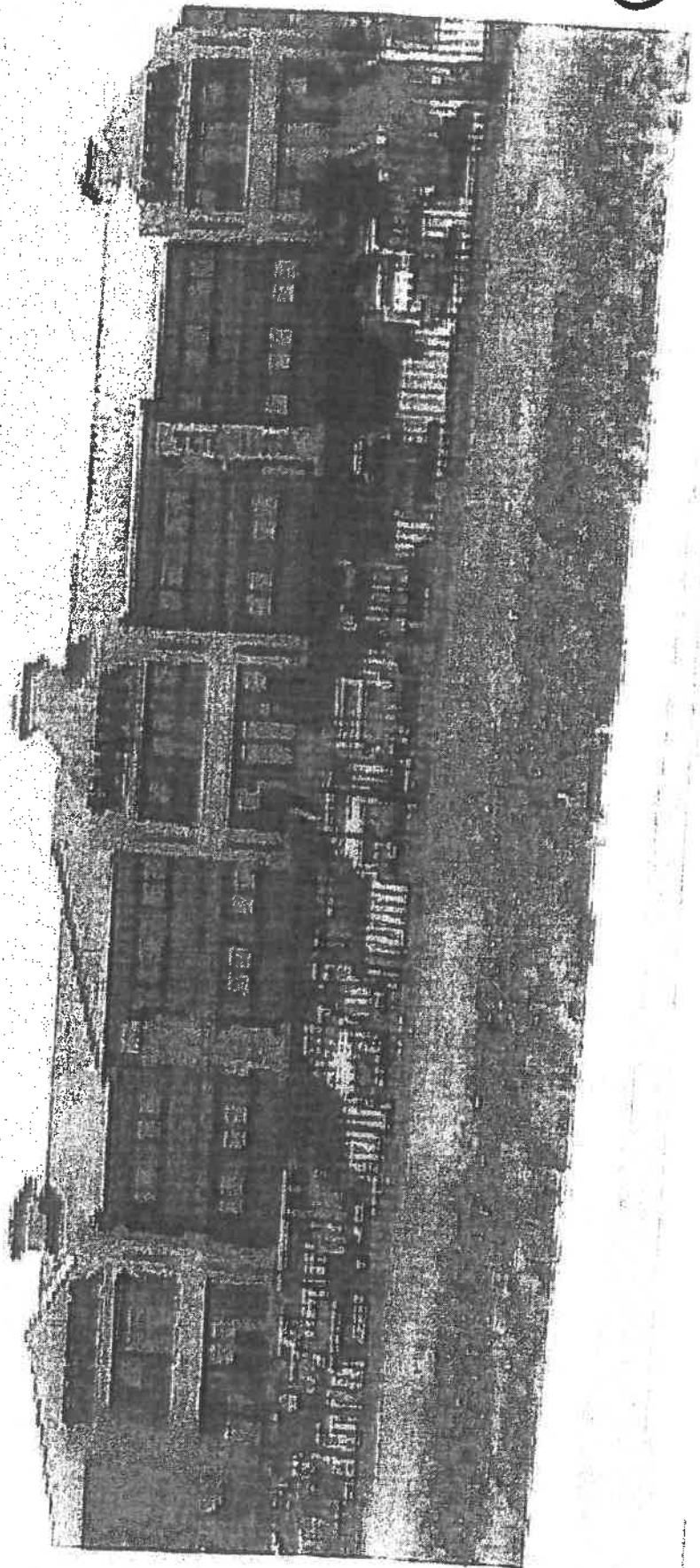
131. I understand that I will be asked to confirm the contents of this statement under oath at the inquiry.
132. I reserve my rights to supplement this statement if necessary.

  
MABEL PATRONELLA MENTOR

25 July 2018  
DATE

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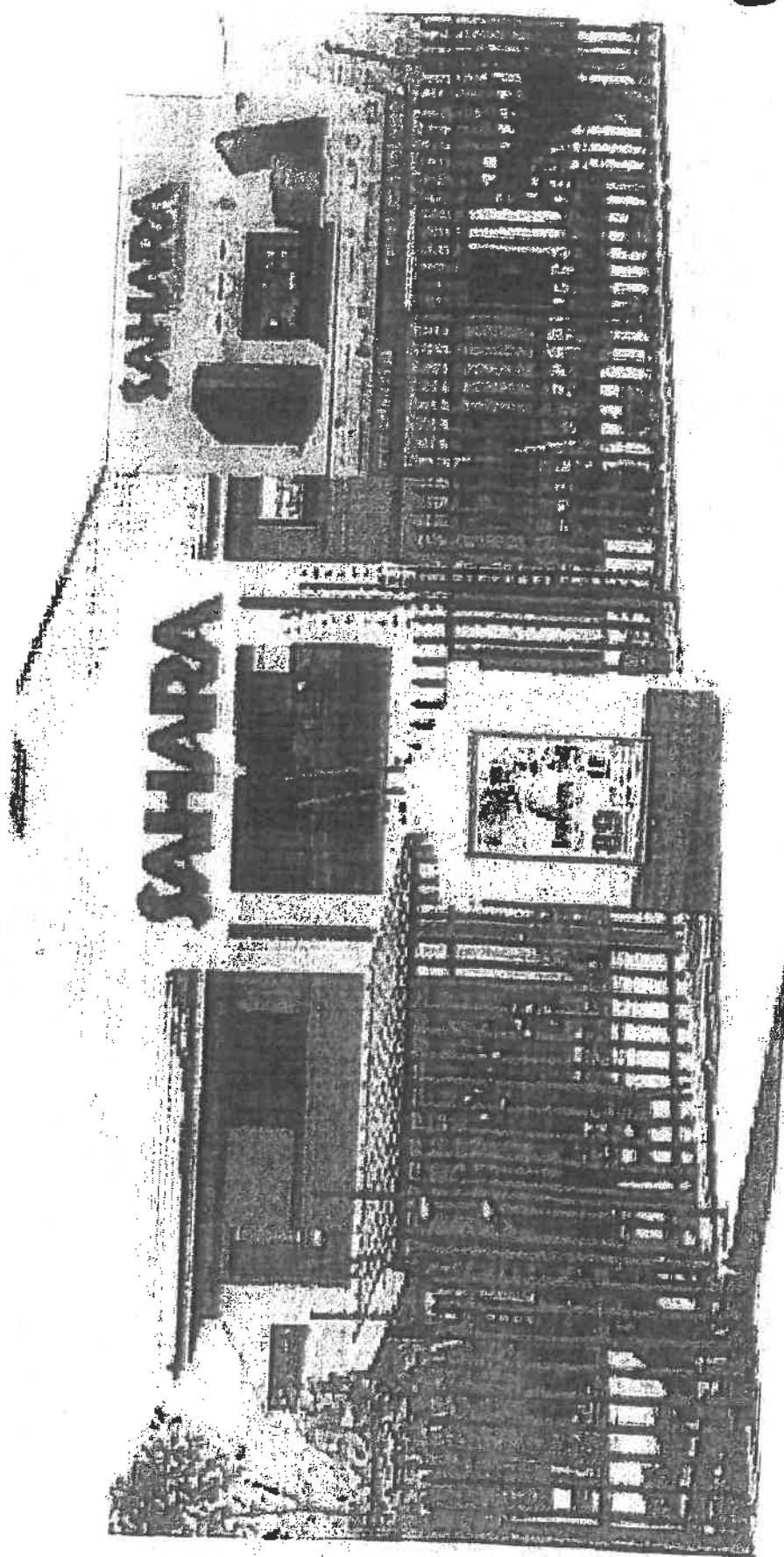
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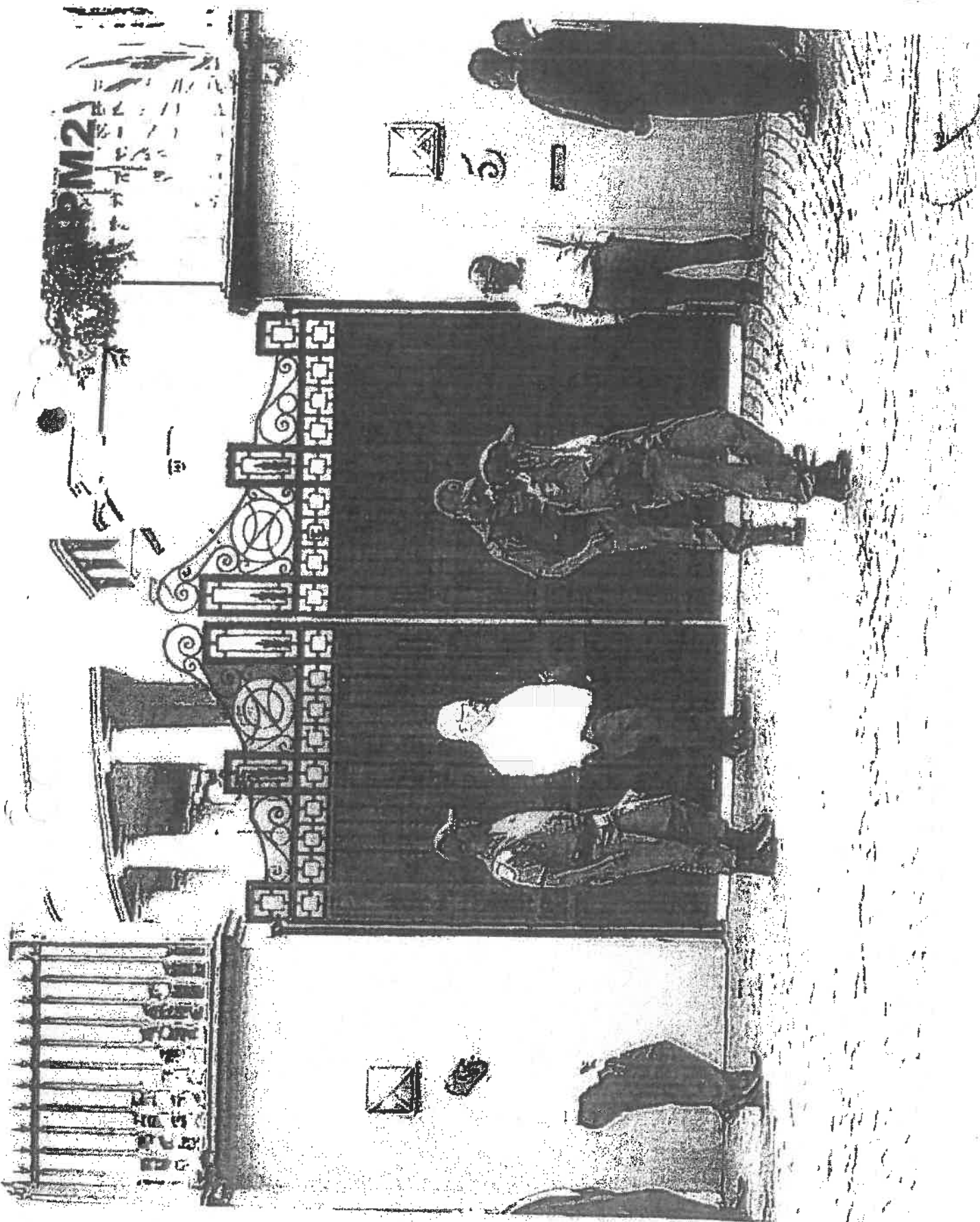
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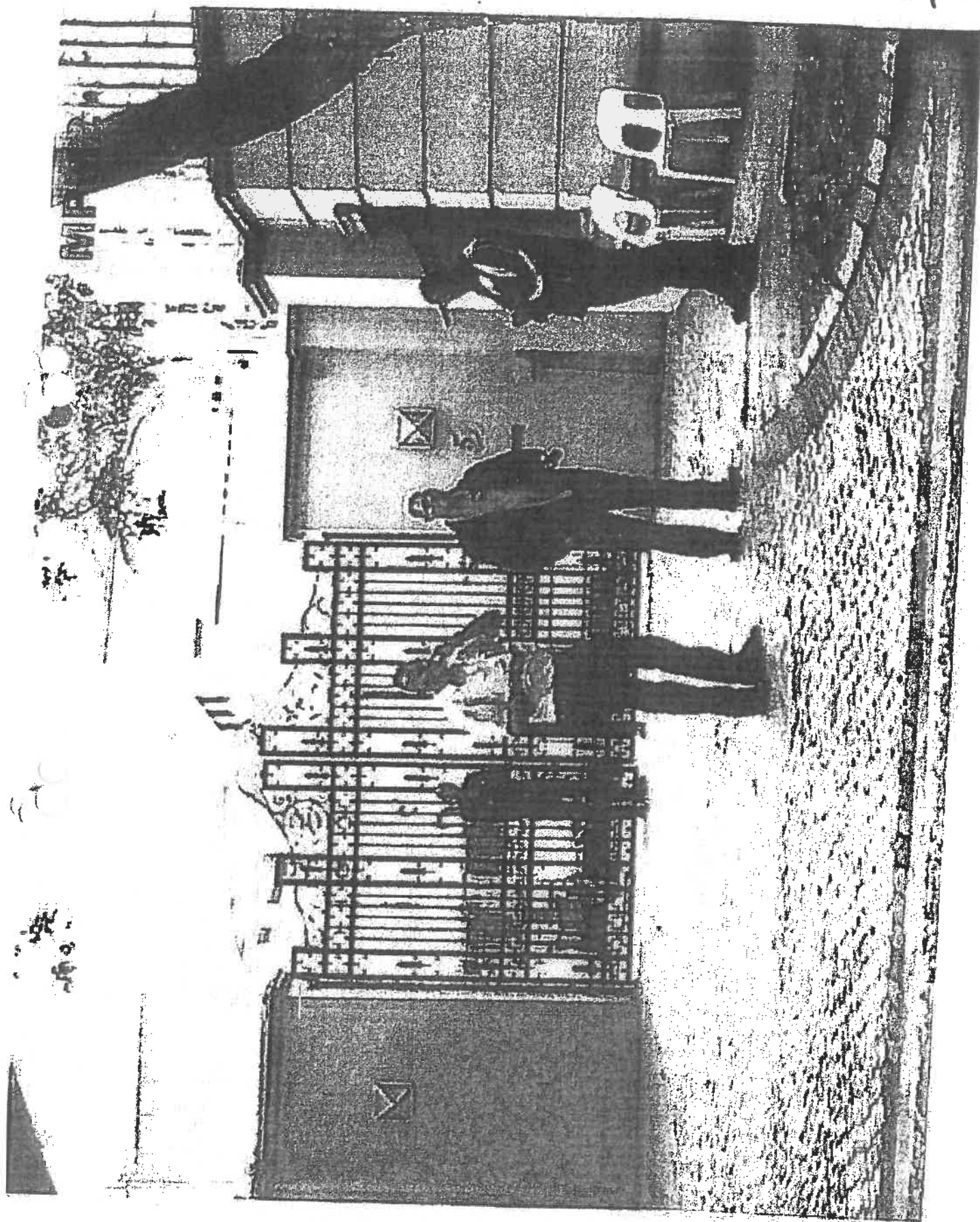


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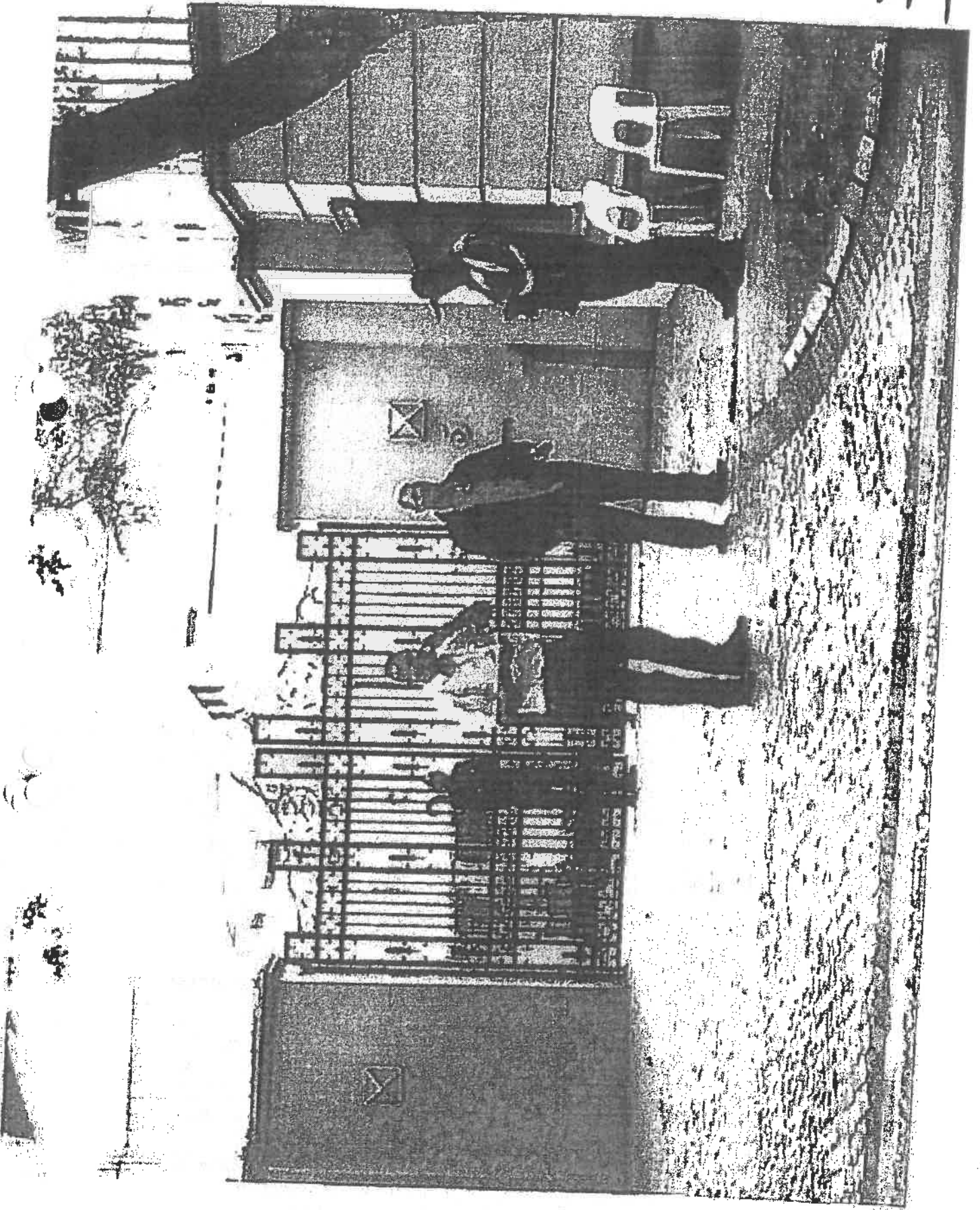
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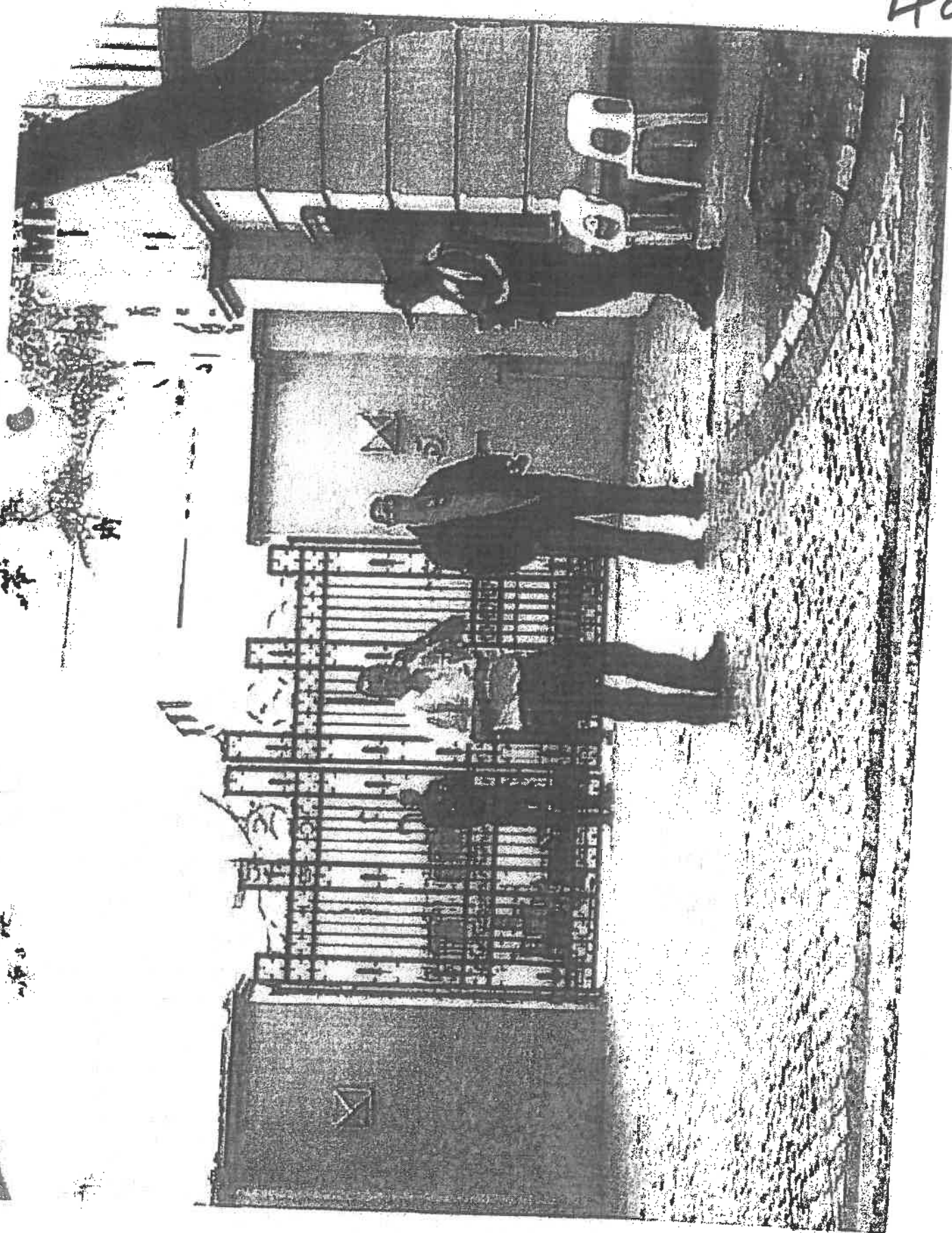
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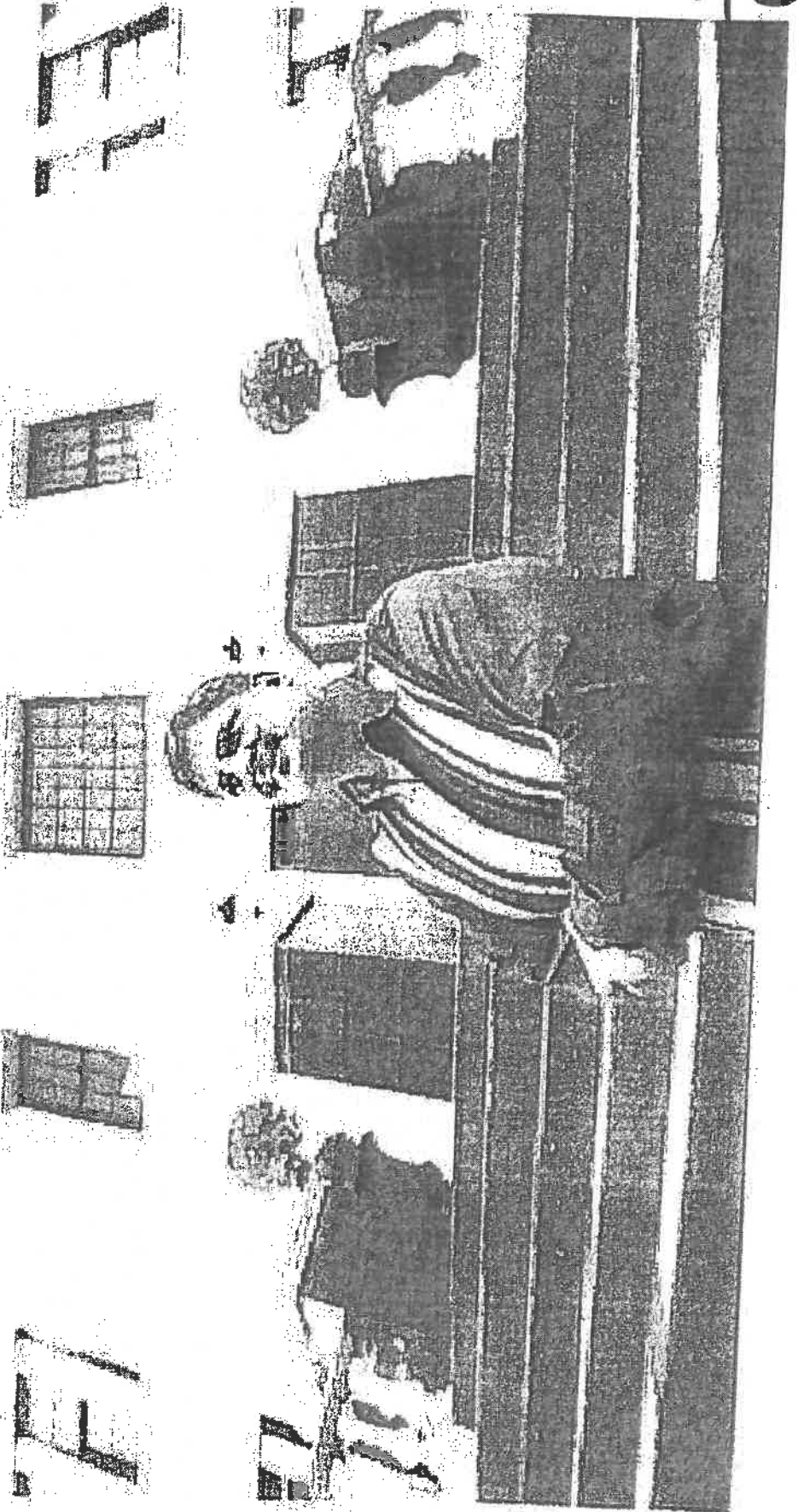


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File 151

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RFK

**Mogotladi Mogano**

From: Loretta Lawrence [lawrence@parliament.gov.za]  
Sent: 14/12/2009 09:53 AM  
To: Jamela Mhlambi; Lerato Zimbili  
Subject: 14 December 2009  
Attachments: Loretta Lawrence.vcf

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14 December 2009

Dear Jamela

As per our conversation earlier.

Ms. Mentor indicated that she has spoken to Mr. Jeffrey for a meeting with the Deputy President re the Independent Power producer proposal. Ms. Mentor acknowledges that the office of the Deputy President is very busy but would appreciate it if the Deputy President is able to meet Ms. Mentor before they go on leave.

Please advise urgently.

Have a blessed xmas and new year.

thanks

Loretta Lawrence  
Executive Secretary to  
Ms. Vytjie Mentor (Chairperson)  
Portfolio Committee on Public Enterprises  
Tel: 021 403-2723  
Fax: 021 403-8717  
Fax to e-mail: 086 543 5042  
e-mail: [lawrence@parliament.gov.za](mailto:lawrence@parliament.gov.za)  
Cell: 083 709 8485

Loretta Lawrence  
Executive Secretary to  
Ms. Vytjie Mentor (Chairperson)  
Portfolio Committee on Public Enterprises  
Tel: 021 403-2723  
Fax: 021 403-8717  
Fax to e-mail: 086 543 5042  
e-mail: [lawrence@parliament.gov.za](mailto:lawrence@parliament.gov.za)  
Cell: 083 709 8485

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Nokuthula Mbatha

From: Loretta Lawrence [lawrence@parliament.gov.za]  
Sent: 15 December 2009 10:08 AM  
To: Janelle Mhlarihi; Lerato Zimbili  
Subject: Fwd: 14 December 2009  
Attachments: 14 December 2009; Loretta Lawrence.vcf

15 December 2009

I am doing a follow up on the meeting request from Ms. Mentor and Ms. Mentor also indicates that it is not possible for the meeting now in December she would like a meeting early in January 2010.

Please advise urgently.

thanks

Loretta Lawrence  
Executive Secretary to  
Ms. Vytjie Mentor (Chairperson)  
Portfolio Committee on Public Enterprises  
Tel: 021 483-2723  
Fax: 021 483-8717  
Fax to e-mail: 086 543 5042  
e-mail: [llawrence@parliament.gov.za](mailto:llawrence@parliament.gov.za)  
Cell: 083 709 8485

Please note: This email and its content are subject to the disclaimer as displayed at the following url <http://webmail.parliament.gov.za/disclaimer.html>

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*[Handwritten signature]*

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

**HELD AT: PARKTOWN, JOHANNESBURG**

In the matter between:

**ADVOCATE MANDLA ALOISE MTOLO**

**APPLICANT**

And

**MABEL PATRONELLA 'VYTJIE' MENTOR**

**1<sup>ST</sup> RESPONDENT**

**THE COMMISSION OF INQUIRY**

**2<sup>ND</sup> RESPONDENT**

---

**NOTICE OF MOTION**

---

**BE PLEASED TO TAKE NOTICE** that the applicant intends to make an application to the above Honourable Commission of Inquiry on the 21<sup>st</sup> August 2018 at 10h00 or soon thereafter as Counsel for the Applicant may be heard for relief in the following terms,

1. That the Applicant be granted relief to;

(a) Giving evidence on his own account

(b) Call any witness to give evidence on his behalf



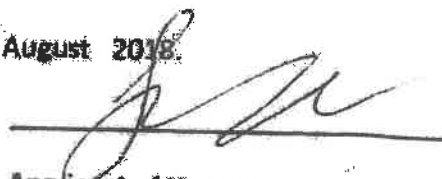
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- (c) Cross-examine any witness giving any evidence which implicate or purport to implicate him
- (d) Further and / or alternative relief as the Honourable Commission may deem appropriate and just in the circumstances.

**TAKE FURTHER NOTICE** that the affidavit of Advocate Mandla Aloise Mtolo which opposes the assertions and allegations of Mabel Patronella 'Vytjie' Mentor is appended hereto in compliance with Rule 3 of the Rules of the Commission.

Signed at: Brakpan on this the 23<sup>rd</sup> day of August 2018.



Applicants Attorneys

Siwela Vincent Attorneys

229 Shepard and Freel Building

Cnr Prince George and Victoria

2<sup>nd</sup> Floor

Office 211

Brakpan

And to: Chairperson of the Commission of Inquiry

And to: \_\_\_\_\_

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**Mabunda Incorporated**

**2 Protea Road, Corner Riley**

**Bedfordview**

**2008**

**Tel: (011) 450 2284**

**Fax: (011) 450 1566**

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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION**

**COMMISSION**

**STATEMENT OF ADVOCATE MTOLO**

I, the undersigned

**ADVOCATE MANDLA ALOISE MTOLO**

Do hereby state the following under oath:

I am an adult male Advocate and the member of DPCI ("Hawks") in the Republic of South Africa and stationed at Silverton Pretoria.

1

Save where the contrary is expressly stated or clear from the context, the facts contained in this statement are within my personal knowledge and belief true and correct.

Where I make legal submissions, I do so on the advice of my legal representatives, advice which I accept and embrace as prudent.

2

On this statement I will not reply to each and every averments contained, but will only confine only to the allegations relating to me in person as stated in para 3.1 of the notice by the Commission.

3.

**AD PARAGRAPH 120.**

I admit having met the deponent at her residence by prior arrangement, but however deny being in the company of anybody and avers that I was only by myself at the time.

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I further deny that I made any submissions or insinuations directly or indirectly to Ms Mentor, that the name of Mr. Zuma be removed from her affidavit, nor did I state that as a consequence thereof our hands were tied or the investigation consequently stalled.

4.

**AD PARAGRAPH 121**

I presented a statement to Ms Mentor, for her perusal and confirmation, I aver that I did so on the instruction and request of my Superior Brigadier Basl. I further state that I have nothing to do with its content, compilation or drafting thereof, I was purely acting on instruction by my Superior.

I admit that charges and insertions by Ms Mentor were made in my presence, but I deny making any other arrangement to return with a properly typed version.

5.

**AD PARAGRAPH 122**

I have no knowledge of these allegations and therefore cannot respond thereto .

6.

**AD PARAGRAPH 123**

I confirm making arrangements to meet with Ms Mentor together with Advocate Vogel from the National Prosecuting Authority in Cape Town. I aver that Miss Mentor unceremoniously cancelled the scheduled meeting with myself and the said Advocate on the last minute citing illness by text message.

I further aver that the docket was forwarded to the Director of Public Prosecutions for decision on the aforesaid matter, despite further attempts to meet on the 12<sup>th</sup> December 2017 and January 2018 the Miss Mentor failed to honour those appointments.

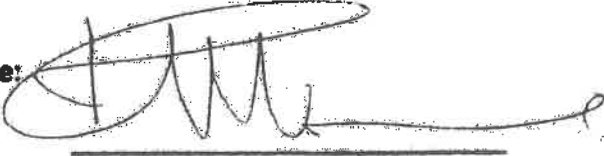
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Signature: 

Deponent:

Dated : 23 August 2018

Place : Brakpan

  
COMMISSIONER OF OATHS  
SIGNATURE

FULL NAMES:

CAPACITY:

AREA:

BUSINESS ADDRESS:

Unathi Taleni  
Commissioner of Oaths  
Practising Attorney RSA  
Office 303, Shefford House  
303 Prince George ave, Brakpan 1541



**STOCKENSTRÖM  
FOUCHÉ INC.**

*Prokurators & Advokaatswettvaardigers / Attorneys & Conveyancers*

52

155 Anderson Street, Brooklyn, Pretoria, 181  
PO Box 288, Garstfontein, 0042  
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Email: [sinclear@gmail.com](mailto:sinclear@gmail.com)  
Reg No: 2007/015371/21

**THE SECRETARY  
JUDICIAL COMMISSION OF INQUIRY  
INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD**

**17 AUGUST 2018**

**BY EMAIL**

Our ref: C Stockenström

Dear Sir/Ms

**RE: JUDICIAL COMMISSION OF ENQUIRY INTO ALLEGATIONS OF STATE  
CAPTURE, CORRUPTION AND FRAUD**

We confirm that we act on behalf of our client, Adv. Fana Hlongwane, in this matter.

We refer to your letter dated the 10<sup>th</sup> of August 2018 e-mailed to us on the 10<sup>th</sup> of August 2018 and served at our office on the 13<sup>th</sup> of August 2018, including a Notice in terms of Rule 3.3 of the Commission Rules in terms whereof our client was informed, *inter alia*, of the following:

1. The Commission's legal team intends to present the evidence of Mr Jonas at the hearing on the 20<sup>th</sup> of August 2018 and that the evidence of Mr Jonas will implicate or may implicate our client.
2. Our client may attend the hearing at which the witness gives evidence.
3. Our client may be assisted by legal representatives during the proceedings.

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4. If our client wishes to give evidence himself, call any witness to testify on his behalf or cross-examine the witness (Mr Jonas) he must apply within 14 calendar days of this notice, in writing, to the Commission for leave to do so.
5. In the event that our client believes that he has not been given a reasonable time from the issuance of the Notice to the date on which the witness is to give evidence and that our client is prejudiced thereby, he may apply to the Commission in writing for such an order as will ensure that he is not seriously prejudiced.

We wish to record the following:

1. Our client indeed wishes to participate in the proceedings and that he wish to be assisted by legal counsel to also cross-examine the witness insofar as he may implicate our client.
2. It is impossible to comply with the requirement that he should give notice of his intention to participate in the proceedings as the notice has been brought to his attention less than 14 days prior to the hearing.
3. Our client was not given a reasonable time for preparation and he will be seriously prejudiced under these circumstances.

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- 3 -

We therefore apply to the Commission for an order that will ensure that our client will not be prejudiced by the failure to give our client timeous notice of your intention to adduce evidence that will or may implicate him and provide him with a reasonable opportunity to prepare to protect his rights in this regard.

We will attend the proceedings on the 20<sup>th</sup> of August 2018 to discuss the situation with you in order to attempt to reach an agreement to deal with this situation in a manner to ensure that our client is not seriously prejudiced. If necessary we will formally apply to the Commission for a postponement of the proceedings or for any other appropriate order in this regard.

Yours faithfully



STOCKENSTRÖM FOUCHÉ INC

1708



**STOCKENSTRÖM  
FOUCHÉ INC.**

*Prokureurs & Advokate / Attorneys & Conveyancers*

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Fax: 086 631 4883  
Email: [sfinclaw@gmail.com](mailto:sfinclaw@gmail.com)  
Reg No: 2007/015371/21

**THE SECRETARY  
JUDICIAL COMMISSION OF INQUIRY  
INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD**

**27 AUGUST 2018**

**BY EMAIL**

Our ref: C Stockenström

Dear Sir/Ms

**RE: JUDICIAL COMMISSION OF ENQUIRY INTO ALLEGATIONS OF STATE  
CAPTURE, CORRUPTION AND FRAUD – APPLICATION FOR CROSS-EXAMINATION  
OF MR JONAS AND MS MENTOR**

We refer to our previous letter dated the 22 August 2018 in this matter and again confirm our client's desire to participate in the proceedings and to be allowed to have Mr Jonas and Ms Mentor cross-examined by counsel on his behalf.

We annex hereto an affidavit deposed by our client as is required in terms of the Rules of the Commission and also setting out the basis for the request to participate in the proceedings.

We wish to record that we received the Notice in terms of Rule 3.3 of the Commission's Rules, relating to Mr Jonas, on Friday the 10<sup>th</sup> of August 2018 by email. The Notice was formally served at our offices on Monday the 13<sup>th</sup> of August 2018. The Notice was incomplete, neither the complete affidavit nor the attachments were received. The complete bundle of documents were only received in the evening of 21<sup>st</sup> of August 2018.

The Commission's legal team failed to provide us with a Notice in terms of Rule 3.3 regarding Ms Mentor, notwithstanding her implicating our client in her evidence. We do not understand why we were not notified in terms of the rules, but include an application to cross-examine her nevertheless.

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We therefore request the Commission to consider our request to participate in the proceedings. Should you require a formal application in the above regard and/or oral address to the Commission, we will gladly comply with any such request.

In the event that the Commission consider our request favourably, we request you to approach us in order to arrange a suitable date for the recalling of Mr Jonas and Ms Mentor in order to proceed with cross-examination.

Yours sincerely



STOCKENSTRÖM FOUCHÉ INC.

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

---

**AFFIDAVIT: FANA HLONGWANE**

---

I, the undersigned

**FANA HLONGWANE**

do hereby state under oath as follows:

1.

1.1. I am an adult male presently residing at 111 4<sup>th</sup> Road, Hyde Park,  
Johannesburg, Gauteng.

1.2. The facts herein contained fall within my personal knowledge, unless  
otherwise indicated or appearing from the context, and are true and  
correct.



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- 2 -

**A. INTRODUCTION:**

**2.**

I have been notified in terms of Rule 3.3 of the Rules of the Commission that the Commission's legal team intends to present the evidence of Mr Mosbisi Hubert Jonas during the proceedings and further that his evidence implicates me or may implicate me.

2.1. I have been informed further that I may attend the proceedings and that I may be assisted by legal representation when the witness gives evidence. I have also been notified that I may then decide to give evidence myself, call any witness to give evidence or cross-examine the witness (Mr Jonas). It has, however, been stated that should I wish to participate in the manner aforesaid, I have to apply in writing to the Commission for leave to do so. Such an application has to be accompanied by a statement from me in response to the allegations of Mr Jonas in his statement.

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- 3 -

2.2. In the event that the Chairman of the Commission, in the exercise of his discretion deems it necessary to hear my oral evidence in the above regard I will gladly adhere to such request.

3.

The evidence of Mr Jonas on the 24<sup>th</sup> of August 2018 before the Commission confirmed my concerns and finally persuaded me that it is necessary to request the opportunity to participate in the proceedings and cross-examine Mr Jonas. I base my request on the following:

- 3.1 The untrue allegations by Mr Jonas have very serious and detrimental consequences for me. It will not only further impugn my reputation and dignity but will also have a very detrimental effect on my fundamental rights as provided for in our Constitution.
- 3.2 I also deem it my duty as a citizen of the Republic of South Africa to assist this Commission to establish the true facts relating to issues of national interest that are being investigated.

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4.

It is clear that the only way to discover the truth is to have the evidence of Mr Jonas tested by counsel properly instructed by client(s) who has/have personal knowledge of the factual allegations testified to by the relevant witness(es). There is clearly no more efficient way to test the reliability of the allegations by Mr Jonas.

5.

My concern is that if the untested allegations of Mr Jonas are accepted, my fundamental rights will be further undermined without me ever having had the opportunity to defend myself. I am advised in this regard that it will affect my right to be heard which is a basic pillar of my right to fair proceedings.

6.

I have to inform the Commission that this is not the first time that individuals implicate me by making false allegations against me. In this regard I can refer this Commission to the Commission relating to the investigation of the Strategic Defence Procurement Packages that was

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- 5 -

concluded during approximately 2016. I was also falsely implicated by serious allegations of unlawful conduct. It was probably because of my participation in the proceedings and cross-examination of witnesses who made these false allegations by my legal team that they were exposed as such. I can inform the Commission that my participation contributed to a conclusion by the Commission that there was no substance to these false allegations.

7.

I have decided to instruct my legal representatives to attend the proceedings and to apply to the Commission to indeed cross-examine Mr Jonas and Ms Mentor.

8.

I therefore provide the Commission with this statement in order to identify the material disputes and the grounds for such disputes between my version and the allegations put forward by Mr Jonas and Ms Mentor in their evidence.

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- 6 -

**E. RELATIONSHIP WITH MR JONAS AND MEETING OF 23<sup>rd</sup>**  
**OCTOBER 2015:**

9.

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

10.

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

11.

During October 2015 I had been made aware by Mr Duduzane Zuma that Mr Jonas had made allegations to the effect that I was blackmailing him. These allegations seemed incredible and completely at odds with our relationship and the true facts. In view of our relationship I was very perturbed by the allegations and decided to address the issue. I therefore

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- 7 -

asked Mr Duduzane Zuma to urgently convene a meeting between the three of us.

12.

The reason why I requested Mr Duduzane Zuma to arrange the meeting was the fact that he had knowledge of the allegations allegedly made by Mr Jonas. I wanted him to be present during the meeting in order to provide the necessary detail should that be necessary.

13.

I was subsequently informed by Mr Duduzane Zuma that he convened a meeting at the Rosebank Hyatt on that day. Prior to my arrival I decided that because of the private nature of the discussions and possible confrontation that the Hyatt may not be a suitable venue due to the fact that it was not private. I therefore called Mr Duduzane Zuma and also spoke to Mr Jonas. I proposed to them that we move the meeting to a more private venue. Mr Duduzane Zuma informed me that he has a venue available in the vicinity. I was provided with the address and arranged to meet them there in a couple of minutes.

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- 8 -

14.

During the discussions that followed Mr Jonas denied that he made any allegation to the effect that I blackmailed him. It was only myself, Mr Duduzane Zuma and Mr Jonas involved in the discussion.

15.

I deny that Mr Ajay Gupta was present at that meeting or that any member of the Gupta family ever participated in the discussion between ourselves. In this regard I can state that I had not met Mr Ajay Gupta at that stage.

16.

I may mention that a member of the Gupta family did enter the room briefly at some stage but immediately left. This was definitely not Mr Ajay Gupta. I don't know the identity of the person who briefly entered the room.

17.

I also categorically deny that anybody offered any governmental position to Mr Jonas during those discussions and in my presence.





- 9 -

18.

I therefore wish to emphasize that I dispute any of the allegations by Mr Jonas insofar as it is contradicted by what I have stated above.

19.

I understand that mention was made during the evidence of Mr Jonas about the fact that in a confirmatory affidavit that I signed on the 9<sup>th</sup> of February 2017 in certain civil proceedings between the Minister of Finance and various Respondents I stated that Mr Ajay Gupta was not present during the meeting with Mr Jonas held on the 25<sup>th</sup> of October 2017. As is evident from all the evidential material there was only one meeting between myself, Mr Duduzane Zuma and Mr Jonas. That meeting was on the 23<sup>rd</sup> of October 2015. The reference to the 25<sup>th</sup> of October 2017 is clearly a typographical mistake.

20.

I have now taken notice of the fact that a witness (Ms Vytjie Mentor) before the Commission apparently implicated me in further allegations of alleged

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State capture. I have to inform the Commission that I was not made aware, prior to her testimony, by the legal team of the Commission that evidence was to be led that implicated me or may implicate me.

21.

I wish to categorically deny all these allegations made by the mentioned witnesses insofar as it relates to me and wish to inform the Commission that I will be able to demonstrate that through cross-examination.

22.

I therefore request the Honourable Commission to allow my participation in the process and to indeed allow my legal representatives to cross-examine Mr Jonas and Ms Mentor in order to test the veracity and reliability of their versions insofar as it differs from mine.

F. Hongwane

DEPONENT

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- 11 -

SIGNED and SWORN to at PRETORIA on this 27 day of AUGUST 2018 by the Deponent who stated that:

1. He knows and understands the contents of the declaration; and
2. He has no objection to taking the prescribed oath; and
3. He considers the prescribed oath as binding on his conscience;

And Government Notice Regulation 1288 as amended by the Government Notice Regulation 1048, Government Notice Regulation 1428 and Government Notice Regulation 779 was fully complied with.

  
COMMISSIONER OF OATHS

FULL NAMES:  
BUSINESS ADDRESS:  
AREA:  
DESIGNATION:

GERHARD P. SWART  
PROFESSIONAL LAND SURVEYORS PLA 1218  
COMMISSIONER OF OATHS  
No. 8 VILIA AMANDIA  
828 GIOVANNETTI STREET  
NIEUW-MICKLEBURG 0181  
TEL: 085 841 2278

9/11

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**STOCKENSTRÖM  
FOUCHÉ INC.**

Prokureurs & Aktevervaardigers / Attorneys & Conveyancers

68  
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Fax: 086 631 4883  
Email: [sfinclaw@gmail.com](mailto:sfinclaw@gmail.com)  
Reg No: 2007/015371/21

**THE SECRETARY  
JUDICIAL COMMISSION OF INQUIRY  
INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD**

**31 AUGUST 2018**

**BY EMAIL**

Our ref: C Stockenström

Dear Sir/Ms;

**RE: JUDICIAL COMMISSION OF ENQUIRY INTO ALLEGATIONS OF STATE  
CAPTURE, CORRUPTION AND FRAUD – APPLICATION FOR CROSS-EXAMINATION  
OF MS MENTOR – SUPPLEMENTARY AFFIDAVIT**

We refer to our previous correspondence and application to cross-examine Ms Mentor.

We attach hereto the supplementary affidavit of our client.

Yours sincerely.

**STOCKENSTRÖM FOUCHÉ INC.**

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

---

**SUPPLEMENTARY AFFIDAVIT: FANA HLONGWANE**

---

I, the undersigned

**FANA HLONGWANE**

do hereby state under oath as follows:

1.

1.1. I am an adult male presently residing at 111 4<sup>th</sup> Road, Hyde Park,  
Johannesburg, Gauteng.

1.2. The facts herein contained fall within my personal knowledge, unless  
otherwise indicated or appearing from the context, and are true and  
correct.

*[Handwritten signature]*

- 2 -

2.

I have already deposed to an affidavit relating to my request to be allowed to cross-examine 2 witnesses, Mr Jonas and Ms Mentor, who already testified.

3.

At the time when I filed my initial affidavit, I did not have sufficient facts and/or information relating to allegations by Ms Mentor to my disposal. The reason was the fact that I was not informed, prior to Ms Mentor's evidence, that I would be implicated or may be implicated by her evidence and I was not furnished with a copy of her statement and/or other relevant documentation.

4.

I have now been able to obtain the necessary information and I wish to supplement my initial affidavit by explaining my position and also to motivate my request to be allowed to cross-examine Ms Mentor. The gist of the allegations made by Ms Mentor during her evidence appears to be the allegation that she was introduced to me whilst aboard a flight from

*[Handwritten signature]*

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- 3 -

South Africa to Dubai during 2010 by Mr Duduzane Zuma. She further mentioned that I was introduced to her as his (Duduzane Zuma's) chairman and that she assumed that the reference to chairman was meant in a business sense.

5.

The implied allegation and/or innuendo of Ms Mentor's evidence is very significant. It is to the effect that the Gupta brothers and/or at least one of them were Duduzane Zuma's partner/partners and that I was the chairman of their business;

5.1 It suggests that I had a long business involvement with Mr Duduzane Zuma and the Gupta brothers, I did not have a business relationship, with them, then and I do not have it now.

5.2 I was not part of any official South African delegation, or any other delegation, to visit the Peoples Republic of China in 2010. I did not visit the Peoples Republic of China in 2010.

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*[Handwritten signature]*

- 4 -

- 5.3 I wish to state that I was not on the flight from Johannesburg to Dubai during August 2010 with Ms Mentor or Mr Duduzani Zuma as alleged.
- 5.4 There seems to be an agenda, which is problematic for me, to drag me into the State Capture narrative that I have nothing to do with.
- 5.5 I had not met any of the Gupta brothers or any member of their family in 2010

6.

I will be able, through cross-examination, to illustrate the truthfulness and correctness of my version. I deem it necessary to clear my name.

7.

I respectfully submit that apart from the fact that my involvement in the proceedings in this regard will not only be material to clear my own name but it will also be important to assist the Commission to eventually establish the truth and evaluate the evidence before the Commission.



DEPONENT

31<sup>ST</sup>

- And Government Notice Regulation 1258 as amended by the Government Notice Regulation 1648, Government Notice Regulation 1428 and Government Notice Regulation 773 was fully complied with.

  
COMMISSIONER

**DAVID BOTHA BEKKER**  
**COMMISSIONER OF OATHS**  
**FSF LAW CHAMBERS**  
 Cnr Brooklyn Road and Brooks Street  
 Menlo Park • Pretoria  
 Practising Attorney R.S.A.

FP

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

**HELD AT: PARKTOWN, JOHANNESBURG**

In the matter between:

**MAJOR GENERAL ZINTLE LUTRICIA**

**APPLICANT**

And

**MINISTER MCEBISI JONAS**

**1<sup>ST</sup> RESPONDENT**

**THE COMMISSION OF INQUIRY**

**2<sup>ND</sup> RESPONDENT**

---

**NOTICE OF MOTION**

---

**BE PLEASED TO TAKE NOTICE** that the applicant intends to make an application to the above Honourable Commission of Inquiry on the 24<sup>th</sup> August 2018 at 10h00 or soon thereafter as Counsel for the Applicant may be heard for relief in the following terms,

1. That the Applicant be granted relief to;

(a) Giving evidence on his own account

(b) Call any witness to give evidence on his behalf

75<sup>5</sup>

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

---

**REPLYING AFFIDAVIT**

---

I, the undersigned,

**ZINTLE LUTRICIA MNONOPI**

States the following under oath

1.

I am a Major General in the South African Police Service stationed at the Directorate for Priority Crime Investigation and attached to the component: Serious Corruption Investigation in Silverton, Pretoria.

2.

The purpose of this statement is in response of a notice in terms of rule 3.3 of the rule of the Judicial Commission, Fraud in the Public Sector including Organs of State ("the Commission").

3.

The said notice incorporates an unsworn statement by the Honourable Mr Mcebisi Hubert Jonas, which purports that I have sought to "dissuade" him from making a formal statement to the Hawks regarding an offer of a cabinet position as Minister of Finance from the Gupta Family during 2015, and or that I that I prepared a statement for Mr Jonas to sign which was inconsistent with the facts of his press statement of 16<sup>th</sup> March 2016.

4.

I have also intensively read these assertions levelled against me and as a point of departure, I wish to state that I deny the allegations specifically set out in paragraph 3.1 and 3.2 of the Notice by the Commission and all the facts deposed hereto, are to the best of my knowledge and belief true and correct.

Z.L.M

5.

**AD PARAGRAPH 51 THEREOF**

Save to admit that there was an article in the Sunday Times about Mr Jonas' allegations of the Gupta family's offer to him of Minister of Finance Portfolio; I have no knowledge of the rest of the allegations.

6.

**AD PARAGRAPH 52 THEREOF**

I have no knowledge of these allegations and therefore not in a position to respond thereto.

7.

**AD PARAGRAPH 53 THEREOF**

53.1 Save to admit that I indeed approached Mr Jonas, I humbly submit that this was as a result of duly executing my duties to investigate this matter as a matter of National interest and security.

53.2 I deny that I subsequently and initially approached Mr Jonas on the 20<sup>th</sup> June 2016. I, in fact started to call Mr Jonas on the 11<sup>th</sup> April 2016 at 15h02 to request him to tender a sworn statement as a consequence of his media statement and pending cases culminating from the complaints laid by Mr Bloem and Mr Marier.

53.3 I hereby humbly attach hereto, my call records with himself, his Professional Assistant (PA) and his office landline as

"Annexure JA".

Reference is also made to my text messages of the 21<sup>st</sup> April 2016, 9<sup>th</sup> May 2016 and 23<sup>rd</sup> May 2016, attached hereto as "Annexure JB" 1,2 and 3. However, all my efforts went unheeded by the Honourable Mr Jonas.

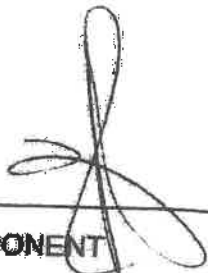
D.L.M

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9.


**CLOSURE**

I further confirm that this particular matter is already and currently before the Johannesburg Specialised Commercial Crime Court Unit.

  
\_\_\_\_\_  
DEPONENT

THUS SWORN AND SIGNED BEFORE ME AT..... ON THIS DAY  
THE..... OF .....2018.

THE DEPONENT HAVING ACKNOWLEDGED THAT SHE KNOWS AND  
UNDERSTANDS THE CONTENT OF THIS AFFIDAVIT AND HAS NO OBJECTION  
IN TRACKING THE PRESCRIBED OATH AND CONSIDERS THE OATH TO BE  
ON HER CONSCIENCE.

  
\_\_\_\_\_  
COMMISSIONER OF OATH

Unathi Teleni  
Commissioner of Oaths  
Practising Attorney RSA  
Office 203, Shefanel House  
339 Prince George ave, Braamfontein 2011

FULL NAMES \_\_\_\_\_

DESIGNATION/CAPACITY \_\_\_\_\_

# APRIL 2016

78  
Annexure JA



vodacom

## Itemised billing

Computer generated

BIGADIER BIGADIER BIGADIER B68

ACCOUNT NUMBER: N5303061-0

CELLPHONE NUMBER: 0624419084

Date	Time	Duration	Number dialed	Charge
Calls - Category 1 (082 4419084)				
Outgoing Services				
02/04/2016	09:40:26	00:01:20	0851112299	0.00
03/04/2016	13:41:26	00:04:08	0850726526	0.00
10/04/2016	10:08:47	00:01:51	0850726526	0.00
10/04/2016	10:08:50	00:05:32	0850738526	0.00
10/04/2016	11:43:19	00:00:49	08500007277	0.00
10/04/2016	11:44:48	00:00:45	08500007277	0.00
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10/04/2016	11:54:44	00:14:02	08500007277	0.00
10/04/2016	12:31:12	00:06:28	0851118726	0.00
10/04/2016	13:14:19	00:02:20	0851118726	0.00
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10/04/2016	08:51:39	00:02:52	0850202122	0.00
10/04/2016	09:53:32	00:00:45	0850202122	0.00
10/04/2016	09:13:37	00:00:40	0850108894	0.00
20/04/2016	15:53:22	00:00:01	1023	0.00
20/04/2016	16:54:46	00:00:35	0851777732	0.00
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Sub total General Services				
				0.00
Vodacom to Other Mobile Network				
01/04/2016	11:09:45	00:00:38	27826662038	0.00
01/04/2016	12:02:05	00:00:21	0731941838	0.00
02/04/2016	08:36:42	00:00:00	27728146526	0.00
02/04/2016	14:01:52	00:00:24	27805026296	0.00
02/04/2016	15:57:26	00:01:08	27805026296	0.00
03/04/2016	16:53:34	00:00:08	0731941838	0.00
03/04/2016	19:00:20	00:04:34	0842088887	0.00
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04/04/2016	11:07:52	00:00:20	0731941838	0.00
04/04/2016	15:43:55	00:00:05	0731941838	0.00
05/04/2016	08:34:58	00:01:22	27741362272	0.00
06/04/2016	15:28:14	00:02:04	27788453773	0.00
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06/04/2016	16:43:42	00:00:03	27719822554	0.00
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79



vodacom

# Itemised billing

Computer generated

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BIGADIER BIGADIER BIGADIER BBB

ACCOUNT NUMBER: N8303061-0

REF: 0824419084

LINE NUMBER: 1

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80 "Annexure JB 1" 10

11:57

H 2G

## Compose

DM Jonas

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Good morning honorable DM, hope the DM is doing well. My apologies DM, I know you've got a very busy schedule. I'm Maj Gen Mnonopi, a Head of Serious Corruption Investigation in the DPCI. I wish to have a word with the DM as I'm investigating two cases where the DM is cited as a key witness. I tried to call the DM on numerous occasions with no success. Will appreciate a call from the DM so as to take the matter further. Hope to hear from the DM soon. With regards

Maj Gen Mnonopi.

21 Apr 2016

Good morning DM, hope the DM is doing well. Nat Head has indicated that you are available today, what time can we meet? My office is at Promat Building, give me a ring, I'll be waiting from you. Thank you so much

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81 " # " "Annexure JB 2"

Hindwe DM's PA

Good day Ms Mathucka, hope you're doing well. M sorry to bother, I would like to check the availability of DM, I'm Maj Gen Mmonopi from DPCL and wish to see the DM in connection with the case where he is cited as a key witness. Wish to hear from u soon. Regards  
04 May 2016

82 12  
"Annexure JB3"

Compose

10:45

DM Jonas

Corruption Investigation in the DPCI. I wish to have a word with the DM as I'm investigating two cases where the DM is cited as a key witness. I tried to call the DM on numerous occasions with no success. Will appreciate a call from the DM so as to take the matter further. Hope to hear from the DM soon. With regards  
Maj Gen Mnonopi.

21 Apr 2015

Good morning DM, hope the DM is doing well. Nat Head has indicated that you are available today, what time can we meet? My office is at Promat Building, give me a ring, I'll be waiting from you. Thank you so much DM.

23 May 2016



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**AFFIDAVIT**

---

I, the undersigned

**YOLISA MATAKATA**

do hereby make an oath and state as follows:

1.

I am a Lieutenant General in the South African Police Service (SAPS), employed as a Deputy National Head for the Directorate for Priority Crime Investigation situated at 1 Cresswell Road, Weavind Park, Silverton with office telephone number (012) 846 4019.

2.

I am authorised to make this statement and hereby state that the contents of this statement are true and correct; it also falls within my personal knowledge.

3.

I can recall being at in a meeting [not sure of the exact date and time] with Lt Gen Ntlemenza and Maj Gen Mnonopi. At the meeting, Maj Gen Mnonopi reported to Lt Gen Ntlemenza that she has been unsuccessful in obtaining a statement from the former Deputy Minister, Mr Mcebisi Jonas.

4.

Lt Gen Ntlemenza then called the former Deputy Minister twice in my presence. I recall that the former Deputy Minister indicating he could not submit the statement as he was not the complainant on the matter. Further, he did not open any case and was not a witness. Mr Jonas therefore was asking why the DPCI was looking for him. Lt Gen Ntlemenza explained to him that he is the witness to the matters reported to the DPCI, therefore his statement needed

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to be obtained. At both instances, Lt Gen Ntlemenza called the Deputy Minister and put him on speaker, hence I could hear the utterances.

5.

At the last conversation when Lt Gen Ntlemenza called Mr Jonas, myself, Maj Gen Mnonopi and Lt Gen Ntlemenza were in a meeting in Gen Ntlemenza's boardroom. Mr Jonas promised to come to the office in order for the affidavit to be obtained. Lt Gen Ntlemenza indicated that I - Lt Gen Matekata and Maj Gen Mnonopi will be waiting for him. Mr Jonas never came.

I know and understand the contents of this statement.

I have no objections to the taking of the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

 LT GENERAL  
Y MATAKATA

I certify that the deponent has acknowledged that she knows and understands the contents of the above statement which was sworn to before me and the deponent's signature was placed thereon in my presence.

At: Silverton Date: 2018/05/22 Time: 15:45

COMMISSIONER OF OATH:  Captain Thandeka Sonandu

FULL NAMES AND SURNAME: Thandeka Sonandu

BUSINESS ADDRESS: 1 Crosswell Road

Waverind Park Silverton

DESIGNATION: Captain

85 15  
"Annexure JD"

South African Police Service



Suid-Afrikaanse Polisie diens

Private Bag X1500, Silverton, 0127

Fax No: (012) 407-0403

My reference: Randburg CAS 196/03/2016

Enquiries: Major General Mnonozi

Tel: 082 4119084

E-mail: [MnonoziZintle@saps.gov.za](mailto:MnonoziZintle@saps.gov.za)

THE COMPONENT HEAD

SERIOUS CORRUPTION INVESTIGATION

DIRECTORATE FOR PRIORITY CRIME INVESTIGATION

HEAD OFFICE

The Speaker  
House of Assembly  
Parliament  
Cape Town  
8000

Honourable Ms. Baleka Mbete

RECEIVED BY:  
SITAM EDET  
Chief REGISTRAR  
OFFICE of THE SPEAK

ENQUIRY ON CONDUCT OF THE HONOURABLE MEMBER OF PARLIAMENT THE  
DEPUTY MINISTER OF FINANCE MR. MCEBISI JONAS RE- RANDBURG CAS  
196/03/2016

1. The office of the Directorate for Priority Crime Investigation (DPCI) at Serious Corruption Investigation Task Team wishes to confirm its involvement in the investigation of the above subject matter.
2. It is with this nexus that the Honourable member of the Parliament, Deputy Minister of Finance Mr. Mcebisi Jonas is cited as a pivotal witness to the matter that has an incumbent role to submit a statement. However, several efforts were made to obtain the statement but with no success. The investigation team is now on standstill to progress with the matter.
3. The identified non-co-operation is now leading the investigation team to believe that the Honourable Member of Parliament, as a witness to this matter is found to be deliberately distorting and willingly failing himself to withstand his responsibilities of both public and private citizenship in circumstances of these compliances.
4. It has been brought to the Honourable Deputy Minister's attention through a communique dated 06/03/2017 in carry of his secretary Ms. Lindiwe Matanda informing him to respond within (7) working days of which failing to do so without

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**ENQUIRY ON CONDUCT OF THE HONOURABLE MEMBER OF PARLIAMENT THE  
DEPUTY MINISTER OF FINANCE MR. MCEBISI JONAS RE- RANDBURG CAS  
196/03/2016**

any valid reason, the investigation team will be left with no choice but to report his conduct to the Speaker of the Parliament. No response has ever been received from the subject since, hence this communique to the Speaker seeking an intervention to compel the Deputy Minister to respect the rule of law and co-operate with the investigation on this matter.

5. This office will highly appreciate your consideration on this matter.

*F/28 atakata*  
NATIONAL HEAD: DIRECTORATE FOR PRIORITY CRIME INVESTIGATION  
BM NTLEMEZA

Date 2017/03/28

1739



87 17  
Annexure JE "

## SIWELA VINCENT ATTORNEYS

**Mr V. Siwela**

B.Proc, LL.B & Admin.

330 SHERPARD AND  
FREL BUILDING  
CIN PRINCE GEORGE  
AND VICTORIA  
2<sup>ND</sup> FLOOR, OFFICE 211  
BRAKPAN

(011) 045 0419

082 746 8843

086 654 9028

siwela@lawyer@yahoo.co

II

**Mabunda Incorporated**

**Attorneys at Law**

**2 Protea Road**

**Bedfordview**

**2008**

21/08/2018

Dear Sirs

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

The above matter and conversation with your Mr Mabunda at the above inquiry refers.

We act on behalf of the following members from the "Hawks".

1- Major General Mnonopi

2- Capt Mtolo

We confirm service of the Rule 3.3 notice of the Commission rules on both our clients.

However upon perusal of the former Deputy Minister's Mr.M.H. Jonas' statement, we noted that " ANNEXURE A" thereof was not served on our clients.

Kindly furnish us with the said statement so we may be in a position to consult and file our replying documents with the Commission.

Yours Faithfully

  
Per: V. Siwela

1740



## SIWELA VINCENT ATTORNEYS

**Mr V. Siwela**

B.Proc., LL.B & Admin.

839 SHERPARD AND FREEL  
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FLOOR, OFFICE 211  
RAN

(011) 045 0439

082 746 8843

086 645 9026

MABUNDA INCORPORATED  
2 Protea Road, Corner Riley,  
Bedfordview, 2008  
PO BOX 61238 Marshalltown 2107  
DOCEX 424, JHB

22/08/2018

Attention: Mr P.B Mabunda

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

Dear Mr Mabunda

We note your correspondence via e-mail sent to ourselves at 20h00 on the 22 August 2018.

We refer you to our telephonic conversation made at 14h34 on the 22 August 2018.

We further note as per the conversation made above, we duly requested that you kindly furnish us with Annexure "A" as per paragraph 55 on Mr Jonas's Statement A.

We duly note that Mr Jonas's evidence will be led on Friday 24<sup>th</sup> August 2018.

We kindly urge you to furnish us with the document mentioned herein, at your earliest convenience.

We trust you will find the above in order, and we await your most fervent response.

Yours faithfully

  
MR V. SIWELA

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"Annexure JF"



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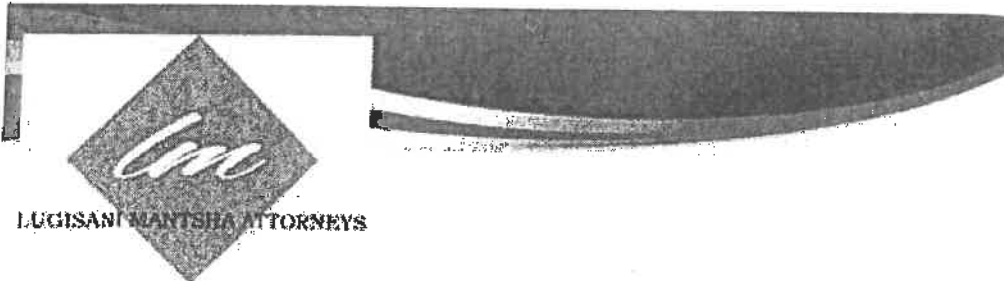
**Busani Mabunda**

**From:** Lugisani Mantsha Attorneys <info@lugisanimantshaattorneys.co.za>  
**Sent:** Friday, 31 August 2018 16:16  
**To:** Busani Mabunda  
**Subject:** JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE: MR JACOB G ZUMA  
**Attachments:** Letter to the Commission on State Capture.docx  
**Importance:** High

Dear Sir,

Attached please find a letter for your urgent attention.

Regards  
Yvonne



✉ info@lugisanimantshaattorneys.co.za ☎ 011 761 0099 🌐 www.lugisanimantshaattorneys.co.za

📍 410 Jan Smuts Ave Brixton Island Office Park Block 6

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LUGISANI MANTSHA ATTORNEYS

First floor | Burnside Island | Block 6 | 410 Jan Smuts Ave | Craighall | Johannesburg  
Tel: 011 781 0099 | Fax: 011 781 0526 | e-mail: [info@lugisanimantshaattorneys.co.za](mailto:info@lugisanimantshaattorneys.co.za) |  
Box 1127 | Randburg | 2125

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Our Ref: Mr L D Mantsha LM0257/18/C

Attention: The Secretary of the Commission

C/O MABUNDA INC

The Attorneys of record for the Commission

Per email: [busani@mabundainc.com](mailto:busani@mabundainc.com)

Date: 31 August 2018

**"PRIVATE AND CONFIDENTIAL"**

**"URGENT"**

Dear Sir,

**RE: JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE  
CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR  
INCLUDING ORGANS OF STATE: MR. JACOB G ZUMA**

1. We act on behalf of the former President Jacob Gedleyihlekisa Zuma ("former President Zuma") in the proceedings of the Judicial Commission of Inquiry into

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Allegations of State Capture, Corruption and Fraud in the Public Sector including  
Organs of State ("the Commission").

2. We specifically refer to the General Notices issued by the Commission to former President Zuma in terms of rule 3.3 of the Rules of Proceedings of the Commission ("the Notices"), all of which were issued on the basis that the contents of the statements attached thereto do or may implicate former President Zuma.
3. The Notices are in respect Ms Mabel Petronella Mentor ("Ms Mentor"), Mr Themba Mveli James Maseko ("Mr Maseko"), Ms Mirriam Phumla Williams ("Ms Williams") and Ms Barbara Hogan ("Ms Hogan"). The Notices were accompanied by statements of each of the above-mentioned persons.
4. We have consulted our client and have considered the said statements in order to determine whether they implicate or may implicate our client in the violation of the relevant statutes of the Republic of South Africa, being, *inter alia*, the Constitution of the Republic of South Africa, Act 108 of 1996 ("the Constitution"), Public Finance Management Act 1 of 1999 ("the PFMA"), Preferential Procurement Policy Framework Act 5 of 2000 "PPPFA"), Municipal Finance Management Act 56 of 2003, Prevention and Combating of Corrupt Activities Act 12 of 2004 ("PRECCA"), Prevention of Organised Crime Act 121 of 1998 ("POCA"), the Criminal Procedure Act 51 of 1977, relevant ethical codes, as well as relevant and applicable policies of government.

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5. We are unable at this stage to comment on the phenomenon or offence referred to as "state capture" whose elements and/or existence or otherwise remain the subject of investigation by the Commission.
6. We are satisfied that nothing in the aforementioned witnesses' statements implicates or may implicate our client in the infringement of the aforementioned statutes, policies of government and relevant ethical codes.
7. We express our sincere appreciation for the opportunity afforded to us and our client to exercise his rights in terms of the rules of the Commission.

Yours faithfully

Mr L.D Mantsha

Electronically sent and therefore not signed

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**Busani Mabunda**

**From:** Stiaan Krause <stiaan@bdk.co.za>  
**Sent:** Sunday, 02 September 2018 15:21  
**To:** Busani Mabunda; S'fiso Molongoana  
**Cc:** Rudi Krause  
**Subject:** Themba Maseko  
**Attachments:** Application to cross-examine - 2 September - T M J Maseko.pdf; Founding Affidavit - Maseko.pdf

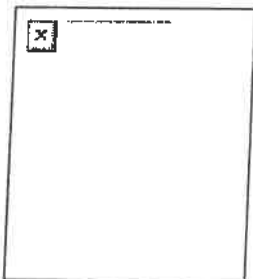
Sir,

Please find attached hereto the application by Mr A K Gupta in respect of the witness Mr T M J Maseko.

Kindly acknowledge receipt.

Kind regards,

Stiaan Krause



Stiaan Krause | Candidate Attorney | BDK ATTORNEYS

Tel: + 27 11 838 1214 | Fax: + 27 11 836 8740 | Cell: + 27 82 572 4550 | Email: [stiaan@bdk.co.za](mailto:stiaan@bdk.co.za) | Web: [www.bdk-attorneys.co.za](http://www.bdk-attorneys.co.za)

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

**AJAY KUMAR GUPTA**

*Applicant*

---

**NOTICE OF APPLICATION IN TERMS OF RULE 3.4 OF THE RULES OF THE**  
**COMMISSION**

---

**TAKE NOTICE THAT** the Applicant hereby makes application to the Commissioner for leave to cross-examine the witness Mr. Themba Mveli James Maseko in relation to the whole of the contents of his affidavit. The respects in which the witnesses' statement is disputed, denied and the grounds for the disputes and denials are self-evident from the annexed statement of Mr Ajay Kumar Gupta.

In considering this request to cross-examine the witness, the Commissioner is asked to consider the following:

1. The function of the Commission is to establish the truth in relation to the areas of inquiry referred to in the Terms of Reference.
2. Although the Commission's work is that of an enquiry and the process of the Commission is not the same as a civil or criminal trial it is nevertheless so that cross-examination has historically been shown to be the best mechanism for testing the reliability and veracity of evidence tendered by a witness.

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3. Without cross-examination, and more particularly adequate and effective cross-examination, of contentious evidence the Commission would be deprived of this essential tool for the testing of the reliability and veracity of evidence.
4. The statement of Mr Ajay Kumar Gupta raises clear disputes of fact underpinned by his own evidence and demonstrating the need to test the reliability of the witness that has given evidence before the Commission.
5. In addition to the request to cross-examine the witness it is strongly argued that the witness should not be consulted with on the contents of the sworn statement by Mr Ajay Kumar Gupta by the evidence leaders and that cross-examination should take place without the witness being recognised as this has the potential to enable the witness to adjust the witness' evidence in anticipation of cross-examination thus substantially weakening the power and effectiveness of the cross-examination.

**BE PLEASED TO FIND ANNEXED** the sworn statement of Mr Ajay Kumar Gupta, together with annexures, which supports this application to cross-examine.

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**DATED AT JOHANNESBURG** on this the 2<sup>nd</sup> day of September 2018.



---

***BDK ATTORNEYS***

David H Botha, Du Plessis & Kruger Incorporated

Applicant's Attorneys

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3 on 9<sup>th</sup> Street

Houghton Estate

P O Box 8013

Docex 243

Johannesburg

Tel: 011 838 1214

Fax: 011 836 8740

Ref: R. C. Krause/mv/Gupta

**TO: THE COMMISSION**  
The Secretary  
2<sup>nd</sup> Floor, Hillside House  
17 Empire Road

1749



97

Parktown

Johannesburg

C/o Mabunda Incorporated

2 Protea Road

Bedfordview

Tel no.: 011 450 2284

Facsimile: 011 450 1565

Email: [busani@mabundainc.co.za](mailto:busani@mabundainc.co.za)

Ref: Mr P. B. Mabunda

1450

STATEMENT – AJAY KUMAR GUPTA *in re* T M J MASEKO

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

---

**STATEMENT OF AJAY KUMAR GUPTA**

---

I, the undersigned,

**AJAY KUMAR GUPTA**

do hereby state as follows:-

- 1 I am an adult male and the facts contained in this statement fall within my own personal knowledge, save where otherwise indicated or stated, and are to the best of my belief both true and correct.
- 2 This statement is made in response to a notice in terms of Rule 3.3 of the Rules of the above Commission of Inquiry, more particularly in response to the allegations contained in paragraphs 3.1.1, 3.1.2 and 3.1.3, 3.2, (including 3.2.1 and 3.2.2) and 3.3 of the said notice.
- 3 It is alleged that in/or about September/October 2010, I received information about Government spending on advertising, which was not publicly available. I



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deny that I had such knowledge and deny that I mentioned any such figure to Mr Maseko.

- 4 It is simply not so that in my meeting with Mr Maseko I demanded that the entire Government advertising budget be re-directed to my soon-to-be established media company. I will also deal more fully therewith herein.
- 5 I deny that I claimed to be able to discipline any Government official who failed to carry out my demands. I will deal with this allegation more fully herein.
- 6 With regard to the allegations contained in paragraph 3.2, I deny that in November 2010, or ever at all, Mr Maseko refused to meet with me or that I claimed to have influence over his appointment and threatened that if he did not comply with my demands for a meeting, that he would be removed from office.
- 7 In addition, I deny that at the same time, in/or about November 2010, I or any persons acting on my behalf, harassed people within various Government departments, demanding to convene meetings and to obtain information about their advertising budgets. I will deal with this allegation more fully herein.
- 8 I categorically deny that I influenced or had the capability of influencing Mr Maseko's removal from his position as Chief Executive Officer of GCIS at the beginning of 2011.



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- 9 I believe that it is necessary to paint an initial background picture to the allegations made by Mr Maseko.
- 10 I was appointed to the Board of the International Marketing Council ("IMC") during 2006. This appointment was made by the Presidency. My appointment was during the Presidency of former President Mbeki. I knew Mr Maseko slightly before he became the head of the GCIS. I knew him when he became the head of the GCIS as he was then a member of the board of the IMC. However, at the time coincidentally when Mr Jacob Zuma became President, I had said to Mr Maseko that I wanted to resign from the IMC. The reason therefore was entirely unrelated to the issues before this Commission. Essentially I felt that my presence was not making any significant enough impact. Mr Maseko did not want me to resign. In fact he sent me an SMS-message at the time to this effect. He in fact requested me not to resign before he arranged a meeting for me with the Minister responsible for the GCIS, Mr Collins Chabane. At this meeting which did take place and which was arranged by Mr Maseko, both Minister Chabane and Mr Maseko encouraged me not to resign, and I did not. The only point that I make is that if I had the kind of influence that is being alleged by Mr Maseko over Ministers of State, I would have not needed Mr Maseko to have arranged a meeting with Minister Chabane to help resolve my issue. I would have been able to approach the Minister directly. It was however very kind of Mr Maseko to have arranged this meeting.
- 11 Mr Maseko speaks easily about the events of September/October 2010 and November 2010, and does so in the context of a reference to the Gupta family's plans to enter the media sector by establishing a newspaper and a television



Handwritten signature or initials.

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station. He also refers to a media company, which encompasses print media and a television station.

- 12 I did indeed make contact with Mr Maseko in relation to advertising in the New Age Newspaper, both by having a meeting with him and by making a telephone call to him. (I will deal with this later herein.) However, it is clear to me that Mr Maseko is entirely incorrect when he refers to my having referred to a media company or to a company which would be involved in print media and a television station. He is also incorrect when he suggests that in September/October 2010 there could have been "talks of the Gupta family's plans to enter the media sector by establishing a newspaper and a television station." At the time that we planned the launch of a newspaper (The New Age newspaper) which was in 2010. There was no thought given nor any plan to launch a television station.
- 13 The idea of launching a television station came about in August 2012. A shelf company which had been purchased had its name changed to Infinity Media Networks (Pty) Ltd on 14 December 2012. The building of the studio commenced in January 2013. The studio was completed at the end of July 2013 and the channel started broadcasting in August 2013. I note from Mr Maseko's *curriculum vitae* that his term of office at the GCIS ended in February 2011 which was a full year to a year and a half before the idea was even conceived of launching a television station. It is simply not possible for him to have heard talks or heard rumours of the Gupta family's plans to launch a television station nor could I in any meeting with him in 2010 or in any conversation in 2010 have spoken of a television station. Therefore at the time



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of any discussion, whether in September/October 2010 or November 2010 with Mr Maseko, there would simply not have been any discussion in relation to my launching or preparing to launch a media company, which included both print media and a television station.

- 14 To the extent therefore, and to a substantial extent or even to an all-encompassing extent, that he makes these accusations against me in the context of my plan or alleged plan to form a media company, which included a television station, he is simply fundamentally incorrect. His evidence places the issues about which he purports to give evidence against a set of background facts which have yet not come into being. There was no talk in 2010 of anything other than the launch of the newspaper. Therefore the entirety of his evidence, based as it is on a reference to a media company including a newspaper and a television station, cannot be reliable as the gravamen and the detail of his accusations are grounded on my plan for the establishment of a media company which included a newspaper and a television station. No such media company or enterprise including a television station was a reality or was even in my mind in 2010.
- 15 It is so that in September/October 2010 we were preparing for the proper launch of The New Age newspaper, which took place in December 2010. We had launched one edition of The New Age newspaper on 24 September 2010 (Heritage Day), but had some difficulties with staff, which prevented us from rolling out the newspaper until we were actually ready in December 2010.



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- 16 In preparation for the launch of a newspaper, one obviously had to look at potential advertisers. One such source of advertising was the GCIS. I did not know the basis upon which the decision-making by the GCIS was made as to how they utilised their budget. One did not know whether it was based on readership statistics, penetration into particular areas in terms of the distribution of any newspaper such as to Gauteng or Johannesburg or Sandton. One did not even know whether an assessment of the demographic reach of a newspaper was a consideration for the placement of advertising or not.
- 17 With regard to my call to Mr Maseko in September/October 2010 to arrange a meeting, it is so that I did call him to arrange a meeting, and we did meet at my residence in Saxonwold. The purpose of the meeting was to get clarity on the policies and practises of the GCIS in the awarding of such advertising. I called for the meeting because I wished to put the marketing people and those who canvassed for advertising business in the best position to understand how to canvass and acquire Government advertising which I thought came through the GCIS. Naturally the New Age employees also canvassed for non-Government advertising.
- 18 I know nothing of, and I was not involved in (in the event that it took place) any phone call made by (the then) President Jacob Zuma to Mr Maseko on the day he came to see me in Saxonwold. I have no knowledge of this at all.
- 19 As I have already stated, there was no thought of a media company, which would include a television station in 2010. Not at all. Therefore could not, and



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in fact did not, make any demand that the entire budget of Government spending on advertising in media platforms be transferred to my company at the meeting that took place at my home. There are different spheres of advertising that the Government engages in. One is in newspapers and the other is in television. There are many others, such as billboards and radio. We were planning the launch of a newspaper. I therefore had no ability to deliver, nor any need to request that the entire advertising budget of the GCIS be directed to "our newspaper company", as I did not have any plans to have anything other than a newspaper at that stage. It was not possible for the newspaper to service all spheres of Government advertising using Government's entire budget as Mr Maseko says I demanded. As I have said, I was merely investigating how best to understand the way that Government chose how to place its advertising so that the newspaper's staff could begin to take steps to obtain Government advertising. This is normal business.

- 20 It is so that Mr Maseko explained to me how the budget and procurement process worked, which is exactly what I needed to find out in order to legitimately source advertising work for the newspaper. I deny that I made the demands referred to in his statement, and in particular that I said that his job was to go and identify, collect and allocate all communication budget amounts in the various departments for our media company. Not only did I not make this demand at all but in addition there was only a newspaper company coming into existence and not the newspaper and television station company of which he speaks.



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- 21 I further deny any threat such as the one as contained in paragraph 28 was made by me. Such a threat or utterance did not take place.
- 22 The New Age newspaper was a newspaper quite singular in its nature, in the sense that it was a newspaper distributed through the whole of South Africa. It was a new newspaper and therefore had no statistics to be able to demonstrate the size of its readership. Accordingly the employees of the New Age newspaper were encouraged to find out, legitimately, everything that could be found out about how advertising business could best be obtained from the GCIS.
- 23 I do recall an occasion when one of the marketing people called me, I believe it was on a Friday, to tell me that he was having difficulty in obtaining an appointment with Mr Maseko for that following Monday. It was from The New Age newspaper's point of view important to obtain the kind of information necessary in order to be able to canvass advertising business by going directly to the source and by speaking to Mr Maseko about how the GCIS went about allocating advertisements and to canvass for the work. This may well have been at the end of November 2010 because the New Age newspaper was being launched in early December 2010.
- 24 I phoned Mr Maseko because I knew Mr Maseko from the IMC and because I had previously spoken to him. I phoned him and asked him if it was not possible for a meeting on the Monday for the New Age team. I felt that I could make this



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phone call as I had a very good relationship with Mr Maseko and felt that I could be of assistance to the New Age team.

- 25 Be that as it may, I was told by him that the New Age people should phone him on the Monday for an appointment. I believe I did ask whether the New Age team could see him on the Saturday, but he was not open to such a suggestion, and I left it at that. My recollection of that conversation was not one of acrimony or pushiness on my part at all nor that it ended unpleasantly.
- 26 With regard to the telephone call in November 2010, I deny that I told him that my people had told me that he was being difficult, or that I said that I would not tolerate any nonsense. I was simply trying to aid the New Age team to secure the appointment that they sought.
- 27 I deny that I gave Mr Maseko any cause to be offended in the manner that he describes in his statement, or that I was trying to bully him. I further deny that it lay within my capability, or that I in fact made any such threat, that I would speak to his seniors in Government who would sort him out and replace him with people who would cooperate with me. I further do not recall that the call ended abruptly.
- 28 With regard to the allegations of the New Age team approaching other departments, I am sure that the team tried to obtain advertising business for The New Age Newspaper, and that they were trying to get the business of GCIS or to ascertain how they could get the business of GCIS. This was a newspaper which was to make a profit, and obviously a great source of income for a



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newspaper is the advertising revenue. I certainly did not instruct anyone that Mr Maseko had given authorisation for Government departments to cooperate with The New Age newspaper. I have no doubt that he had not given any such authorisation, but equally I deny that the New Age personnel would have said that which he says other people told him in this regard. I would have expected that, had these events occurred, that there would have been some record of complaint in writing at government level to the Minister, of a contemporaneous nature, or even some letter of complaint that would have been written to me or to the newspaper. It is quite puzzling that these alleged threats or alleged unjustified behaviour by The New Age Newspaper was never notified to higher authorities by Mr Maseko at the time that there no doubt should have been if that occurred. I was also never contacted by telephone or otherwise by Mr Maseko in this regard and I believe that we must have met from time to time during the period in respect of which he is making these complaints in the ordinary course of our business lives.

- 29 With regard to Mr Maseko's exit from public service, I simply had nothing to do with it, do not know the circumstances under which he came to exit and categorically deny that it was due to any of my doing that Mr Maseko left Government. I deny that I phoned him on the afternoon of his dismissal from the GCIS/Government spokesperson post. I did however phone him very soon after he was made the Director-General of the Department of Public Service and Administration to congratulate him on his appointment, but my call went unanswered.

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- 30 I have however caused to be done an internet search in relation to a statement made by the then Minister Collins Chabane in relation to the movement of Mr Maseko, which I annex hereto marked "AG1".
- 31 In addition I have caused an internet search to be done, which reveals a News24 article in relation to Mr Maseko resigning from his position as the Director-General of Public Service and Administration. The article is self-explanatory and reveals no rancour, disappointment or accusation. It is annexed and marked "AG2".
- 32 As stated, I had nothing to do with his resignation or any development in his career.

**THUS DONE AND SIGNED** at DUBAI, UNITED ARAB EMIRATES, on this the 2<sup>nd</sup> day of September 2018.



**AJAY KUMAR GUPTA**

I certify that this affidavit was signed and sworn to before me at DUBAI, UNITED ARAB EMIRATES, on this the 2<sup>nd</sup> day of September 2018 by the deponent who acknowledged that he knows and understands the contents of this affidavit.



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objection to taking this oath, considers this oath to be binding on his conscience and uttered the following words: 'I swear that the contents of this affidavit are both true and correct, so help me God.'



COMMISSIONER OF OATHS

Name:

Address: ENOCH MATHAMBOLE  
(Vice Consul Administration)

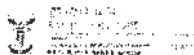
Capacity

SOUTH AFRICAN CONSULATE GENERAL  
Khalid Bin Al Waleed Rd  
New Sharaf Bldg. 3rd. Floor  
BUR - DUBAI - U.A.E.

Commissioner of Oath  
South African Consulate General  
Dubai, United Arab Emirates  
Date: 17 SEP 2010  
DUBAI



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## Statement by Minister Chabane on the movement of directors-general

2 February 2011

Minister in The Presidency, Collins Chabane is pleased to announce the movement between departments of Directors-General Mr Jimmy Manyi and Mr Themba Maseko.

Mr Themba Maseko will join the Department of Public Service and Administration as Director General from the Government Communication and Information System (GCIS) and Cabinet Spokesperson.

Mr Jimmy Manyi who is currently the Director-General of the Department of Labour, will take over from Mr Themba Maseko as Chief Executive Officer of GCIS and Cabinet Spokesperson with immediate effect.

Both Mr Maseko and Mr Manyi brings with them the wealth of experience and expertise from both the public and the private sector which will assist them in executing their duties. Mr Maseko requested to be moved within government following his four year tenure in GCIS and Cabinet Spokesperson.

Minister Chabane would like to, on behalf of President Jacob Zuma, Cabinet and government, thank Mr Maseko for his sterling contribution to the government communication system over the years and wish him well as DG of DPISA.

Minister Chabane would also like to welcome Mr Manyi as Cabinet spokesperson and wish him well as the CEO of GCIS.

### Enquiries:

Harold Maloka

Spokesperson for the Minister for Performance Monitoring and Evaluation as well as Administration

Cell: 082 847 9799

E-mail: [harold@pm.gov.za](mailto:harold@pm.gov.za) or [Maloka.harold@gmail.com](mailto:Maloka.harold@gmail.com)

Issued by: The Ministry for Performance Monitoring and Evaluation in The Presidency

[Media statements](#)

Year: 2011

Media Statement date:

Wednesday, February 2, 2011

printer-friendly version



## Maseko quits just 6 months into job

2011-07-22 12:12

Johannesburg - Themba Maseko has resigned as the public service and administration director general after serving just six months on the job, the ministry said on Thursday.

He had asked to be released from his contract early, it said in a statement. His contract was to have ended at the end of June next year.

Maseko started working for the ministry in February this year after stepping down as the CEO for the government communication and information system. Jimmy Manyi replaced him there.

In a letter asking to be released, Maseko said he believed he had served to the best of his ability in the past 16 years.

"I take the opportunity to thank the South African government for having given me the opportunity to serve," he wrote.

"In leaving the service, I am confident that with the pool of talent in the country, there are other South Africans who will be available to step in to make their own contributions. I look forward to spend quality time with my family."

Public Service Minister Richard Baloyi had accepted his resignation, the ministry said. Maseko's last day of service would be on Friday.

Deputy director general Kenny Govender would replace him in an acting capacity.

In addition to working for public works and the GCIS, Maseko has worked as an MP and as the head of the Gauteng department of education.

### Comments

Badger - 2011-07-22 12:20

Wonder what is the real reason for leaving?

Eric West - 2011-07-22 12:23

I always find the "I want to spend more time with my family" excuse highly suspicious. Maybe he wants to become a tenderpreneur?

gizzy - 2011-07-22 12:33

A nice fat golden handshake!

Toohotdurban - 2011-07-22 12:39



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**Busani Mabunda**

---

**From:** Stiaan Krause <stiaan@bdk.co.za>  
**Sent:** Sunday, 02 September 2018 15:25  
**To:** Busani Mabunda; S'fiso Molongoana  
**Cc:** Rudi Krause  
**Subject:** Vytjie Mentor  
**Attachments:** Application to cross-examine - 2 September 2018 - M P Mentor.pdf; Founding Affidavit - Mentor.pdf

Sir,

Please find attached hereto the application by Mr A K Gupta in respect of the witness Ms M P Mentor.

I kindly acknowledge receipt.

Kind regards,

Stiaan Krause



Stiaan Krause | Candidate Attorney | BDK ATTORNEYS

Cell: +27 11 838 1214 | Fax: +27 11 836 8740 | Cell: +27 82 572 4550 | Email: [stiaan@bdk.co.za](mailto:stiaan@bdk.co.za) | Web: [www.bdk-attorneys.co.za](http://www.bdk-attorneys.co.za)

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

**AJAY KUMAR GUPTA**

*Applicant*

---

**NOTICE OF APPLICATION IN TERMS OF RULE 3.4 OF THE RULES OF THE**  
**COMMISSION**

---

**TAKE NOTICE THAT** the Applicant hereby makes application to the Commissioner for leave to cross-examine the witness Ms. Mabel Patronella ("Vytjie") Mentor in relation the whole of the contents of her affidavit. The respects in which the witnesses' statement is disputed, denied and the grounds for the disputes and denials are self-evident from the annexed statement of Mr Ajay Kumar Gupta.

In considering this request to cross-examine the witness, the Commissioner is asked to consider the following:

1. The function of the Commission is to establish the truth in relation to the areas of inquiry referred to in the Terms of Reference.
2. Although the Commission's work is that of an enquiry and the process of the Commission is not the same as a civil or criminal trial it is nevertheless so that cross-examination has historically been shown to be the best mechanism for testing the reliability and veracity of evidence tendered by a witness.

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- 114
3. Without cross-examination, and more particularly adequate and effective cross-examination, of contentious evidence the Commission would be deprived of this essential tool for the testing of the reliability and veracity of evidence.
  4. The statement of Mr Ajay Kumar Gupta raises clear disputes of fact underpinned by his own evidence and demonstrating the need to test the reliability of the witness that has given evidence before the Commission.
  5. In addition to the request to cross-examine the witness it is strongly argued that the witness should not be consulted with on the contents of the sworn statement by Mr Ajay Kumar Gupta by the evidence leaders and that cross-examination should take place without the witness being recognised as this has the potential to enable the witness to adjust the witness' evidence in anticipation of cross-examination thus substantially weakening the power and effectiveness of the cross-examination.

**BE PLEASED TO FIND ANNEXED** the sworn statement of Mr Ajay Kumar Gupta, together with annexures, which supports this application to cross-examine.

**DATED AT JOHANNESBURG** on this the 2<sup>nd</sup> day of September 2018.

~~33~~

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---

**BDK ATTORNEYS**

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Ref: R. C. Krause/mv/Gupta

**TO: THE COMMISSION**  
The Secretary  
2<sup>nd</sup> Floor, Hillside House  
17 Empire Road  
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~~34~~

116

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Email: [busani@mabundainc.co.za](mailto:busani@mabundainc.co.za)

Ref: Mr P. B. Mabunda

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STATEMENT - A K GUPTA in re M P Mentor

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

---

**STATEMENT OF MR AJAY KUMAR GUPTA**

---

I, the undersigned,

**AJAY KUMAR GUPTA**

do hereby state as follows:-

- 1 I am an adult male, and the facts contained in this statement fall within my own personal knowledge, save where otherwise indicated or stated, and are to the best of my belief both true and correct.
- 2 This statement is made in response to a notice in terms of Rule 3.3 of the Rules of the above Commission of Inquiry, and in particular in response to the statement of Ms Mabel Patronella ("Vytjie") Mentor in so far as that statement is alleged to implicate me in the respects set out in paragraphs 3.1, 3.2 and 3.3 of the said notice.
- 3 As will be seen from the contents of this statement, there are very substantial disputes of fact between that which I have to say in response to the contents of Ms Mentor's statement(s) and her statement(s).



- 4 Naturally in this statement I comment on only those aspects which relate to me and/or to my brothers, Atul Gupta and Rajesh Gupta.
- 5 In this regard the statement of Ms Mentor appears to cover, broadly speaking, a number or tranches of allegations, assertions or conclusions. These are as follows:-
- 5.1 certain alleged occurrences on the flight to China;
- 5.2 certain alleged occurrences relating to the registration processes at the venue of the Presidential State Visit to China;
- 5.3 the allegation of Ms Mentor being phoned from the lobby/reception of her hotel room by "a Gupta" and being told that they will take her to see President Zuma; and
- 5.4 the allegation that Ms Mentor was told to meet former President Zuma ("the President") in Johannesburg on a certain day; that my two brothers picked her up at the airport and took her first to the premises of Sahara Computers and thereafter to our Saxonwold home, at both of which venues she met with myself and had certain discussions with me; further that the President was, at a stage, present at my Saxonwold home at the time of the latter meeting.
- 5.5 I am also asked to answer to the allegation that at the meeting at Saxonwold I offered Ms Mentor the position of Minister of Public



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Enterprises; that I had influence over the appointment of the national executive; and that I had knowledge of the upcoming cabinet reshuffle in 2010.

6 I deal with each of these issues herein.

# OCCURRENCES ON THE FLIGHT TO CHINA

7 It is so that I, together with my brother Rajesh Gupta, attended the events forming part of the Presidential State Visit to China in August 2010. We did so, together with other delegates from our group of companies.

8 Duduzane Zuma was also there on behalf of his company, Mabangela.

9 My team's business meetings were arranged by the consulting company Cadiz and were not part of the formal State Visit programme.

10 We left South Africa on 22 August 2010 and arrived in Beijing, China, on 23 August 2010. The State President's visit was, as usual, accompanied by a number of South African Ministers, as well as many South African businessmen representing their various business interests. This is a normal occurrence on such State visits, as one of the aims of such visits is to develop and foster bilateral business relationships between the two countries involved. This trip was no different in that regard from other Presidential visits to other countries of this nature. To the best of my knowledge, this State Visit, all others was



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organised and managed by the Department of Trade and Industry and the Department of International Relations and Cooperation.

- 11 According to the programme contained in the evidence pack provided by the evidence leaders, the proceedings of the President's visit to China were set to take place from 24 to 26 August 2010, with the President to open the business seminar at 10h00 and the State Banquet to take place later that day at 18h30. We arrived on an Emirates flight from Johannesburg via Dubai on 23 August 2010, i.e. the day before the proceedings were set to start.
- 12 Ms Mentor appears to allege that she arrived on the first day of the State Visit (24 August 2010) when the opening ceremony proceedings had begun. If this is so, then she was not on the same flight as us, as we arrived the day before (23 August 2010). If she was on the same flight as us then her purported recollection of the occurrences of the day that she arrived makes no sense at all. In fact, her description of the occurrences of the day cannot be true.
- 13 Turning to the alleged introduction by Mr Duduzane Zuma, and if she was on the same flight as us (which appears doubtful now), it is not so that I was introduced or present during the alleged introduction by Duduzane Zuma of my brother Rajesh. I note that Ms Mentor speaks of Rajesh Gupta being accompanied by "another Indian man". Insofar as this is suggested to have been me, I can assure the reader hereof that there was no such introduction involving myself. I am sure that there was no introduction involving my brother, as he would have told me of any significant occurrence on that day.





- 14 I note that before the Public Protector, Ms Mentor referred to the fact that Duduzane Zuma wore his hair in the style of dreadlocks. To my certain knowledge, Duduzane Zuma has never adopted that hairstyle, and has never had his hair in dreadlocks.
- 15 I therefore directly deny that Duduzane Zuma introduced my brother to Ms Mentor. To the extent that it is said that I was present at such introduction and/or that such introduction took place I also deny that this occurred.
- 16 Although I did not know Mr Fana Hlongwane at all at the time, I do not believe that he was on that flight in order to have been introduced, as averred by Ms Mentor. I am sure that the investigators of the Commission or the evidence leaders would be able to get confirmation of this fact from Mr Hlongwane and from such records as must still be available.

**OCCURRENCES RELATING TO THE REGISTRATION PROCESSES AT THE VENUE OF THE PRESIDENTIAL STATE VISIT TO CHINA**

- 17 My colleagues and I attended the President's opening of the business seminar (the opening ceremony) on 24 August 2010. At no time, either on the aircraft or at all, would it have been said by my brother (Rajesh Gupta), nor was it so, that we were part of the President's so-called "advance team".
- 18 It appears that Ms Mentor avers that she arrived during the opening ceremony. We attended the opening ceremony and could not have been at the registration venue as she says we were. I dispute the description that the Gupta brothers



played an oversight role at the venue that day, and that we were, or appeared to be, in charge of logistics, registration or administration. It was simply not so. We were businessmen taking part in the State Visit for the same purpose as all other businessmen were taking part in the State Visit.

- 19 The description of us looking as if we were the security detail for the Presidential visit is indicative of the fact that Ms Mentor seems to be confused. We are substantial businessmen in our own right, and would not have undertaken the function of assisting people at registration for the event. Besides which, the opening ceremony was already in progress, according to her, and we attended that ceremony.
- 20 In addition, I dispute that we "sported two tags each", or that we carried two-way radios. The functions that Ms Mentor are describing are basic administrative functions which we, as businessmen, would never have undertaken, and in fact did not undertake.
- 21 Tellingly, when Ms Mentor speaks in her statement of the three men that she observed during this State Visit, she speaks of the "Gupta brothers", namely Ajay, Atul and Rajesh. Atul Gupta did not attend or participate in the State Visit to China in August 2010. He quite simply was not in China with us. This is an objective fact, that I am sure, can be established by a basic inquiry made of the airline and the South African Human Movement Control Register, so I am advised.



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MS MENTOR BEING PHONED FROM THE LOBBY/RECEPTION OF HER HOTEL ROOM BY "A GUPTA"

- 22 With regard to the alleged telephone call(s) made from the lobby/reception area to the hotel room of Ms Mentor, and with regard to the allegation that the person making the telephone call was a Gupta, I deny that it was either myself or Rajesh.
- 23 It is directly denied that either Rajesh or myself, or both, attended Ms Mentor's hotel and attempted to get her to meet with the President, telephonically or otherwise. The content of the alleged telephone call, in which reference is made to concepts such as the President's "advance team" or "Presidential delegation" or "Presidential entourage", is therefore also denied.
- 24 I note the allegations made by Ms Mentor that when the persons said to have been Guptas requested her to accompany them to see the President that she alleges that it seemed strange to her that the President would have requested to meet with her privately at night. She gives another reason why she would not wish to be alone with the President at night. From this it must be accepted that when the persons as she alleges were trying to have her go with them to meet with the President this was 'at night'. I observe from the programme of the visit that the following was *inter alia* the President's schedule on the 24<sup>th</sup> of August 2010:

24.1 16h30 - Depart for the Great Hall of the People.



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24.2 17h00 to 17h15 - Welcome ceremony by President Hu Jintao

Venue - Great Hall of the People

24.3 17h15 to 18h15 - Official talks between President J Zuma and  
President Hu Jintao

Venue Great Hall of the People

24.4 18h15 to 18h30 - Signing Ceremony of Agreements

Venue - Great Hall of the People

24.5 18h30 to 19h30 - Dinner hosted by President Hu Jintao

Venue - Great Hall of the People

25 I also note that the averment is that Ms Mentor was told by the man who telephoned her from the lobby that the President was waiting for her and that he would not leave to go to the State Banquet until he had met with her. I also note that she told the Public Protector that he was waiting to meet her at the Presidential Guesthouse. The President's schedule, which I believe was adhered to, have him leaving the State Guesthouse at 16h30 and arriving at the Great Hall of the People, which is on Tiananmen Square. The Guesthouse, as any enquiry will show, is some considerable distance away from the Great Hall of the People in central Beijing.

26 Not only therefore do I deny that either my brother Rajesh or I attended at her hotel, but I state that her description of the events simply cannot be true.



THE ALLEGED COLLECTION OF MS MENTOR AT THE AIRPORT BY MY TWO BROTHERS AND THE ALLEGED MEETINGS BETWEEN MYSELF AND MS MENTOR AT THE OFFICES OF SAHARA COMPUTERS AND AT OUR SAXONWOLD HOME (INCLUDED THE ALLEGED PRESENCE OF THE PRESIDENT AT OUR HOME)

27 Let me upfront state that:-

- 27.1 neither of my two brothers (or anyone else) collected Ms Mentor from the airport, as averred by her;
- 27.2 I have no knowledge of it being arranged by Ms L. Kaunda, or anyone else for that matter, for her to contact any of us in relation to arrangements to meet the President on that Monday, whatever date that Monday is alleged to have been, as suggested by Ms Mentor. It did not occur as I am sure Ms. Kaunda will confirm. No telephonic arrangement was made with Mr Atul Gupta, either by Ms Mentor phoning him or he phoning her in relation to him picking her up from the airport; and
- 27.3 Ms Mentor was not picked up by my two brothers. In fact, neither my brother, Atul, who was the chairman of our group of companies at the time nor my brother Rajesh have ever undertaken the basic function of fetching people from the airport, let alone brandishing a placard bearing the name of any person, nor did they wear telecommunications earpieces, nor do they wear telecommunications



earpieces together with dark glasses and suits such as which security people wear.

27.4 We have never owned a black twin cab 'bakkie' with or without tinted windows nor have my brothers ever driven around in one.

28 Ms Mentor, therefore, not having been picked up from the airport by my two brothers or anyone else at my instance or known to me, was not brought to meet me at the offices of Sahara Computers. I state categorically that there was no meeting between myself and Ms Mentor, as described in her statement, at the offices of Sahara Computers or at all. I note that the photograph to which she refers (MPM1) is something apparently downloaded from a computer or the internet and shown to her. This also appears to be true of all the photographs attached to her statement. As will become evident from that which I have to say hereunder, these photographs appear to be that which someone has suggested to Ms Mentor as being photographs of the places we went to rather than her spontaneously and from her own knowledge describing either Sahara Computers' premises or my Saxonwold home.

29 In addition her description of the inside of the Sahara Computers' building does not accord objectively with reality.

30 That which is disturbing is that when she suggests that I said (in the meeting which did not occur) that I said that she might make use of our suite at Newlands Stadium; this sounds like the kind of thing I would say in the normal course of



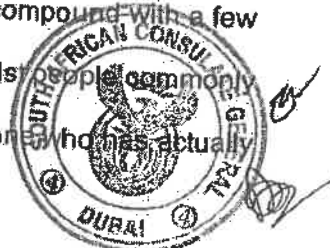
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my interaction with any other person, as we did have a suite at Newlands Stadium. I did in fact have two suites at the Newlands Stadium.

- 31 Where she says that I offered her son a cricket bat, this is also indeed the kind of offer I used to make to people out of sheer generosity and as a gesture of goodwill.
- 32 I say this not to confirm at all that I had a meeting with her at Sahara Computers, as described, or ever at all. I say this because there appears to be an outside influence on Ms Mentor, where she appears to have acquired or been fed snippets of information which fit with the way I behave in life in general and that this has been done in order to buttress the credibility of her version.
- 33 I therefore should not be misunderstood to concede that these things were said to Ms Mentor, but must be understood to be saying that these are the kind of things I sometimes do say and offer, and that this has been communicated to her by someone for her to use in her statement for the purpose mentioned above.
34. No one in my family has ever been sent to the USA to study. Atul Gupta came to South Africa from India in 1993/94. Rajesh Gupta came to South Africa in 1997 and I came in the early 2000's, but before that was in and out of the country.
35. I do not own or wear a gold ring with a ruby on my "pointing finger". There is also nothing in the Hindu culture that enjoins me to wear my father's ring on my



"pointing finger" to demonstrate by status and rank. I deny this and deny having said this to her ever. Of course I am denying saying this to her whilst continuing to point out that the meeting did not take place. In fact, I wear two gold rings each containing a white diamond and the ring belonging to my father I wear on my middle finger. Clearly Ms Mentor has either been given distorted information or somehow picked up that I wear a ring to buttress her story.

36. Equally therefore, my two brothers not having picked her up at the airport and not having brought her to the business premises of Sahara Computers and thereafter not having brought her to our home in Saxonwold, I can categorically state that I did not meet with her at our Saxonwold home, either as described or at all. I did not make any offers with regard to her potentially being made a Minister of State, as described by her or at all. I did not have any conversation with her that day or evening at Saxonwold or at the business premises of Sahara Computers, and her version of the alleged events is a fiction.
37. Significant cross-examination will be necessary on this issue, as there are a number of glaring faults and weaknesses in her description of both the visit to the business premises of Sahara Computers and to our Saxonwold home.
38. The following features are noted from either the evidence in her statement or the evidence given by her to the Public Protector.
- 38.1. She states that the home was structured like a compound with a few mansion-like houses. It is objectively so that whilst people commonly have referred to the Saxonwold compound, anyone who has actually





been there would never so describe it. This is so because each home appears to be and is an entirely separate home with walls that separate each home; the one from the other. There are gates which allow access from one premises to the other, but each home is and appears to the natural observer thereof to be a separate home, as in fact they are. I would suggest that her description of the Saxonwold compound is one which has been fed to her or invented by her. In fact, my home, number 5 Saxonwold Drive, which she alleges she met me at, is not the biggest home that we own. The one next door to it, on the right as you arrive at the gate of number 5, is the biggest house.

38.2. I note from both her statement that she refers to the entrance being arrived at by proceeding up a few stairs which were marble stairs. She describes the number of stairs as either "a few stairs" or she describes them as "cream marble stairs" and says there were about five or six. If one refers to the photograph of the stairs of my Saxonwold home, marked MPM2, one will see depicted thereon five stairs. I believe that her description is not one which she gets from her memory but one in which she describes that which she sees on the photograph.

38.3. There are in fact ten black granite stairs. They are not white or cream marble stairs.

38.4. In her evidence to the Public Protector she describes being led into a wide open reception area with a giant pillar and a big window. There



is no giant pillar or any pillar at all. In addition she describes two couches in the reception area at ninety degrees to each other. The entrance area does not contain any couches at all and is in fact centrally dominated by a grand piano covered in a red velvet cloth, the presence of which no one could miss.

- 38.5. In addition Ms Mentor describes the bathrooms or restrooms in the house as being "separated to the ladies and the gents." This was pointed out in a boastful manner. In fact, there is only one bathroom or restroom and it is not demarcated, described or used as only for gentlemen or ladies. This guest toilet does not have gold details on the handles of the door. It is simply a gold coloured handle and the toilet cistern does not have a handle. It is button operated with the button being an ordinary silver coloured metal.
- 38.6. There is in fact no waiting room because the room she described as you enter the house is an entrance hall which, as I have described, contains the piano.
- 38.7. Ms Mentor describes being offered various lunch options by the chef. We do have a chef but he would never have offered her nor is it possible to have been offered a mutton curry in our home. We are of the Hindu religion and maintain a strictly vegetarian diet. It is anathema to suggest that meat of any form let alone in the form of



chopped up sheep would be allowed to enter our home, let alone enter our kitchen and form part of a meal prepared and served in our home.

38.8. She not having been at my house and no discussions having taken place, it follows that all of the topics which she makes reference to were not discussed with me. Simply by way of illustration I must mention that the company VR Laser was acquired in late 2013 and on the date to which she makes reference, I nor any of my brothers had anything to do with VR Laser.

38.9. Neither I nor any of the entities in which I have an interest ever had a partnership with an airline let alone one that could take over the South Africa-India route.

38.10. As far as I can recall when Minister Malusi Gigaba was the Minister in the Department which controls the South African Airways ("SAA"), SAA and Jet Airways both flew the route between South Africa and India. My research shows that Jet Airways started flying the route on the 14<sup>th</sup> of April 2010 and stopped flying the route on the 12<sup>th</sup> of June 2012. SAA stopped flying the route between South Africa and India in August 2015 during the time that Minister Lynn Brown was the Minister of Public Enterprises.

39. In addition there not having been any discussion at my home with her there was also no discussion with her to terminate or cancel the South African



Airways route to Mumbai, nor was there any discussion with regard to my having any interest in an airline to take up the route. In fact, I have not had or do not have any interest in any such airline.

40. Once again I must state that the meeting not having taken place, I did not offer her and could not have offered her the position of Minister of Public Enterprises.
41. Lastly, I must state that the visit not having taken place, it was also not so that the (then) President, Mr Jacob Zuma, entered the room in the manner she describes and said what she alleges he said and escorted her to a motor vehicle as she alleged. This did not happen.
42. I annex a series of photographs, marked AJ1 to AJ24, which variously depict the view of the house of number 5 Saxonwold Drive as seen from the gate, the view of the stairs to the front door, the view of the ten black granite stairs to the front door, the entrance hall with the grand piano, the guest toilet and photographs generally depicting the fact that upon arriving at number 5 Saxonwold Drive, no impression is created of there being a compound as described by Ms Mentor.

### CONCLUSION

- 43 From that which I have stated above, it appears in my view that Ms Mentor has, either by her own devising or by the devising of others, been put up to paint a



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false picture of me and my brothers, in order to make a case of the alleged wrongdoing that is the very subject matter of the Inquiry by this Commission.

44 I deny that the meeting and conversation at my home with Ms Mentor as described by her took place or at all. It is also denied that any meeting at the Sahara Computers business premises took place either as described or at all.

45 It follows that:

- 45.1 I made no offer of a Ministerial post to her as described or at all.
- 45.2 I did not have knowledge of any upcoming cabinet reshuffle in 2010.
- 45.3 I did not have any influence over the appointment of members of the national executive.

46. In the circumstances I submit that I have made out a case that substantial aspects of the evidence of Ms Mabel Patronella Mentor are in dispute and denied and that, accordingly, it is necessary and in the best interests of the work of the Commission that the Chairperson permit the cross-examination of the witness, Ms Mentor.

THUS DONE AND SIGNED at DUBAI, UNITED ARAB EMIRATES, on this the 2<sup>nd</sup> day of September 2018.

*[Handwritten signature]*




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STATEMENT - A K GUPTA in re M P Meritor

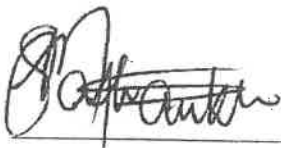
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AJAY KUMAR GUPTA

I certify that this affidavit was signed and sworn to before me at DUBAI, UNITED ARAB EMIRATES, on this the 2<sup>nd</sup> day of September 2018 by the deponent who acknowledged that he knows and understands the contents of this affidavit, has no objection to taking this oath, considers this oath to be binding on his conscience and uttered the following words: 'I swear that the contents of this affidavit are both true and correct, so help me God.'



## COMMISSIONER OF OATHS

Name: ENOCH MATHAMBOLE  
(Vice Consul Administration)

Address:

Capacity

SOUTH AFRICAN CONSULATE GENERAL  
Khalid Bin Al Walced Rd  
New Sharaf Bldg. 3rd. Floor  
BUR - DUBAI - U.A.E.

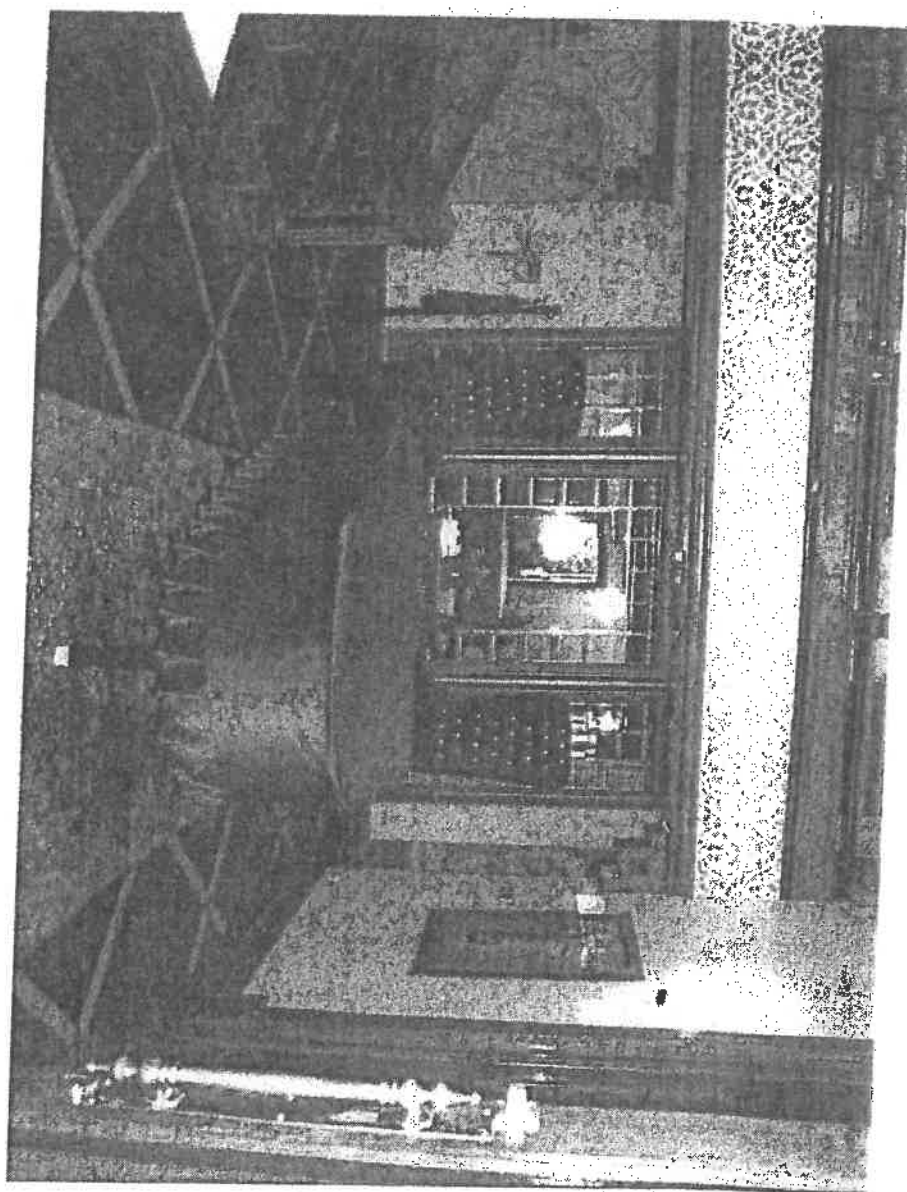
Commissioner of Oath  
South African Consulate General  
Dubai, United Arab Emirates  
Date: 02 SEP 2018  
DUBAI

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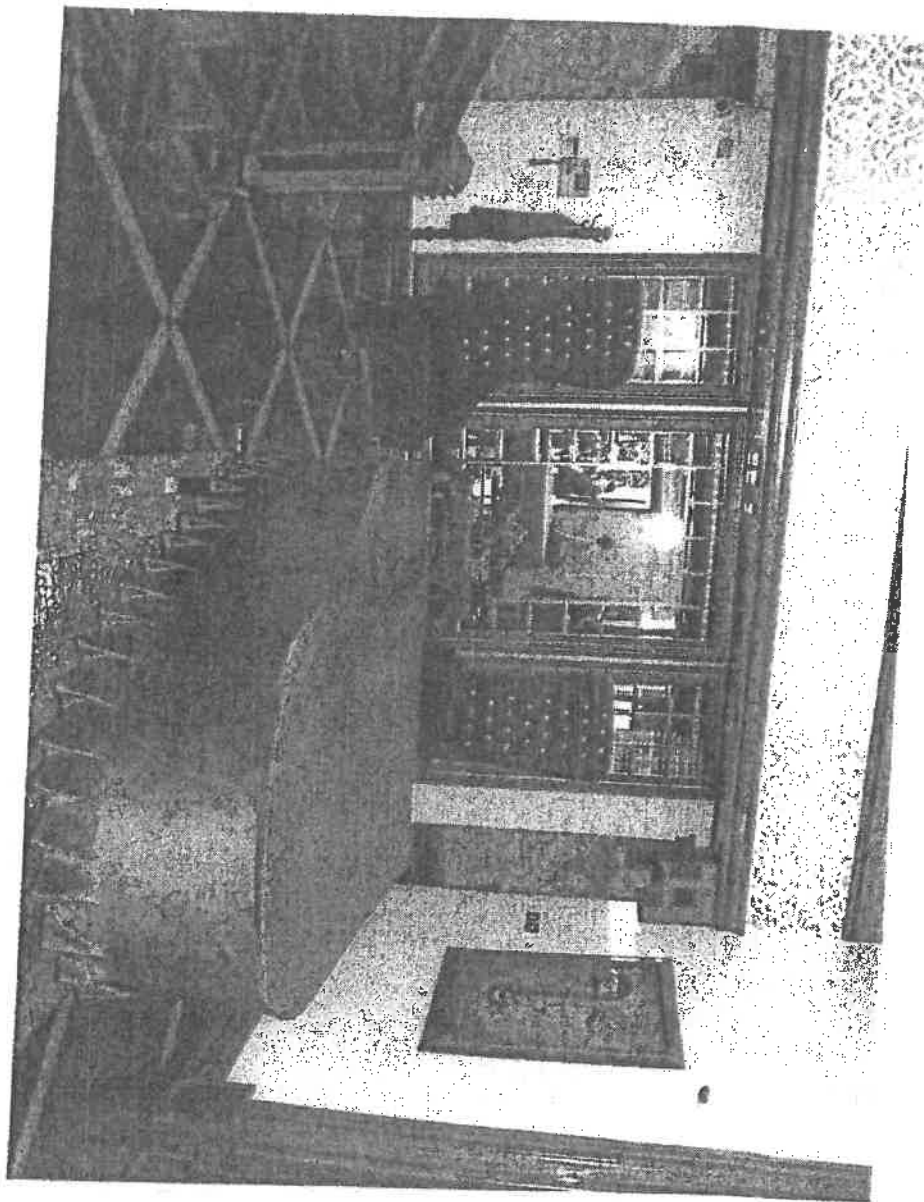
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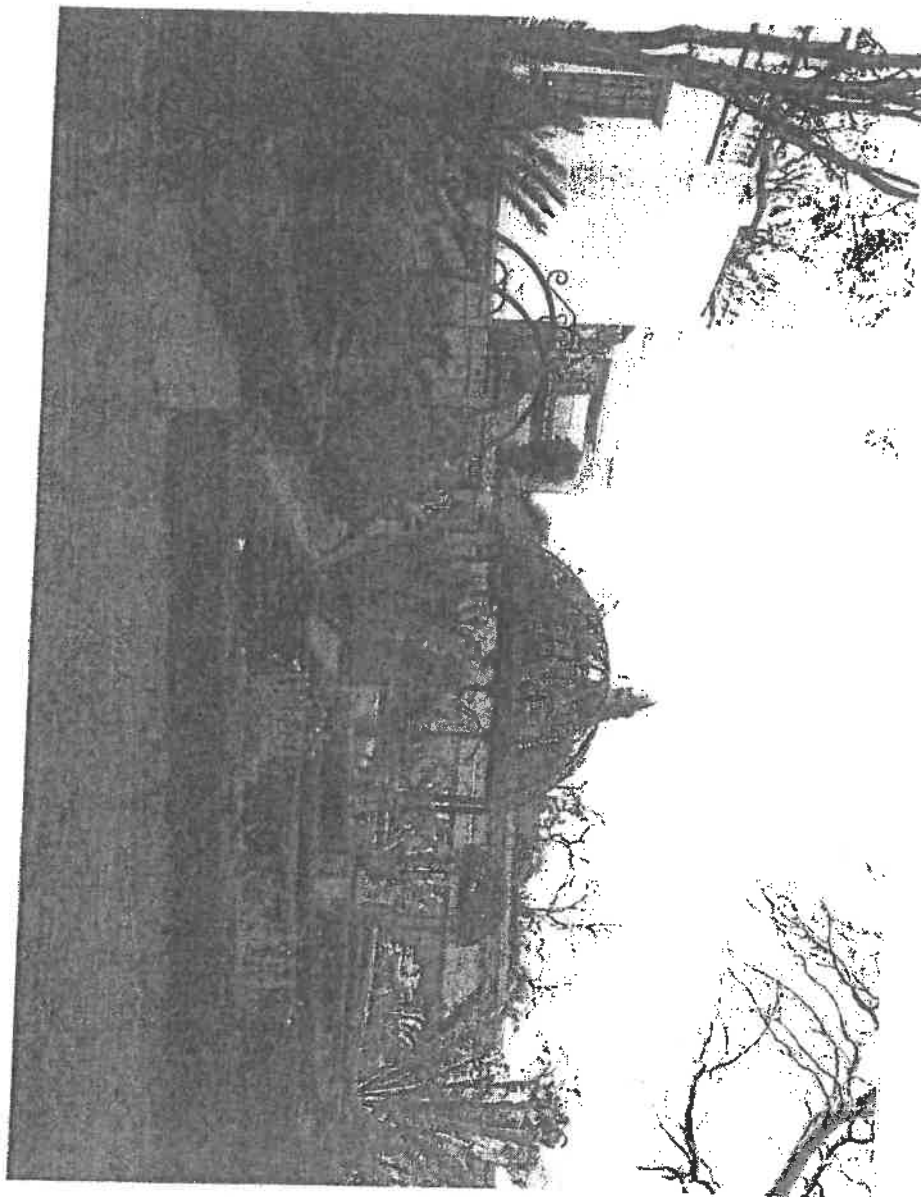
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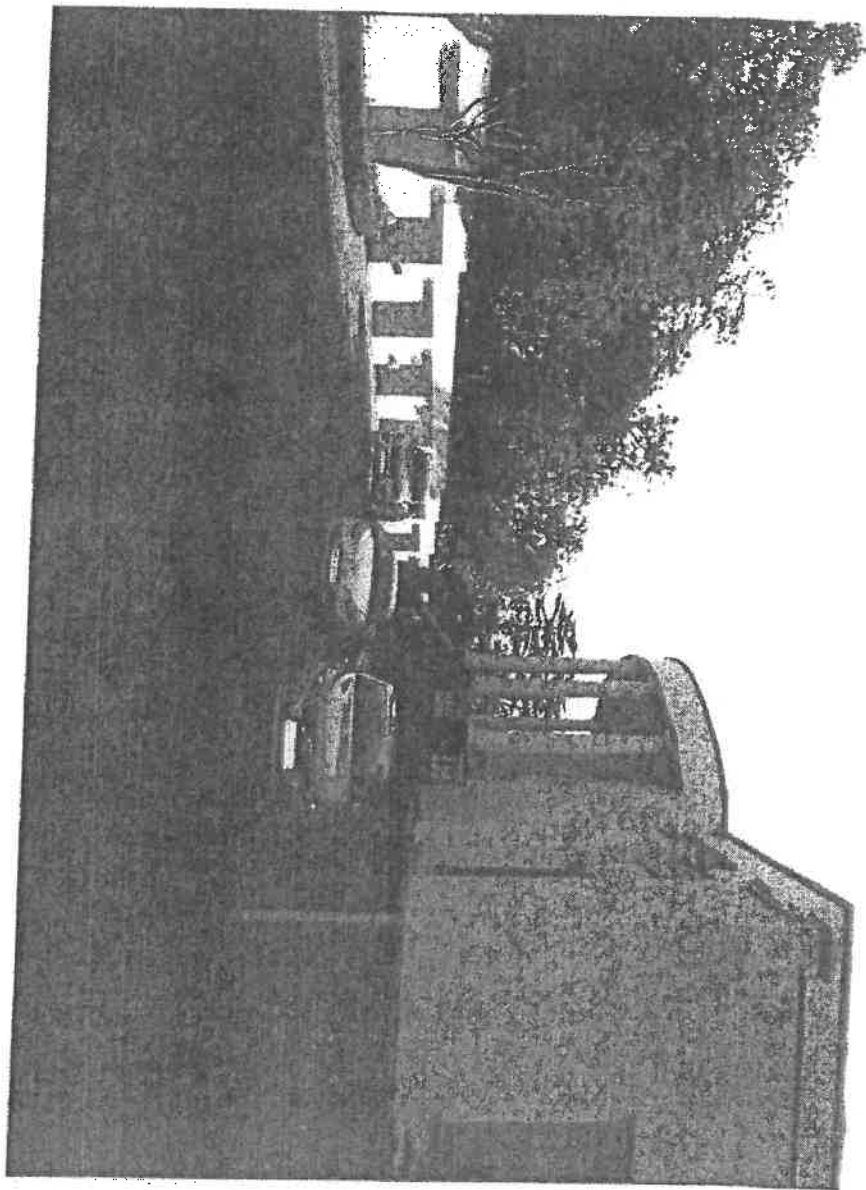


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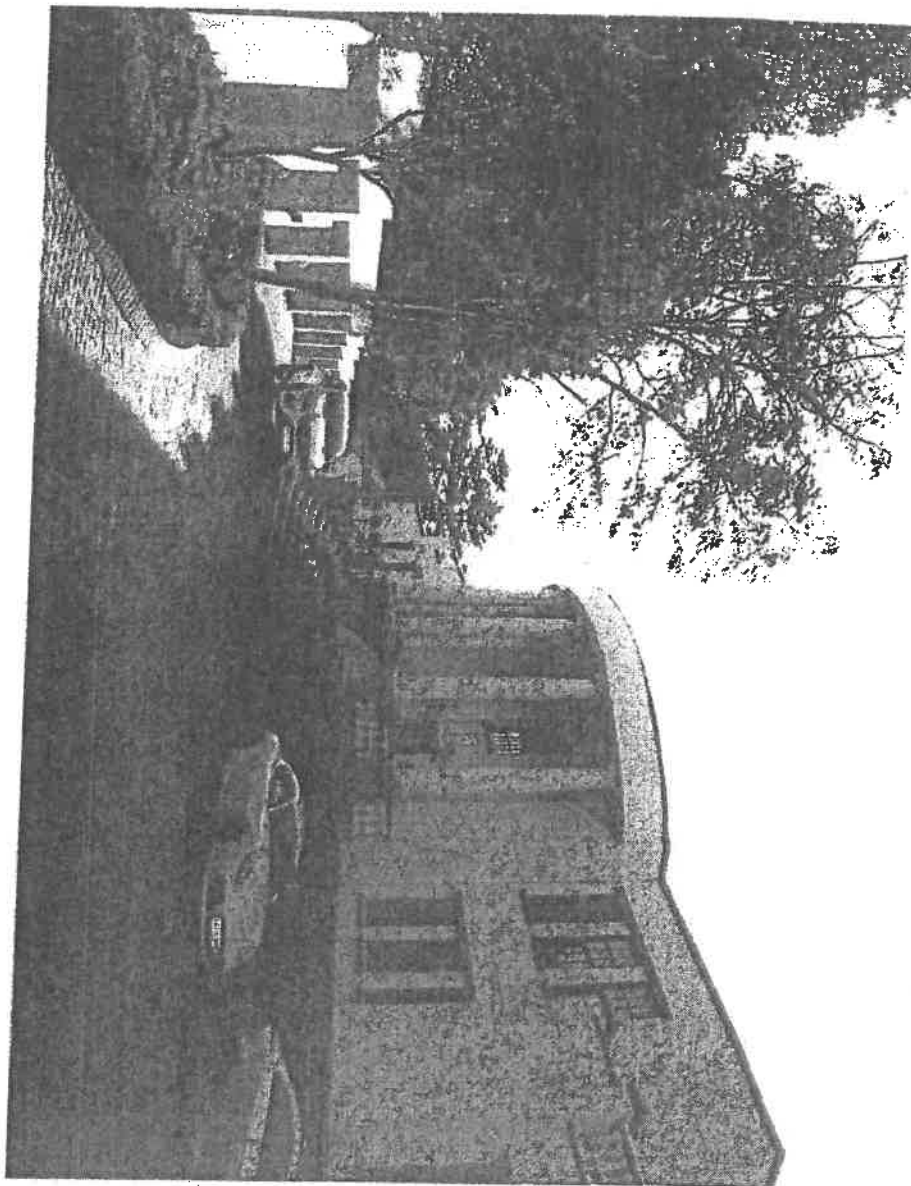


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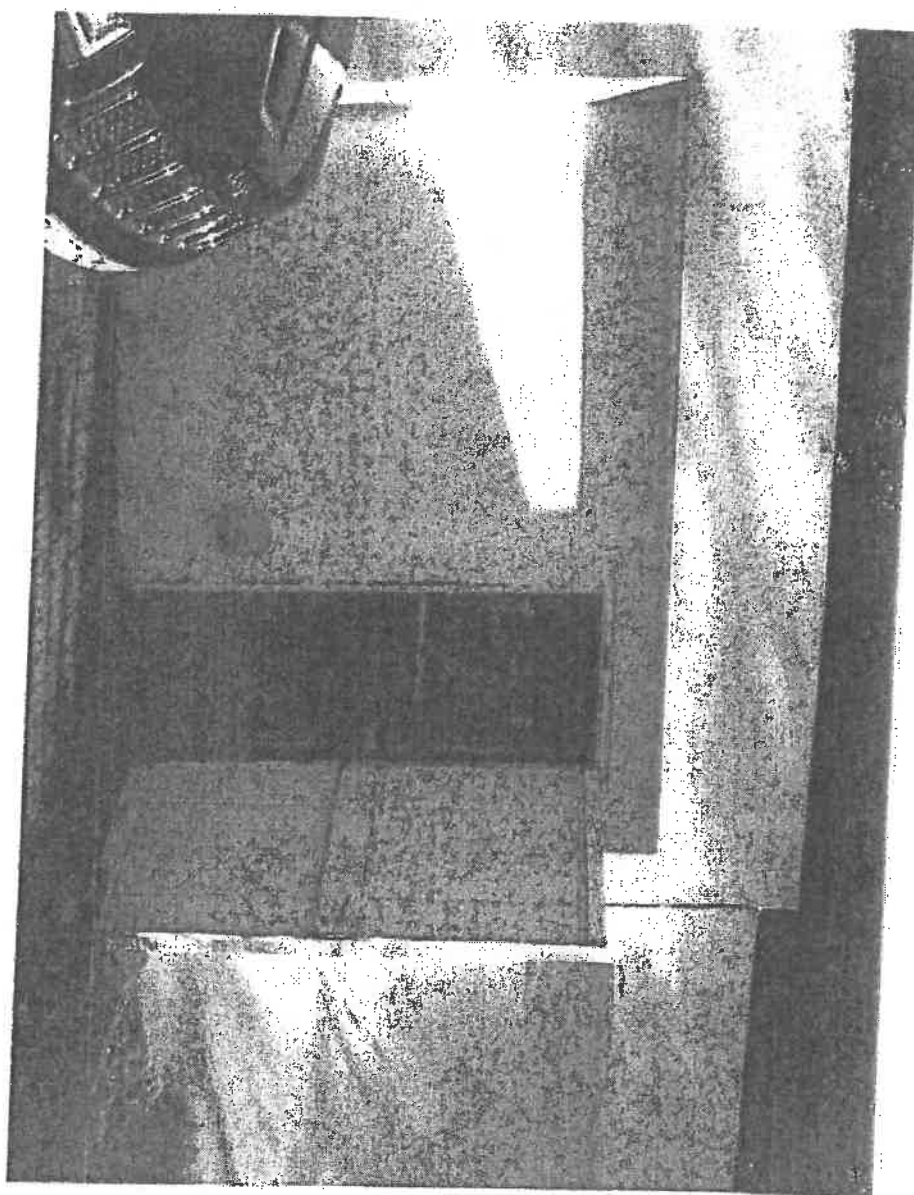


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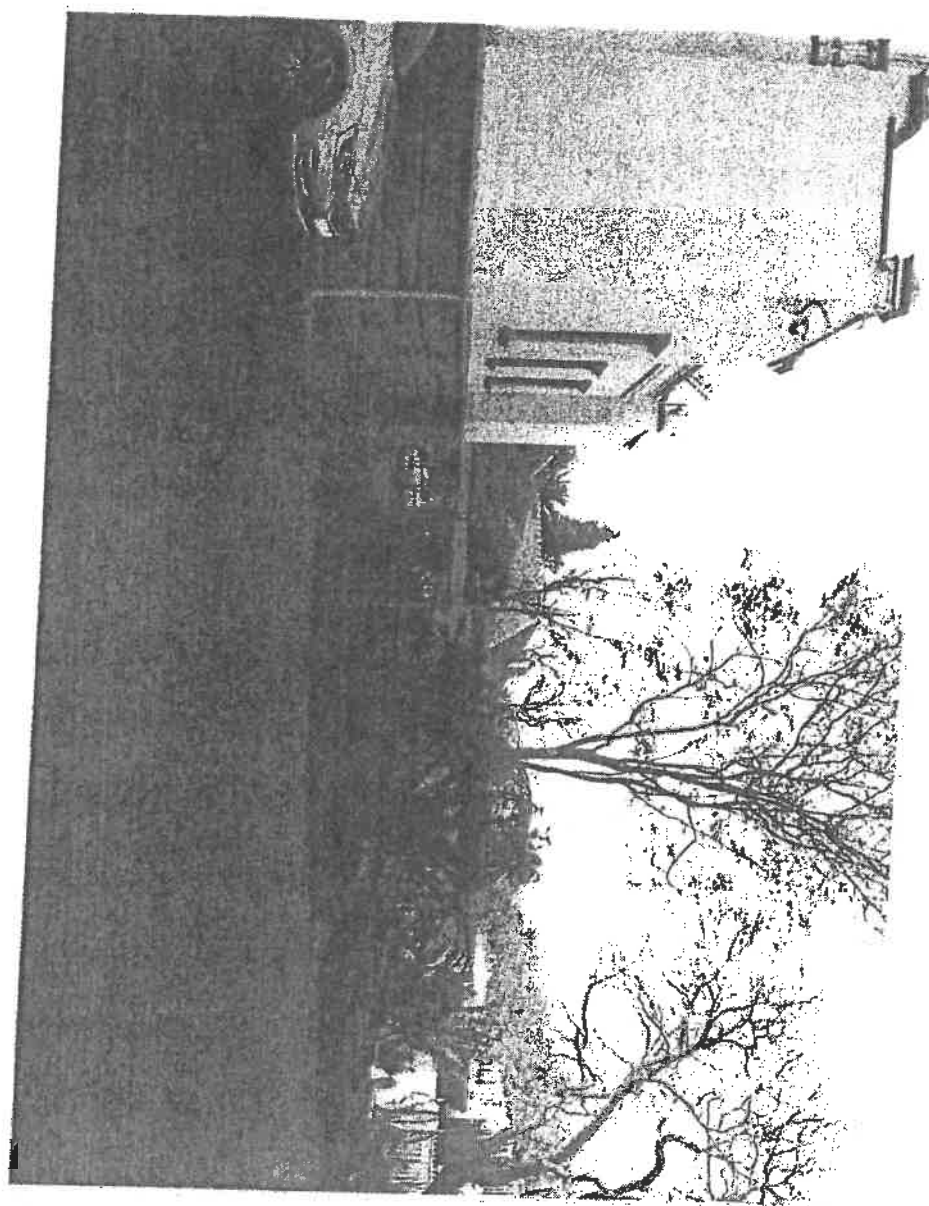
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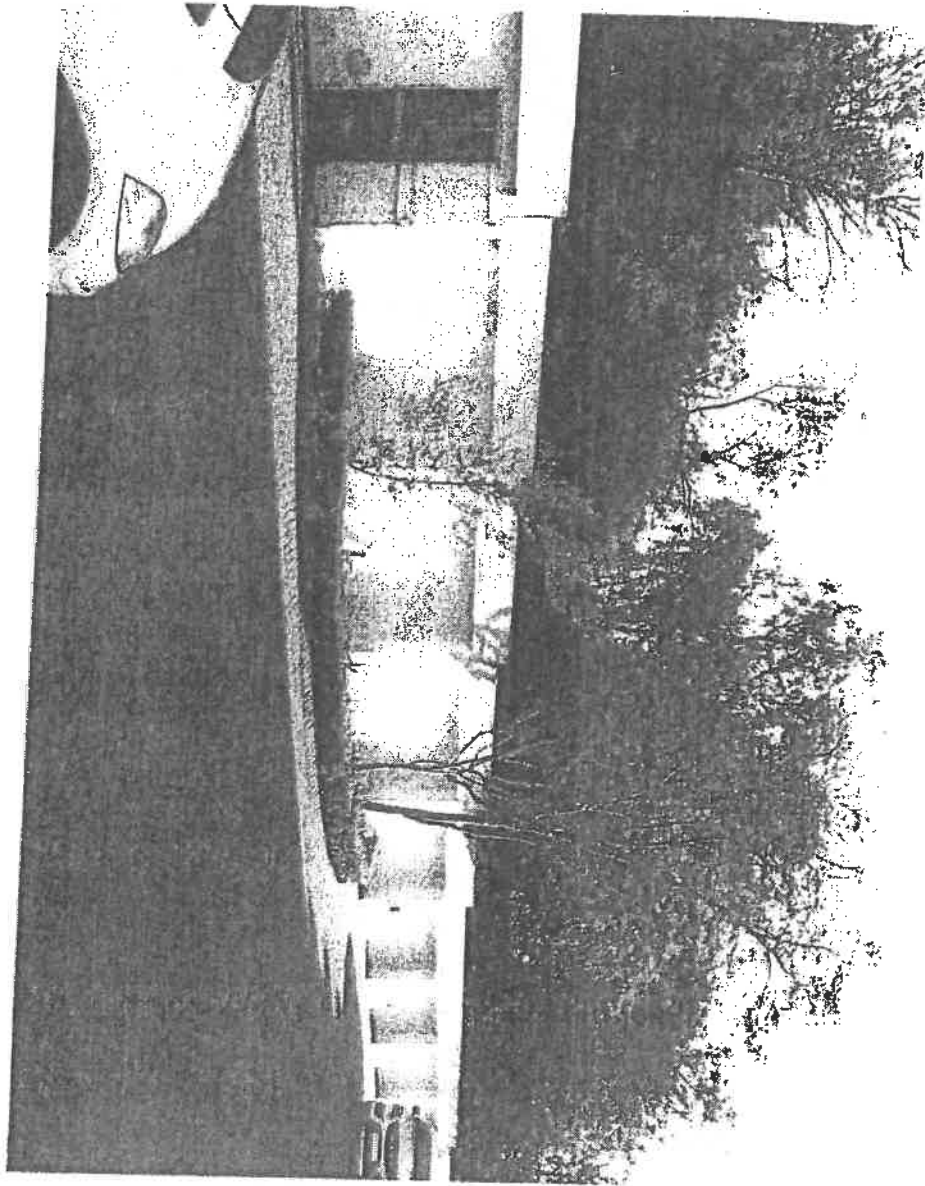
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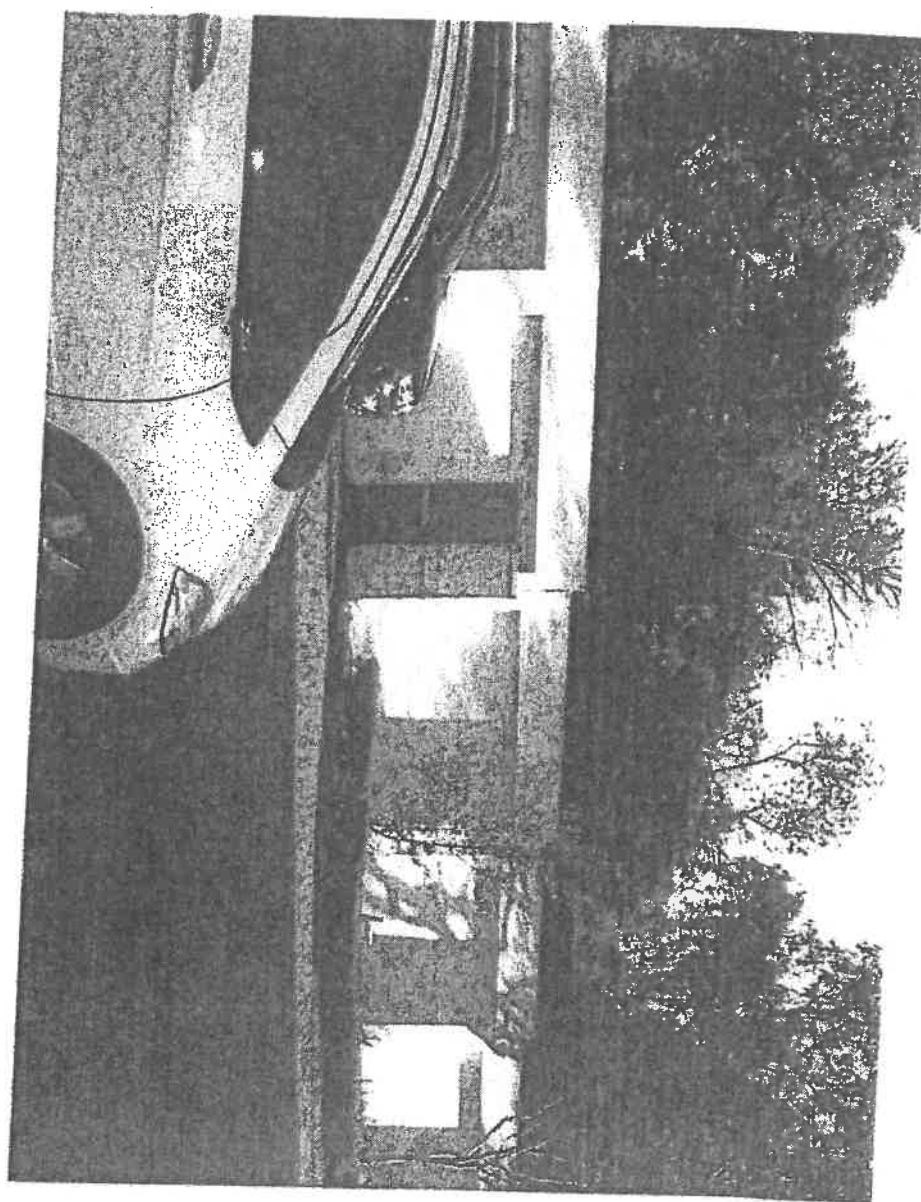
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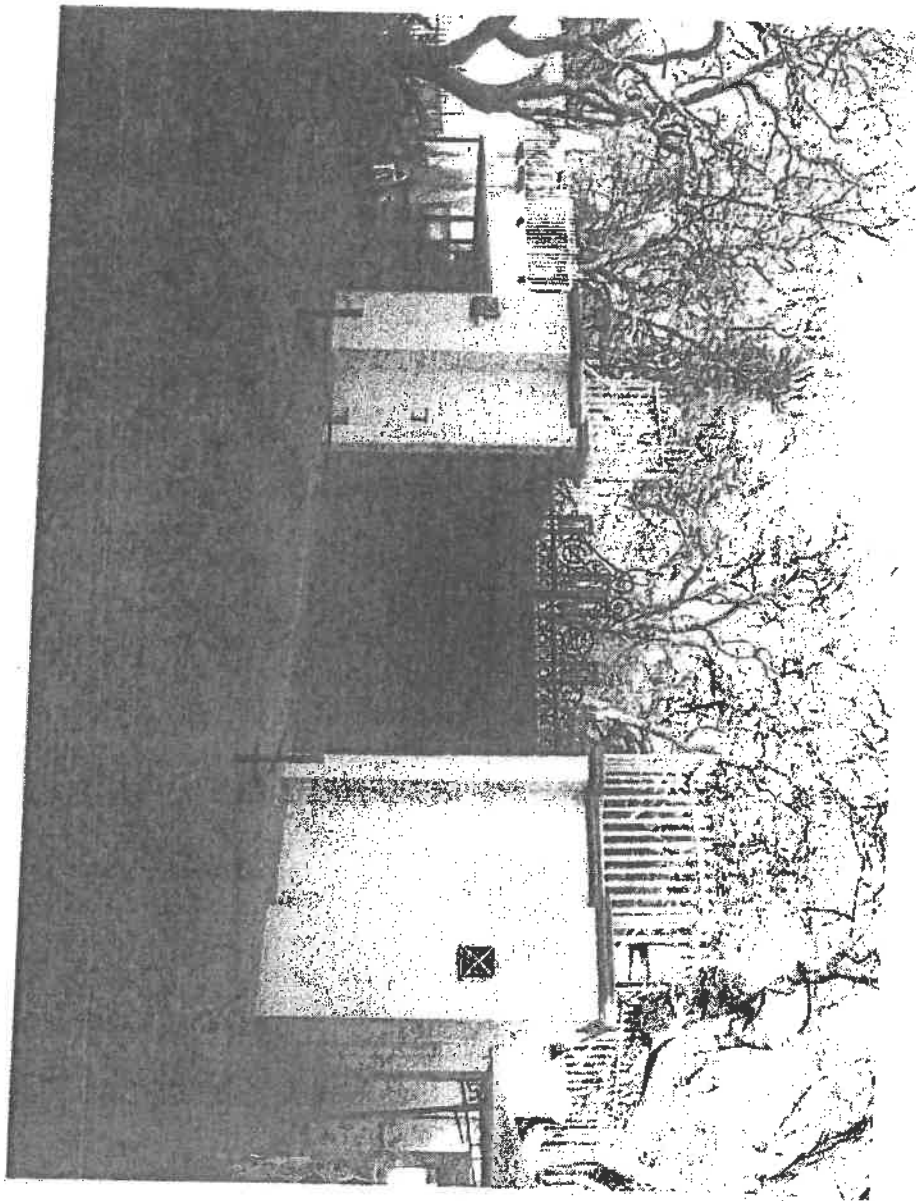




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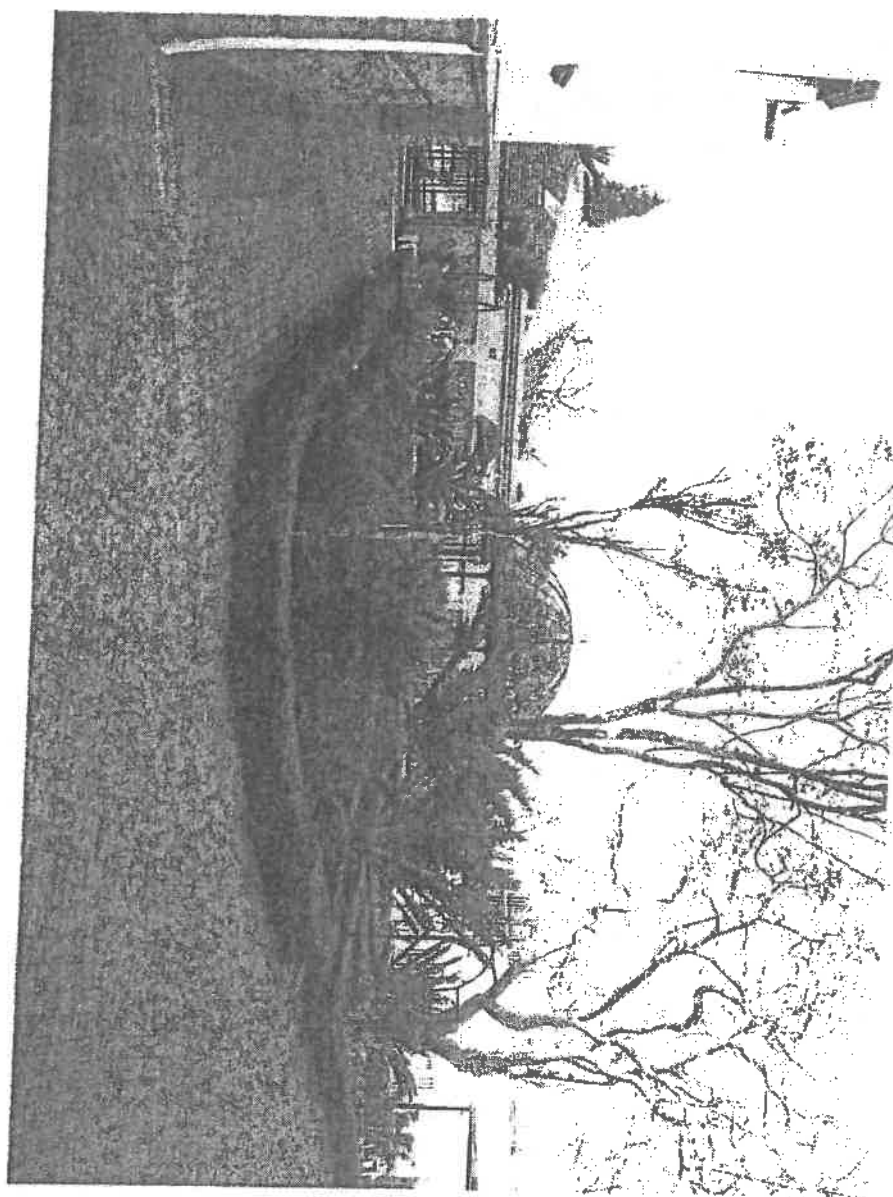


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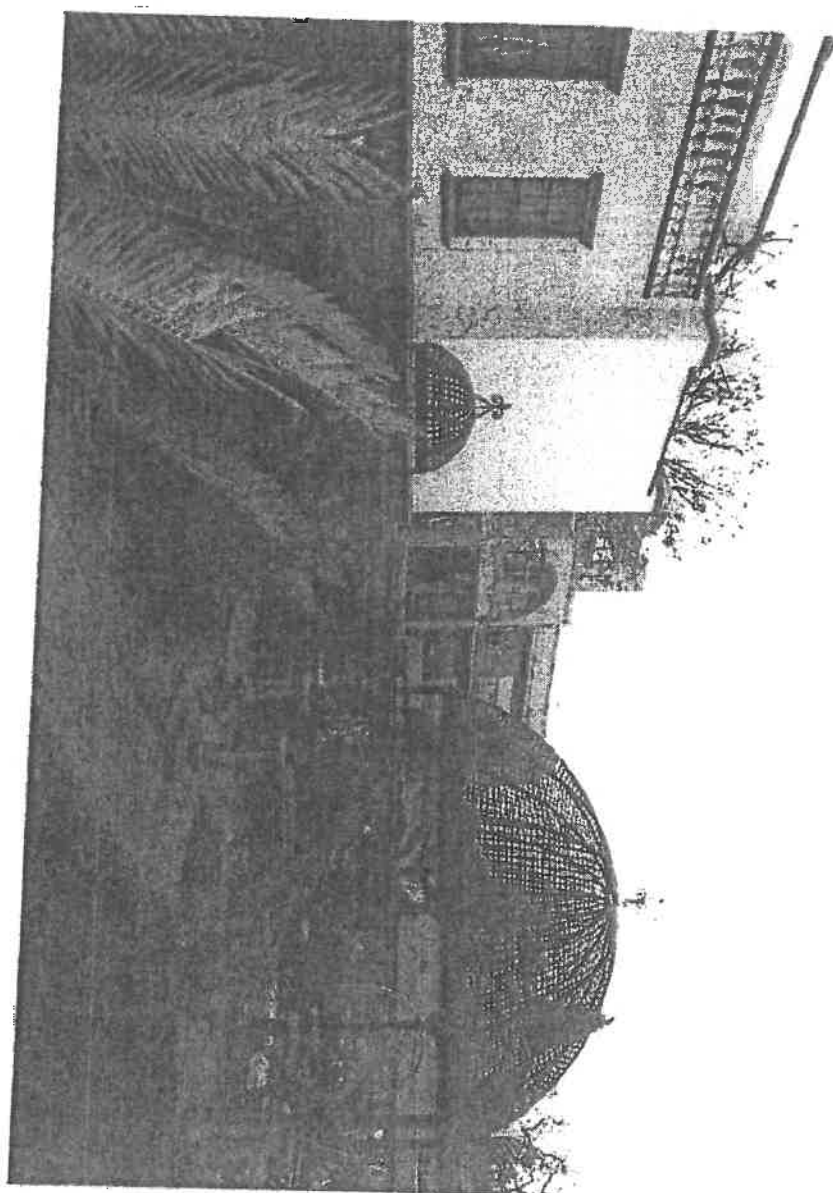


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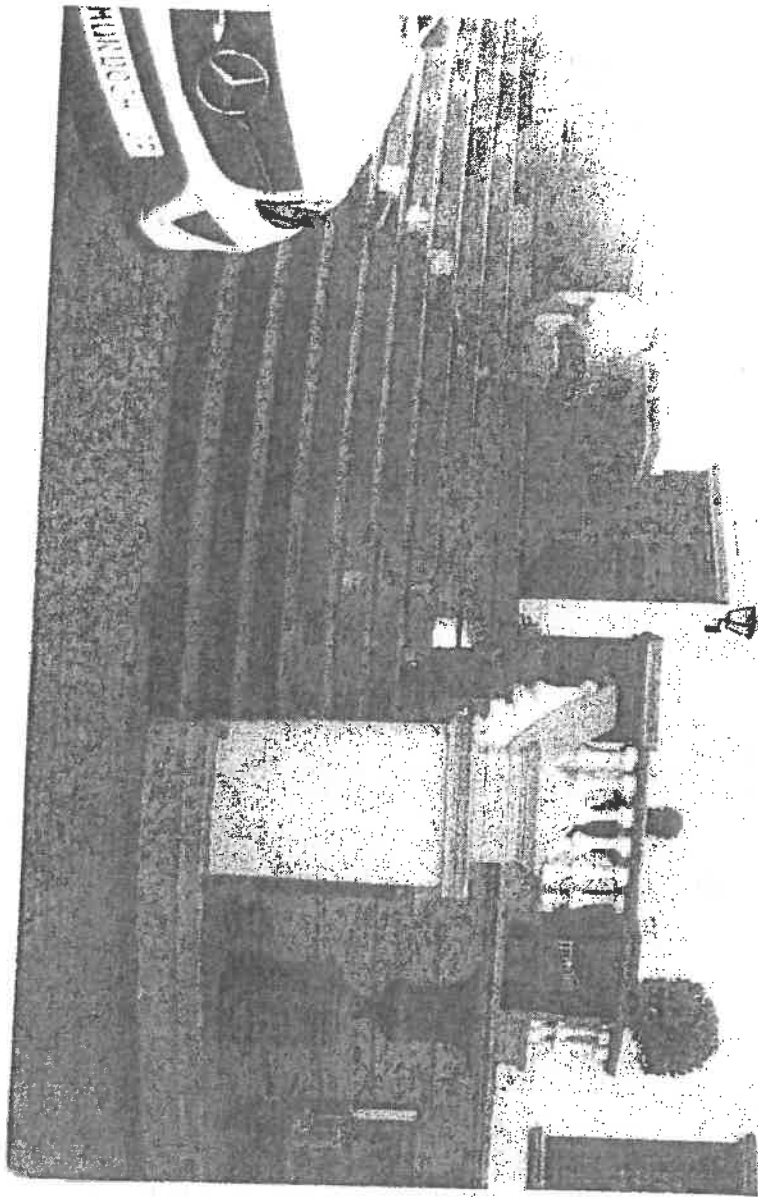


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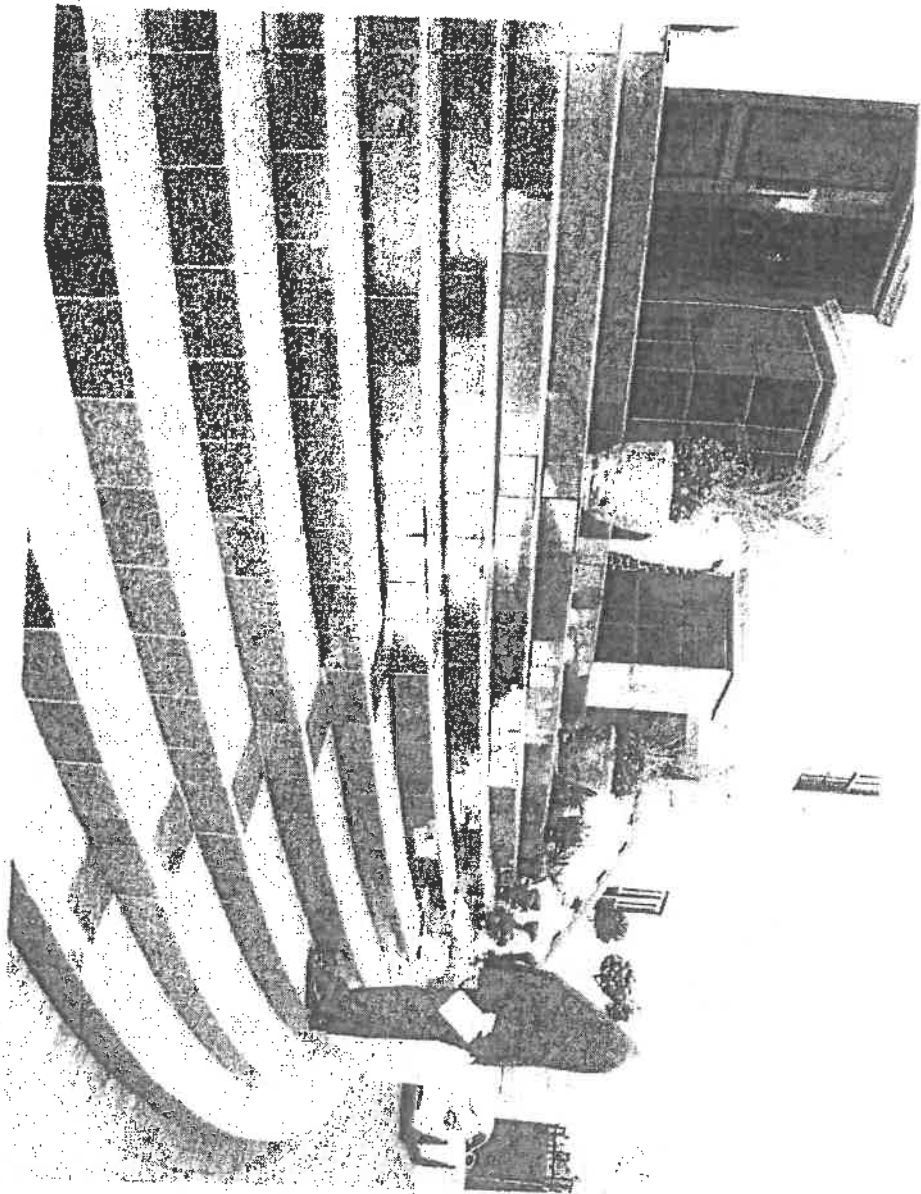


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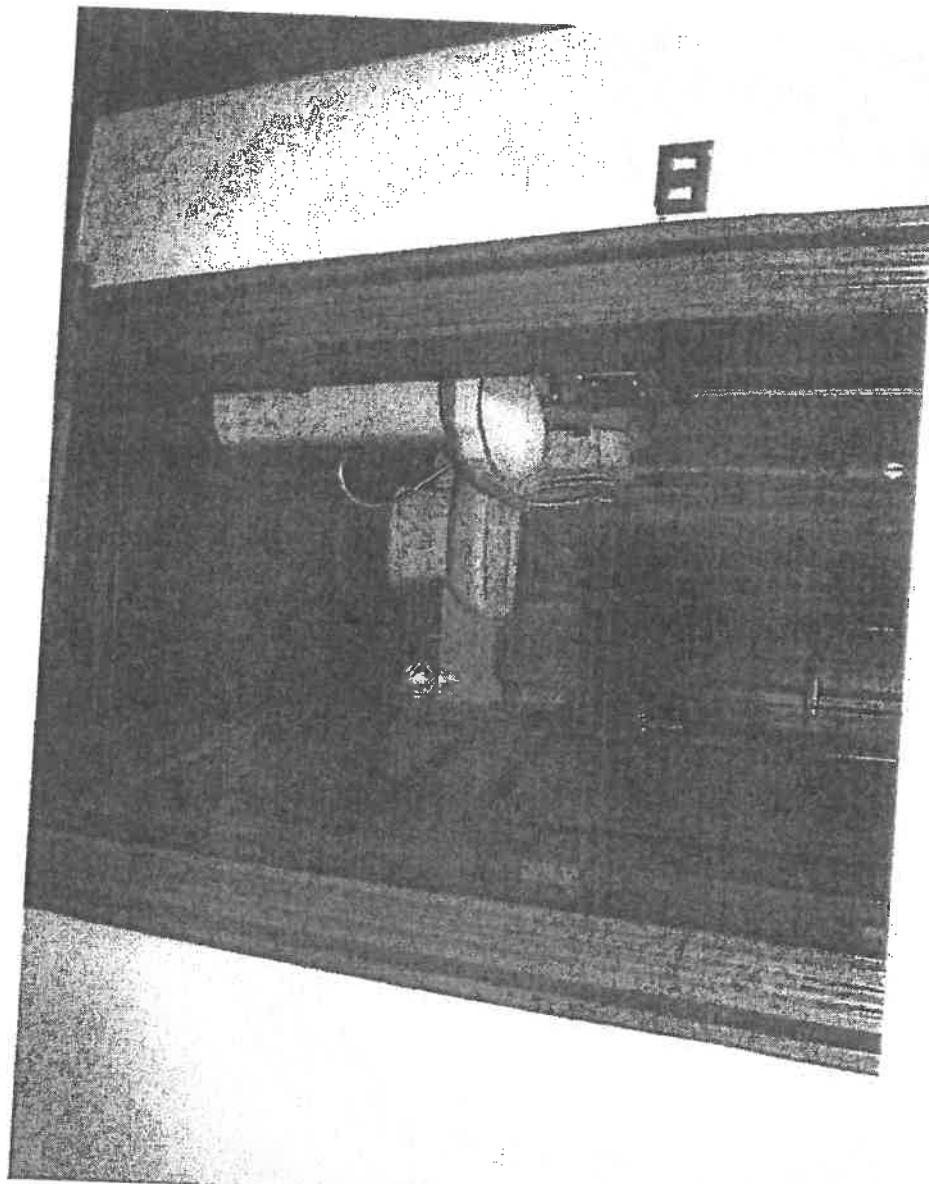
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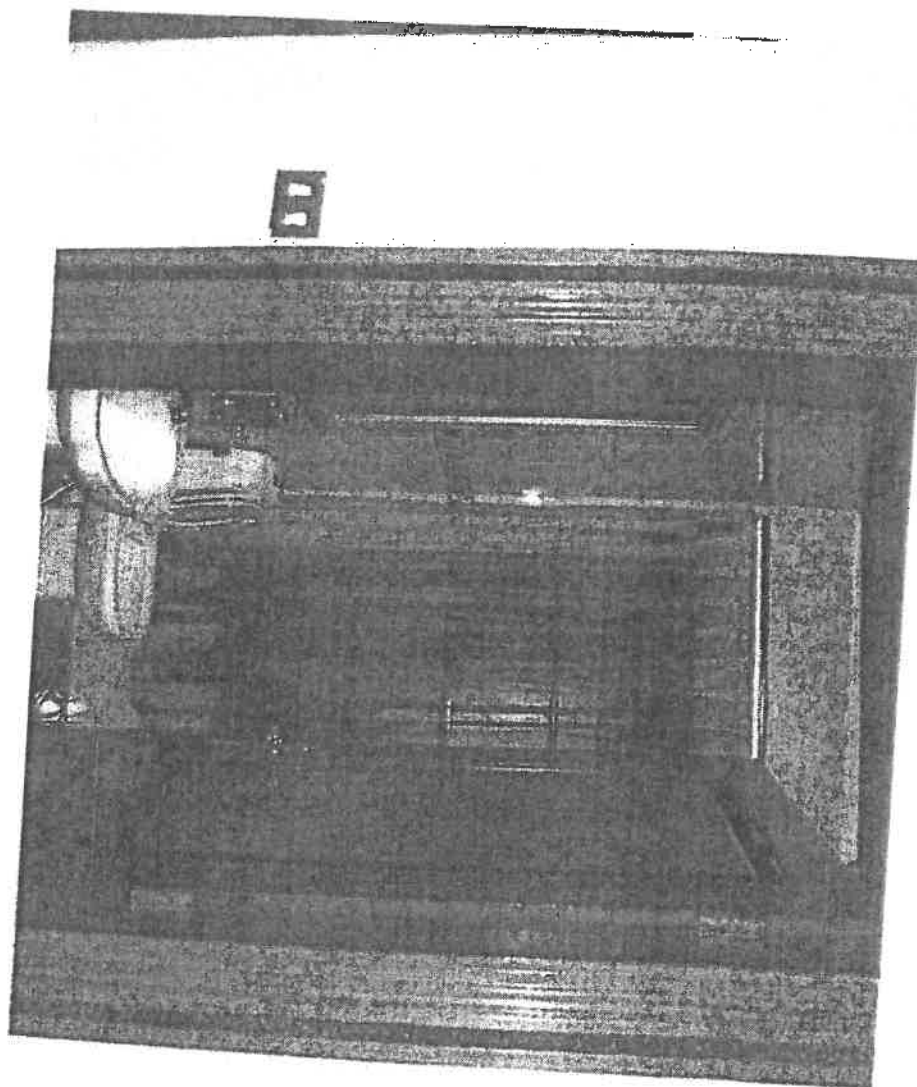
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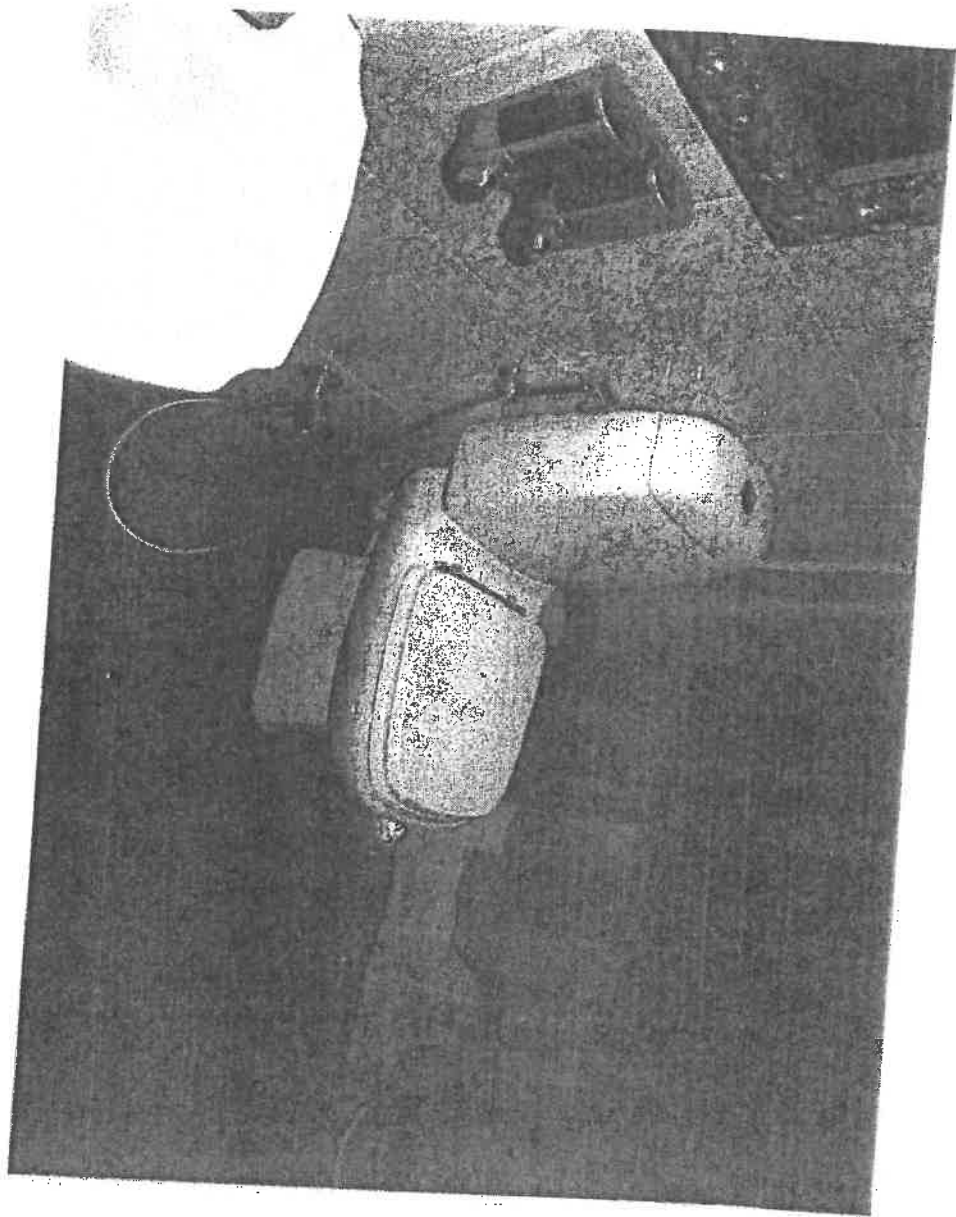
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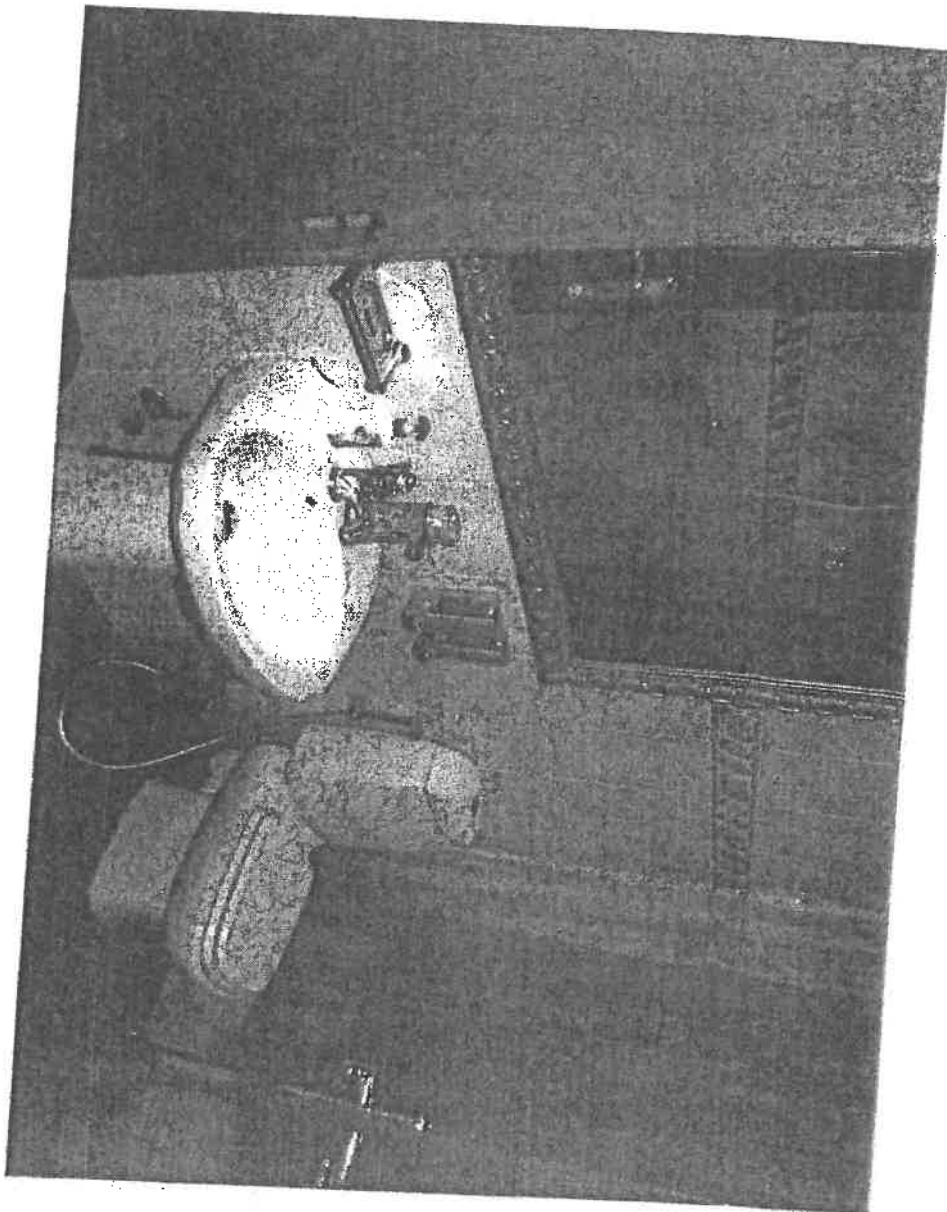
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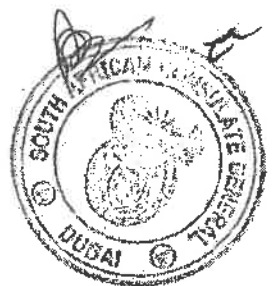
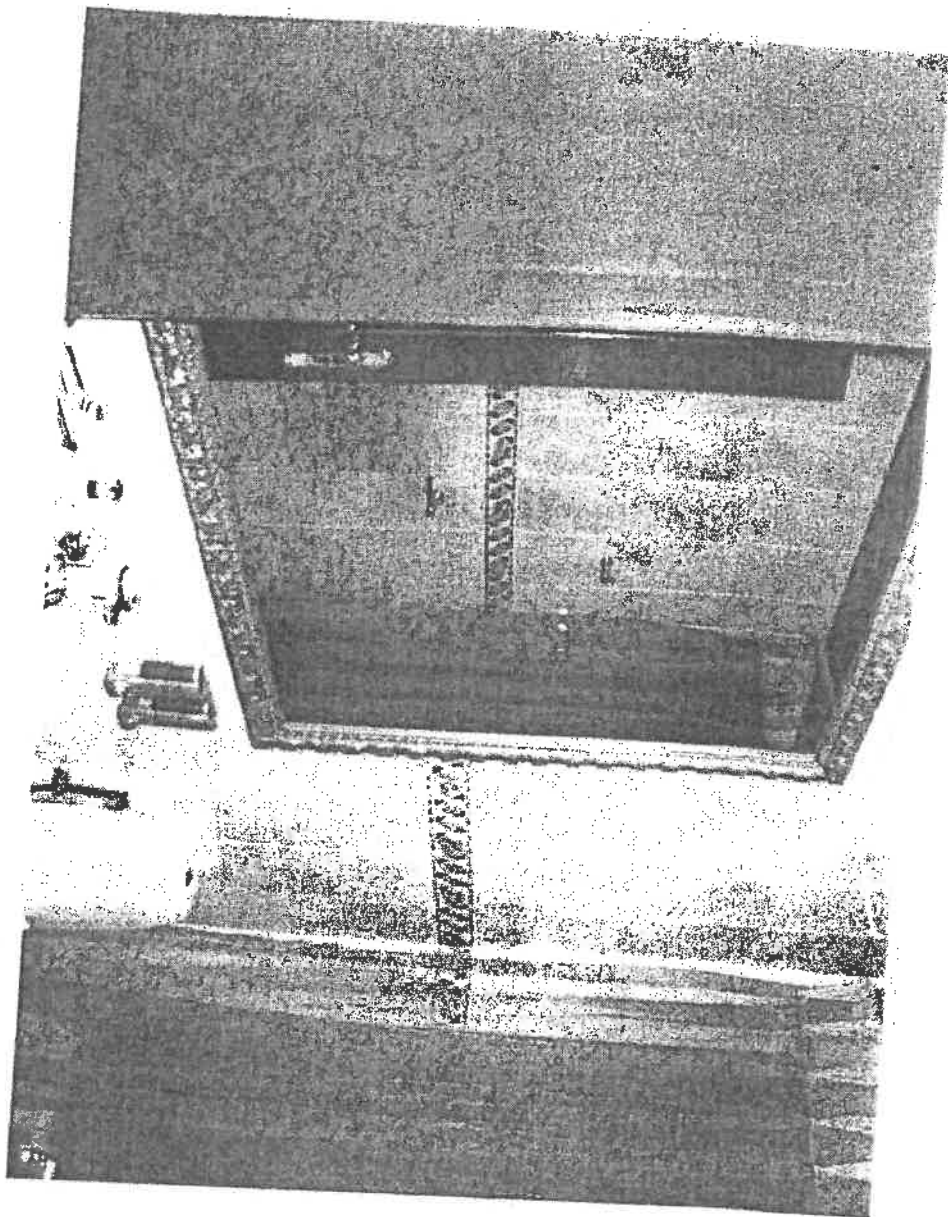


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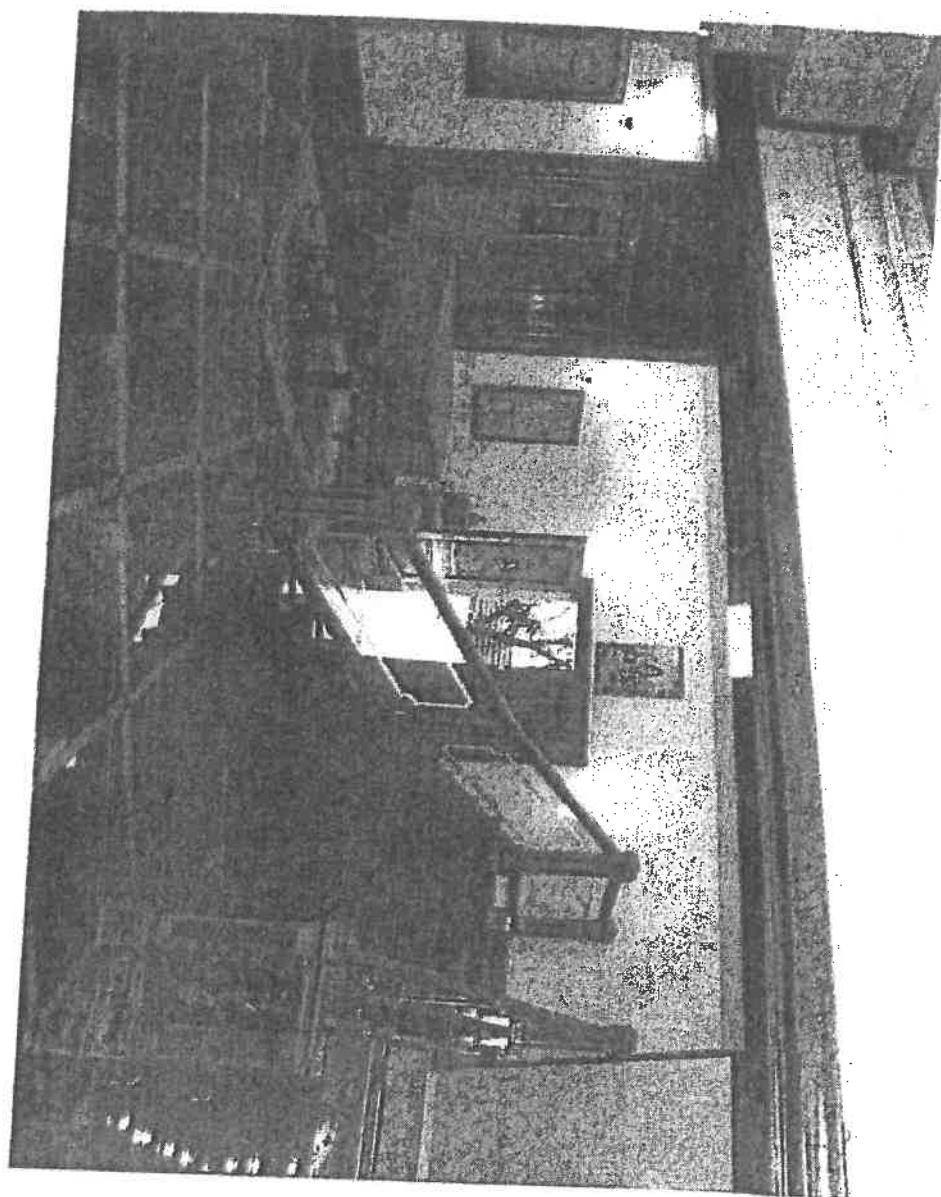
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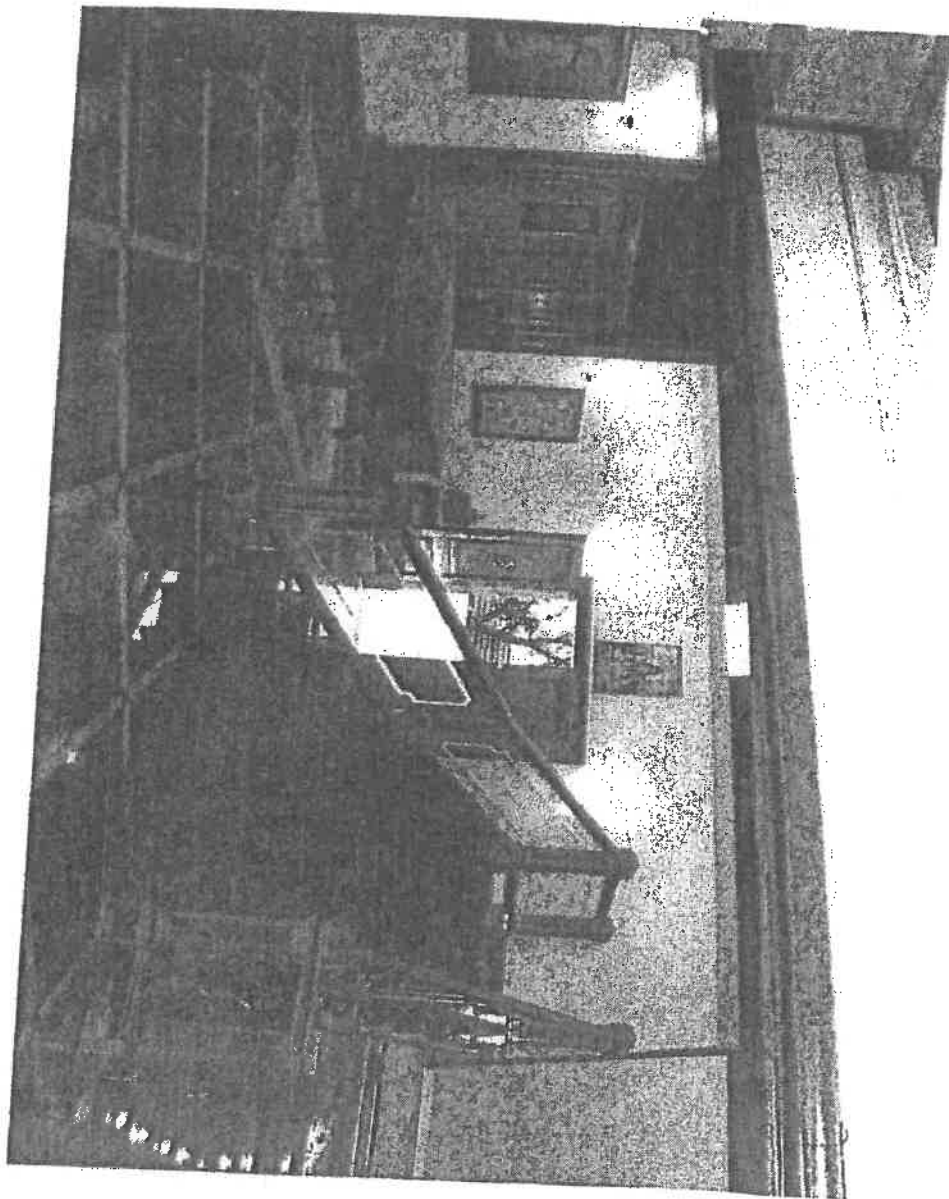
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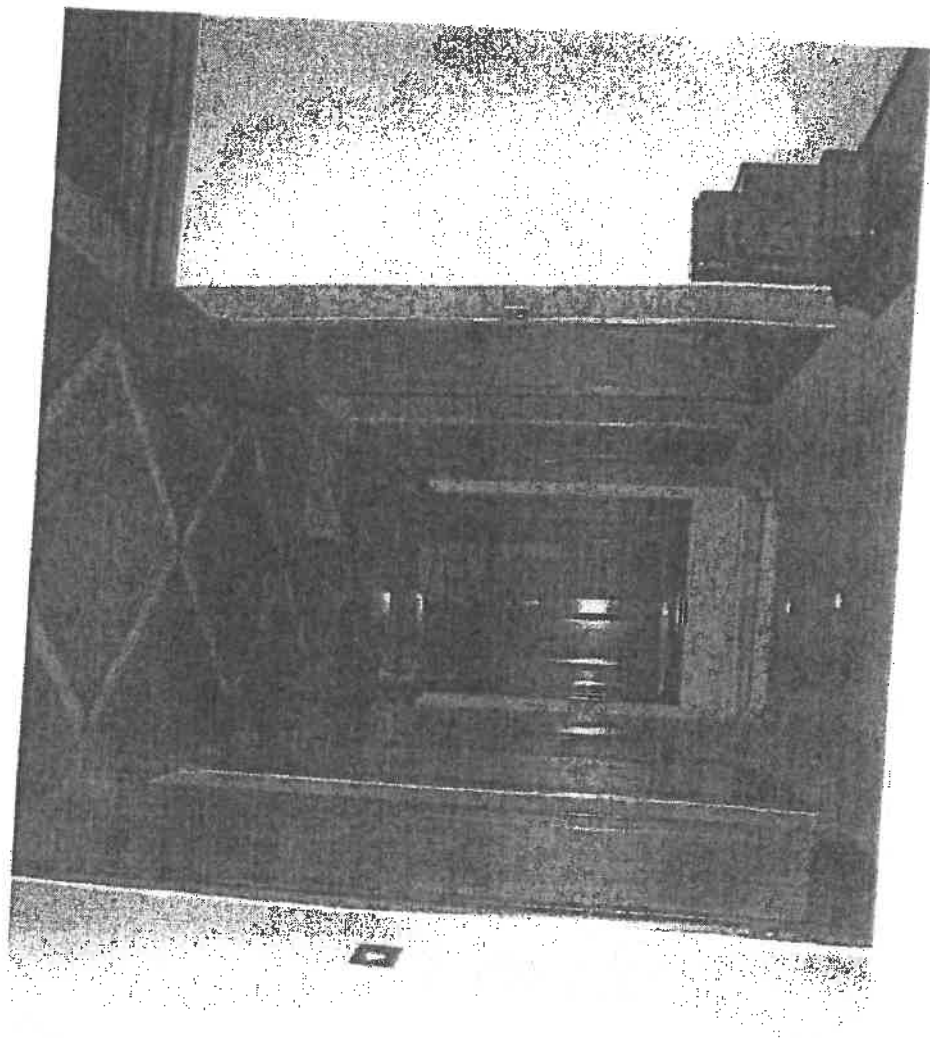
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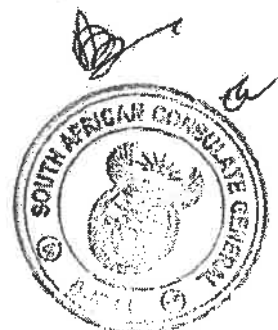
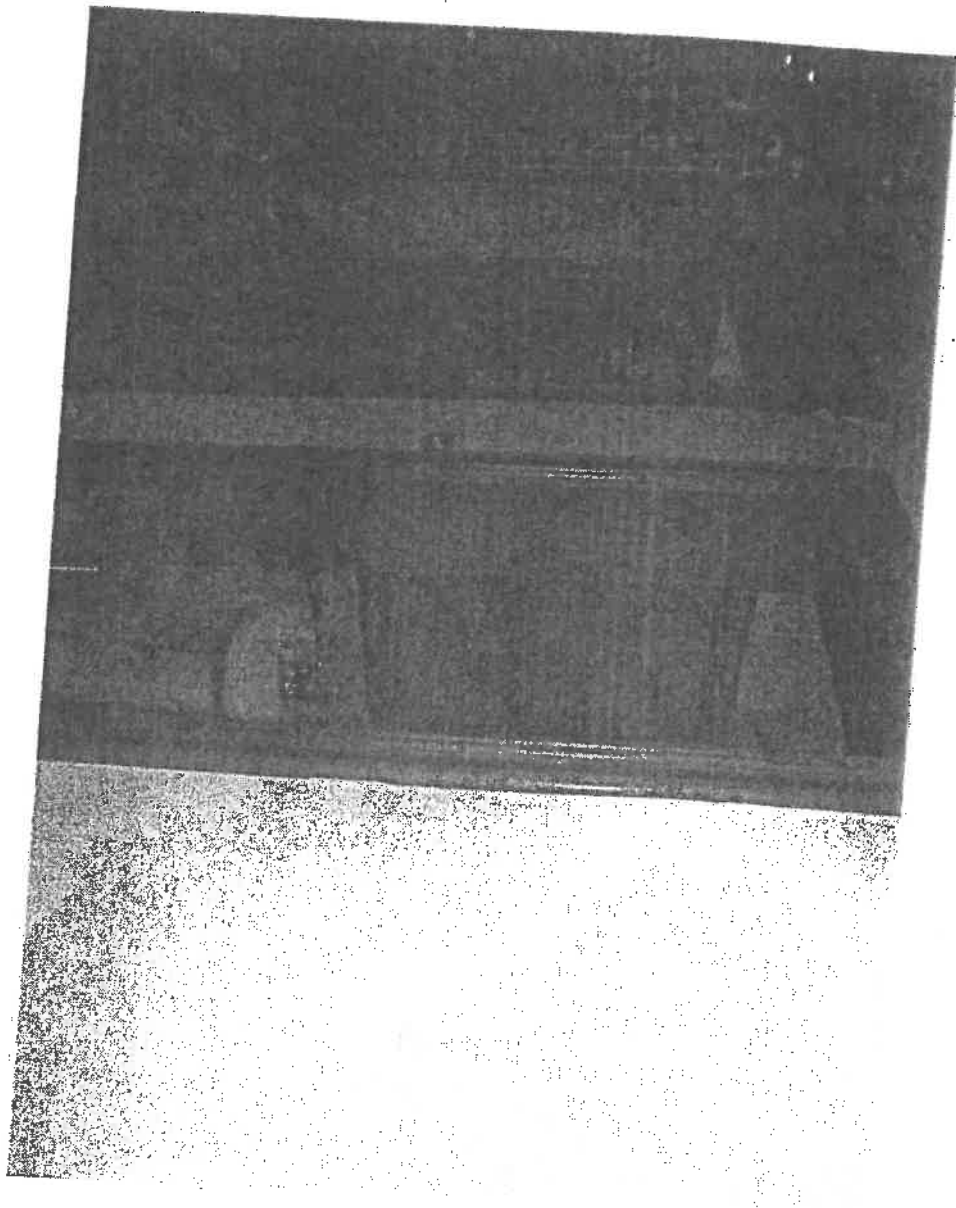
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## BDK ATTORNEYS

OUR REF: Mr. R. C. Krause/mv

YOUR REF: Mr. B. Mabunda

12 September 2018

Messrs Mabunda Incorporated  
P O Box 61238  
Marshalltown  
2107

**PER EMAIL**

: [busani@mabundainc.com](mailto:busani@mabundainc.com)  
[sifiso.molongoana@mabundainc.com](mailto:sifiso.molongoana@mabundainc.com)

**FOR THE ATTENTION OF**

: Mr. B. Mabunda

Dear Mr. Mabunda,

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

1. We refer to the above and in particular to the request by the Commissioner that our client, Mr.

**ESTABLISHED 1960**

David H Botha, du Plessis & Kruger Inc. Reg No. 98/16549/21  
VAT No.: 4040180012

**Directors:** Pieter Jacobus du Plessis BA LLB  
Roelof Cilliers Krause BJur LLB

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Ground Floor, Oxford Terrace, 3 on 9<sup>th</sup> Street  
Houghton Estate, Johannesburg

P O Box 8013, Docex 243, Johannesburg, 2000

1821 (2)



Ajay Kumar Gupta, file a supplementary affidavit in which he specifically deals with whether he is prepared to give evidence before the Commission of Inquiry in the Republic of South Africa. The supplementary affidavit relates to the applications to cross-examine Ms M. P. Mentor and Mr. T. M. J. Maseko.

2. We enclose herewith the supplementary affidavit. The original affidavit will be made available as soon as we have received it.

Your acknowledgement of receipt and response per return would be appreciated.

Yours faithfully,

**MR. R. C. KRAUSE**  
**DIRECTOR**

**BDK ATTORNEYS**  
**DAVID H BOTHA, DU PLESSIS & KRUGER INC.**



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

---

**SUPPLEMENTARY STATEMENT OF MR AJAY KUMAR GUPTA**

---

I, the undersigned,

**AJAY KUMAR GUPTA**

do hereby state as follows:-

- 1 I am an adult male and the facts contained in this supplementary statement fall within my own personal knowledge, save where otherwise indicated or stated, and are to the best of my belief both true and correct.
- 2 I have previously deposed to an affidavit/statement in which I set out my version of the facts in relation to the evidence given by Ms Vytjie Mentor and Mr Themba Maseko, and by virtue of which affidavit/statement I seek leave to cross-examine both Ms Mentor and Mr Maseko.
- 3 I understand that the issue has arisen that the Commission may adopt the approach that unless a person, who is implicated or may be implicated by the evidence given by a witness before the Commission, and who wishes to cross-



examine such witness giving evidence before the Commission, undertakes to also give *viva voce* evidence before the Commission in South Africa, the Commission may refuse that implicated person leave to cross-examine the witness.

4 I confirm that my attitude in relation to coming to give evidence before the Commission in South Africa is properly set out in my written submissions filed on my behalf and argued before the Commission on 6 September 2018.

5 I however need to emphasise a number of points, which are as follows:-

5.1 I have no reluctance whatsoever, and in fact am very keen, to participate in the proceedings before the Commission. The whole issue of State Capture seems to be very much focused on me and the companies with which I am associated. Without my participation the functioning of the Commission would, in my very respectful view, be severely hampered. I, in particular, have very pertinent information to impart to the Commission under oath, and upon which I am prepared to be cross-examined.

5.2 With regard to the evidence of both Ms Mentor and Mr Maseko, it must be clear that my version seriously impugns the reliability, if not the credibility, of that evidence. Unless my evidence is heard, the Commission might be compelled (there being no counter-veiling evidence) to accept the evidence of Ms Mentor and Mr Maseko. That evidence, if accepted, would go some way in supporting a thesis that

1821 (cd)



there was indeed some form of State Capture. On the other hand, if that evidence is found not only to be untruthful or unreliable, but to have been falsely made up, then such a finding would signal to the Commission that it should look very closely at all other evidence, as there would appear to be a motive to make out a case for State Capture where perhaps none exists. This is entirely plausible, and a possible line of inquiry that the Commission may be driven to undertake.

5.3 I want to clarify and reiterate that I have full faith, trust and confidence in the independence of the South African judiciary and legal system.

5.4 The attitude that I take with regard to the competence of the South African Police and the National Prosecuting Authority is that they are at the very least irresponsible in the wielding of their powers. Our experience in the case of *S v Thabethe* [case number: 17/07/2018] is as reflected in the heads of argument placed before the Commission, and is that the Hawks and the National Prosecuting Authority are commercially naïve, reach wrong conclusions based on a lack of understanding of commerce, and then wield awesome arrest and prosecution powers based on their wrongly held conclusions. This is irresponsible indeed. The National Prosecuting Authority narrowly obtained a further three months postponement in the Free State Regional Court where the Magistrate was scathing with regard to responsibility with which they have brought that prosecution. And yet that prosecution was brought, and the parties arrested and prosecuted

1821 (c)



remain in the thrall of that prosecution, without remedy, until such time as the docket is produced and we are able to show that there was never a case made out in that docket, which would have founded the arrests and prosecution. It is this wielding of power that causes me to be reluctant to come to South Africa at this time.

- 5.5 If there was another way of my being able to come to South Africa, and to have been satisfied that I would not be subjected to the unfair powers wielded by the Hawks and the National Prosecuting Authority, wielded in such a manner as they do, I would have grabbed the opportunity. Apparently there is none.
- 5.6 I once more make the offer to testify *via* video conference link. This would not entail an enormous expense, as it could take place with me giving *viva voce* evidence under the supervision of one or two persons, with the Commission remaining in South Africa.
- 5.7 It would also be open to the Commission not to make a general ruling in relation to this issue, but to make a specific ruling, for example with regard to the evidence of Ms Mentor and/or Mr Maseko, as an exception to what would be its general rules. Once this has taken place, *i.e.* cross-examination of the said witnesses and evidence by myself, the Commission could weigh the effectiveness of the methodology for acquiring evidence that had been adopted, as against the overall interest of the Commission to establish the truth on the issues in respect of which



1821 (f)

it is required to establish in terms of the Commission's Terms of Reference.

- 6 I have noted that the Commission has already allowed certain witnesses to give evidence *via* video conference facility and would point out that there is no reason why I should not be afforded the same courtesy.
- 7 I humbly pray that the Commissioner hears my evidence, so that not only the Commission can achieve its aim, but that I may have an opportunity to clear my name and the name of my family.

**THUS DONE AND SIGNED** at Dubai on this the 12<sup>th</sup> day of September 2018.

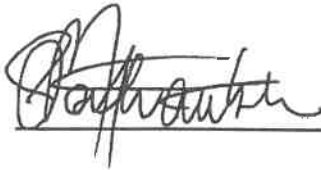


**AJAY KUMAR GUPTA**

I certify that this affidavit was signed and sworn to before me at DUBAI, UNITED ARAB EMIRATES, on this the 12<sup>th</sup> day of September 2018 by the deponent who acknowledged that he knows and understands the contents of this affidavit, has no objection to taking this oath, considers this oath to be binding on his conscience and



uttered the following words: 'I swear that the contents of this affidavit are both true and correct, so help me God.'



**COMMISSIONER OF OATHS**

Name: **ENOCH MATHAMBOLE**  
(Vice Consul Administration)

Address:

Capacity

**SOUTH AFRICAN CONSULATE GENERAL**  
Khalid Bin Al Waleed Rd  
New Sharaf Bldg. 3rd. Floor  
BUR - DUBAI - U.A.E.

**Commissioner of Oath**  
South African Consulate General  
Dubai, United Arab Emirates  
SOUTH AFRICAN CONSULATE GENERAL  
Date:.....

12 SEP 2018

DUBAI



1821 (h)

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**Busani Mabunda**

---

**From:** Pieter van der Merwe <pieter@vdmattorney.co.za>  
**Sent:** Sunday, 02 September 2018 16:34  
**To:** Busani Mabunda; S'fiso Molongoana  
**Subject:** APPLICATION TO CROSS EXAMINE  
**Attachments:** APPLICATION TO CROSS EXAMINE 02.09.2018.pdf; FINAL Ajay Gupta Aff - Jonas.pdf; FINAL Duduzane Aff- Jonas.pdf; FINAL Rajesh Gupta Aff - Jonas.pdf

Our ref: PvdM/PO0012  
Your ref: B Mabunda

MABUNDA INCORPORATED  
PER E-MAIL

Dear Sir,

**IN RE: APPLICATION TO CROSS-EXAMINE MR MH JONAS – AJ GUPTA, AK GUPTA, D ZUMA**

Abovementioned matter refers.

Find attached hereto an application to cross-examine Mr MH Jonas, filed on behalf of Mr Ajay Gupta, Mr Rajesh Gupta and Mr Duduzane Zuma. The application is further accompanied by the necessary affidavits deposed to on behalf of our clients.

We trust you will find it in order.

Regards,

*VDM*

**VAN DER MERWE & VAN DER MERWE**  
**PER: PJ VAN DER MERWE**  
**FLOOR**  
**308 BROOKS STREET, MENLO PARK**  
**T: (012) 941 9930**  
**C: (+27) 072 1724 098**  
**E-MAIL: [pieter@vdmattorney.co.za](mailto:pieter@vdmattorney.co.za)**

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

**AJAY KUMAR GUPTA**

**FIRST APPLICANT**

**RAJESH KUMAR GUPTA**

**SECOND APPLICANT**

**DUDUZANE ZUMA**

**THIRD APPLICANT**

---

**NOTICE OF APPLICATION IN TERMS OF RULE 3.4 OF THE RULES OF THE**  
**COMMISSION OF INQUIRY, TO INQUIRE INTO ALLEGATIONS OF STATE**  
**CAPTURE**

---

**TAKE NOTICE THAT** the abovementioned Applicants hereby make application in terms of Rule 3.4 of the Rules of the Commission of Inquiry, to inquire into allegations of State Capture, to the Commissioner for leave to cross-examine the witness, Mr Mcebisi Hubert Jonas, in relation to the contents of his affidavit(s) and version(s) with reference to the subject matter of a meeting which he participated in on 23 October 2015, in so far as that portions of his version(s) and allegation(s) are disputed, denied and contradicted by the abovementioned applicants.

The respects in which Mr Jonas' statement(s), version(s) and/or allegations are disputed, contradicted and/or denied and the grounds for the disputes and denials are self-evident from the annexed affidavits of Mr Ajay Kumar Gupta, Mr Rajesh Kumar Gupta and Mr Duduzane Zuma.

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In considering this request to cross-examine Mr Jonas, the Commissioner is asked to consider the following:

1. The function of the Commission is to establish the truth in relation to the areas of inquiry referred to in the Terms of Reference.
2. It is so that the proceedings of a commission of inquiry have traditionally been categorised as purely administrative, rather than judicial or quasi-judicial in nature, even when the commission was empowered to make recommendations. A fair administrative procedure depends on the circumstances of each case. In order to give effect to the right to procedural fairness, a commission is entitled to adopt its own procedure governing the receipt of evidence or information relevant to the issues before it.
3. It is submitted that as an organ of state engaged in administrative action, the procedure adopted by a commission must, however, comply with the provisions of the Promotion of the Administrative Justice Act, the fundamental rights guaranteed in the Bill of Rights and other relevant provisions of the Constitution.
4. It is submitted that the requirements of procedural fairness and natural justice do apply to commissions appointed by the president. This is so because it is accepted that serious repercussions can flow from the report of a commission. For example, very damaging findings of fact could be made in respect of

people who are named. In addition, a commission's report may accuse or condemn persons who may then be subject to civil or criminal proceedings. The whole process may be potentially prejudicial to a person's rights of personality, and fundamental rights guaranteed in the Constitution. For example Mr Duduzane Zuma who is implicated by Mr Jonas in the manner described by Mr Jonas, is already currently facing a criminal prosecution, after he has been arrested on 9 July 2018, allegedly on evidence premised on the very same allegation(s) and version(s) as claimed by Mr Jonas in his statement(s) and oral evidence given inter alia before the public protector some time ago.

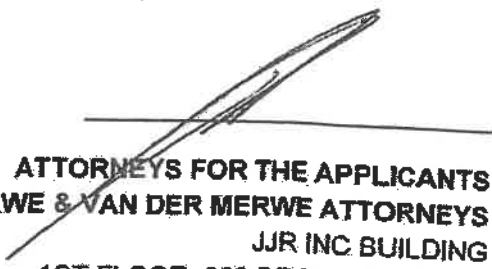
5. Although the Commission's work is that of an enquiry and the process of the Commission is inquisitorial and not adversarial and therefore the same as a civil or criminal trial court, it is nevertheless so that fair procedure, the rules of natural justice and conventional cross-examination, has historically been shown to be the best objective mechanism for testing the reliability and veracity of evidence tendered by a witness. Without conventional adversarial cross-examination, and more particularly adequate and effective cross-examination of contentious issues given in evidence by any witness, the Commission would be deprived of this essential tool for the testing of the reliability and veracity of evidence of the particular witness.
6. The statements of Mr Ajay Kumar Gupta, Rajesh Kumar Gupta and Duduzane Zuma raises clear disputes of fact, underpinned by their own evidence and version with reference to the said meeting held on 23 October 2015 and

demonstrating the need to test the reliability, credibility and probabilities of the evidence proffered by Mr Jonas given before the Commission.

7. In addition to the request to cross-examine Mr Jonas, it is submitted and argued that an adversarial element must be maintained and that Mr Jonas should not be consulted with before the cross-examination, on the contents of the sworn statements by Mr Ajay Kumar Gupta, Rajesh Kumar Gupta and Duduzane Zuma, by either the evidence leaders and/or the legal representative(s) of Mr Jonas and that cross-examination should take place without Mr Jonas being prepared on the grounds of disputes and denials, as this inquisitorial process, has the potential to enable Mr Jonas to adjust his evidence in anticipation of cross-examination, thus substantially weakening and eliminating the power and effectiveness of the conventional cross-examination.

**BE PLEASED TO FIND ANNEXED** the sworn statements of Mr Ajay Kumar Gupta, Rajesh Kumar Gupta and Duduzane Zuma, together with annexures thereto, which supports this application to cross-examine Mr Jonas on the procedure and conditions as set out herein.

**DATED AT JOHANNESBURG** on this the 2<sup>nd</sup> day of September 2018.

  
**ATTORNEYS FOR THE APPLICANTS**  
**VAN DER MERWE & VAN DER MERWE ATTORNEYS**  
JJR INC BUILDING  
1ST FLOOR, 308 BROOKS STREET

MENLO PARK  
PRETORIA  
Tel: (072) 1724 098  
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REF: PVDM /PO0012

TO: THE COMMISSION  
The Secretary  
2<sup>nd</sup> Floor, Hillside House  
17 Empire Road  
Parktown  
Johannesburg  
C/o Mabunda Incorporated  
2 Protea Road  
Bedfordview  
Tel no.: 011 450 2284  
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Ref: Mr P. B. Mabunda

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STATEMENT - AJAY GUPTA

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

---

**STATEMENT OF AJAY KUMAR GUPTA IN RELATION TO THE STATEMENT**  
**GIVEN BY MR MCEBISI JONAS**

---

I, the undersigned,

**AJAY KUMAR GUPTA**

do hereby make oath and state as follows:-

- 1 I am an adult male, and the facts contained in this statement fall within my own personal knowledge, save where otherwise indicated or stated, and are to the best of my belief both true and correct.
- 2 This statement is made in response to a notice in terms of Rule 3.3 of the Rules of the above Commission of Inquiry, and in particular in response to the statement of the former Deputy Minister of Finance, Mr Mcebisi Jonas.



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- 3 As will be seen from the content of this statement, there are very substantial disputes of fact between what I have to say in response to the contents of Mr Jonas's statement(s) and his version(s) made before by him on various occasions, therefore a request for permission to cross-examine Mr Jonas by my legal representatives will be filed together with this statement.
- 4 Naturally in this statement I comment on only those aspects which relate to me.
- 5 In this regard the statement of Mr Jonas appears to cover, broadly speaking, the following allegations:-
  - 5.1 Mr Jonas claims that he met with me on 23 October 2015 in the early afternoon at no 5 Saxonwold Drive, the Gupta Residence;
  - 5.2 that I made alleged monetary offers to him, should he be prepared to work with me and agree to accept my proposal to him, to become the Minister of Finance of South Africa thereby implicating that I had some or other influence and/or control to appoint Cabinet Ministers;
  - 5.3 a belated allegation in his latest signed statement, dated 8 August 2018, to the commission of the inquiry, wherein he for the first time claims that I also threatened to "kill" him, should he not co-operate with me or the Gupta family.



**THE ALLEGED MEETING DURING THE EARLY AFTERNOON ON 23 OCTOBER 2015 AT NO 5 SAXONWOLD DRIVE TOGETHER WITH MR FANA HLONGWANE AND MR DUDUZANE ZUMA**

- 6 I can categorically state that I never met with Mr Jonas on the afternoon of 23 October 2015 at no 5 Saxonwold Drive at the Gupta Residence, (or on any other date, either before or thereafter). I was not even present during that time when an alleged meeting was held between the mentioned role players at the said residence, as I was at the Offices at Oakbay in Katherine Street, Sandton.
- 7 Ronica Ragavan and the other employees of Oakbay can confirm my alibi and presence at the Oakbay Office in Sandton on that afternoon. I also tendered my cell phone records to the Public Protector when she afforded me a very superficial interview opportunity during 4 October 2016, when I gave evidence of my version of the allegations levelled against me, denying the allegations in answer to the allegations levelled by Mr Jonas against me specifically, to objectively confirm my alibi on that specific afternoon. It needs to be reiterated that this interview with the Public Protector was initiated by myself at my specific request as I asked to give a response to the false claims as reported in the media.
- 8 It is also plain and indisputable that my identity was introduced to Mr Jonas by way of a leading question suggested to him and/or photos of me being shown to him, to enable him to conclude that he in fact met with me



specifically and not with anybody else, where after he accepted and claimed that he in fact did have a meeting with me.

- 9 He later in an application in the High Court Pretoria, (which was dismissed with costs) by the then Minister of Finance, Minister Gordhan, against Oakbay Group of Companies without any qualification and/or hesitation in fact confirmed under oath that he met with me and nobody else. However in his latest statement dated 8 August 2018 to the investigators of the Commission of Inquiry on State Capture, Mr Jonas claims that he is still unsure with whom he has met on that specific day, as he did not know the Gupta brothers and have never been introduced to the Gupta brothers before and it may have been my brother Rajesh Gupta with whom he met on that specific afternoon.
- 10 Mr Jonas also for the first time ever incorporated in his most recent statement dated 8 August 2018 and claim that I threatened to kill him should he not give his co-operation to me. In his version to the Public Protector he never had such claims, even when he was specifically questioned about any threats he may have received.
- 11 As stated I had no meeting with Mr Jonas either on 23 October 2015 or on any other day. I therefor had no discussions with him as claimed by him, made no offers of any nature to him to pay money to him should he be prepared to agree to become the Minister of Finance, or that I tell the President what to do and that I control everything, nor did I make any threats to kill him. His version of the events of the meeting he had with Mr Fana Hlongwane and Duduzane Zuma is nothing but an intentional fabrication to





implicate me in alleged wrongdoing in which I played no part as I was not present and never met Mr Jonas. I point out that there is no Bar area on the level where the lounge is situated as alleged by Mr Jonas.

- 12 I also gave evidence under oath to the Public Protector denying the allegations and the version claimed by Mr Jonas and I also deposed 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 his nearest Police Station as he as any other ordinary citizen was legally obliged and duty bound under the Law, to do.
- 13 Duduzane Zuma was well known to me. Although I did not know Mr Fana Hlongwane at all at the time, I knew of him and was aware that he and Duduzane Zuma were friends. I had no business with them with regard to any meeting they planned and arranged with Mr Jonas and each other on that specific day or any other day. I have no knowledge of the subject matter of the meeting they had nor did I enquire about it.

### CONCLUSION

- 14 From that which I have stated above, it appears in my view that Mr Jonas has, either by his own devising or by the devising of others, been put up to paint a false picture of me in order to make a case of the alleged wrongdoing that is the very subject matter of the Inquiry by this Commission.



- 15 It follows that I made no offer of a Ministerial post as described by him, I did not make any offer to him to pay him either R 600 000.00 in cash or offer to pay him R 600 Million in an account of his choice, I did not have any knowledge of any upcoming cabinet reshuffling and/or about Ministers that may be fired and I did not have any influence over the appointment of any members of the national executive nor did I ever had such influence.

  
AJAY KUMAR GUPTA

I certify that this affidavit was signed and sworn to before me at DUBAI, UNITED ARAB EMIRATES, on this the 2<sup>nd</sup> day of September 2018 by the deponent who acknowledged that he knows and understands the contents of this affidavit, has no objection to taking this oath, considers this oath to be binding on his conscience and uttered the following words: 'I swear that the contents of this affidavit are both true and correct, so help me God.'

  
COMMISSIONER OF OATHS

Name: **ENOCH MATHAMBOLE**  
Address: (Vice Consul Administration)

Capacity

**SOUTH AFRICAN CONSULATE GENERAL**  
Khalid Bin Al Waleed Rd  
New Sharaf Bldg. 3rd Floor  
BUR - DUBAI - U.A.E.

**Commissioner of Oath**  
South African Consulate General  
Dubai, United Arab Emirates  
SOUTH AFRICAN CONSULATE GENERAL  
Date: .....

02 SEP 2018

DUBAI



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

**STATEMENT OF DUDUZANE ZUMA IN RELATION TO THE STATEMENT GIVEN**  
**BY MR MCEBISI JONAS**

I, the undersigned,

**DUDUZANE ZUMA**

do hereby declare under oath as follows:-

- 1 I am major male businessman and investor. I am a citizen of the Republic of South Africa, with identity number 820520 5254 086. My residential address is 18 Griswold Road Saxonwold Gauteng. I do not own any fixed property in Dubai or any other country outside South Africa. I am currently renting a property in Dubai.
- 2 The contents of this affidavit fall within my own personal knowledge, save where otherwise indicated, and are to the best of my belief both true and correct.
- 3 This statement is made in response to a notice in terms of Rule 3.3 of the Rules of the above Commission of Inquiry, and in particular in response to the statement of the former Deputy Minister of Finance, Mr Mcebisi Jonas, in so far



*[Signature]*

as he attempted to implicate me in relation to any alleged wrongdoing and/or that I was allegedly present during an alleged meeting in the afternoon of 23 October 2015 at no 5 Saxonwold Drive, with one of the Gupta brothers, during which meeting certain monetary offers were made to him and an offer to make him the Minister of Finance and threatening to kill him. I point out that I have already been arrested on 9 July 2018, (the only person thus far), and I am currently charged and stand trial in the Specialised Commercial Crimes Court, Johannesburg with reference to the subject matter of the above claimed allegations by Mr Jonas, in his various statement(s) and version(s) to date. My next appearance date is 24 January 2019.

- 4 I depose to this affidavit to give my version of the events both leading up to and during a meeting that was held between the erstwhile Deputy Minister of Finance, Mr Mcebisi Jonas ("Mr Jonas"), Mr Fana Hlongwane ("Mr Hlongwane") and myself on the afternoon of 23 October 2015, first at the Hyatt Hotel in Rosebank, where I met Mr Jonas alone, where after the meeting was moved to the premises situated at No 5 Saxonwold, Drive Gauteng.
- 5 My first interaction with Mr Jonas was to invite him to the South African of the Year awards as I invited various people. He eventually never attended the awards ceremony.
- 6 Mr Fana Hlongwane is an "Uncle" to me, with whom I have a very close historical relationship in that I, from time to time would go to him for counsel. Rumours were surfacing in general that Mr Jonas allegedly claimed that Mr



Hlongwane blackmailed him (Jonas) in some or other manner. These rumours were regarded as very serious.

- 7 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 discussions with Mr Hlongwane wanted to know from me directly where these rumours were spreading or coming from. Eventually a meeting was arranged for 23 October 2015 at the Hyatt Hotel, Rosebank, at about 13h00/13h30.
- 8 I met Mr Jonas for the first time at the Hyatt Hotel as arranged via telephone discussions/SMS exchanges between us. When I was at the Hyatt Hotel, Mr Hlongwane however telephonically requested us (me and Mr Jonas) for the meeting to be moved to a private venue of our choice, and we accordingly agreed to move the meeting to No 5 Saxonwold Drive, (Gupta Residence). As a consequence Mr Jonas requested to rather travel with me in my car, leaving his bodyguards behind at the Hyatt Hotel.
- 9 I point out that at no stage, since the suggestion was made that the meeting be moved to the Gupta residence, did Mr Jonas either object thereto and/or express any reservations and/or display any discomfort to having the meeting there.
- 10 When we left the Hyatt Hotel, we inter alia stopped to fill up with petrol. As we arrived at the no 5 Saxonwold Drive, Mr Hlongwane more or less arrived at the same time as we did.



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- 11 The meeting took place in the lounge area of the Gupta residence. Present at that meeting was Mr Jonas, Mr Hlongwane and myself. Upon his arrival orders were taken for drinks and refreshments. I mostly played the role of a spectator, and more of a mediator.
- 12 At some stage during this meeting, Mr Rajesh Gupta quickly peered into the lounge where the meeting was held, and called me to him to confirm my availability for a meeting to be held the next day. He did not fully enter the lounge and/or participated in a conversation with and/or introduced himself to anybody at the meeting. He simply called me to him and I stood up and walked towards him, we confirmed my availability and the time for the meeting the next day, where after he left the lounge.
- 13 After the meeting I was required to stay behind to attend further meetings, and a driver took Mr Jonas to where ever he wanted to be. Mr Hlongwane also remained behind with me.
- 14 My observations during the meeting was that both Mr Jonas and Mr Hlongwane ventilated and discussed the rumours of the blackmail allegations, and eventually reached a stage where, although it was not fully resolved, the 'dust settled' between them, so to speak, and they agreed that should any further issues arise, that they would arrange further follow-up meetings in that regard.
- 15 According to my assessment of the meeting, the issue between Mr Hlongwane and Mr Jonas was not entirely resolved, but hanged in the air for further follow-up meetings. I do not know whether or not this dispute between them regarding



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the claims of the alleged blackmail was ever resolved subsequent thereto, as far as I am aware.

- 16 I further confirm that on this specific day in question, being 23 October 2015, Mr Atul Gupta was not present, as he was, as far as I can recall, overseas. I also confirm that Mr Ajay Gupta was not at the Gupta residence at that time. To the best of my recollection, he was somewhere else or at his office in Sandton. He therefore had no interaction at all with Mr Jonas.
- 17 I categorically state and confirm that during the meeting between Mr Hlongwane and Mr Jonas on 23 October 2015, no discussions were held with reference to the removal of the (then) Minister of Finance, and/or that any offer was made to Mr Jonas to become the Minister of Finance, nor was any monetary offers and/or payment of money, made to Mr Jonas, or any threats uttered towards Mr Jonas by anyone, either as alleged or at all. No other meeting between Mr Jonas and anybody else took place that afternoon, nor was I present or part of such a meeting.
- 18 I did not take Mr Jonas to the airport after the meeting nor did I receive a call from Mr Jonas. I also wish to point out that subsequent to the meeting of 23 October 2015, I informally bumped into Mr Jonas on two occasions, once at the Hyatt Hotel again and once at a Parliamentary event. I can state that on both these occasions we had friendly interactions with each other, and there was no indication whatsoever of any animosity.



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19 I also need to state that this is the second affidavit I depose to in connection with this incident. I previously deposed to a confirmatory affidavit in response to the application launched by the then Finance Minister, Mr Pravin Gordhan, when he launched a civil application with reference to a declaration order with regard to the bank accounts of the Oakbay Group of Companies. I refer to that confirmatory affidavit in response to the affidavit deposed to by Mr Ajay Gupta himself, the content of which is self-explanatory. As can be seen from that confirmatory affidavit, my version remains the same with reference to the sequence of events and the subject of the meeting of 23 October 2015, before, during and after the said meeting. Unfortunately there was a typographical error with reference to the date in that it incorrectly reflects the date as 25 October 2017 and not 23 October 2015. I was in Table Bay when I was required to depose to that affidavit under time pressures and did not note that the date is incorrect. I emphatically deny the version and sequence of events as set out in the version by Mr Jonas.



DUDUZANE ZUMA

I certify that this affidavit was signed and sworn to before me at Dubai on this the 2<sup>nd</sup> day of September 2018 by the deponent who acknowledged that he knows and understands the contents of this affidavit, has no objection to taking this oath considers this oath to be binding on his conscience and uttered the following words: 'I swear that the contents of this affidavit are both true and correct, so help me God.'



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COMMISSIONER OF OATHS

Name:

Address:

**ENOCH MATHAMBOLE**  
(Vice Consul Administration)

Capacity

**SOUTH AFRICAN CONSULATE GENERAL**  
Khalid Bin Al Waleed Rd  
New Sharaf Bldg. 3rd Floor  
BUR - DUBAI - U.A.E.

**Commissioner of Oath**  
South African Consulate General  
Dubai, United Arab Emirates  
Date: **SOUTH AFRICAN CONSULATE GENERAL**

**02 SEP 2018**  
DUBAI



1840

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

---

**STATEMENT OF RAJESH KUMAR GUPTA IN RELATION TO THE STATEMENT**  
**GIVEN BY MR MCEBISI JONAS**

---

I, the undersigned

**RAJESH KUMAR GUPTA**

do hereby make oath and state as follows:-

- 1 I am a major male businessman and investor, a South African Citizen with South African identity number 720805 6345 087.
- 2 The content of this affidavit falls within my own personal knowledge, save where otherwise indicated, and is to the best of my belief both true and correct.
- 3 This statement is made in response to a notice in terms of Rule 3.3 of the Rules of the above Commission of Inquiry, and in particular in response to the statement of the former Deputy Minister of Finance, Mr Mcebisi Jonas, in so far as he attempts to implicate me in relation to any alleged wrongdoing and that

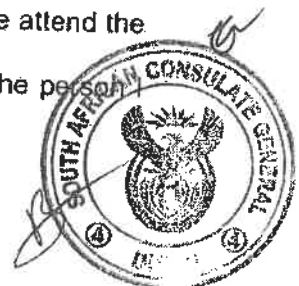


I allegedly had a meeting with him on the afternoon of 23 October 2015 at no 5 Saxonwold Drive, making certain offers to him and threatening to kill him.

- 4 I depose to this affidavit with regard to my knowledge of a meeting which was held in the lounge of the residence during the afternoon on 23 October 2015 at No 5 Saxonwold Drive between Mr Duduzane Zuma, Mr Fana Hlongwane and Mr Mcebisi Jonas.
- 5 On 23 October 2015 I was at No 5 Saxonwold Drive attending to other business at the residence. I wanted to enquire as to the availability of Mr Duduzane Zuma on the following day (24 October 2015). I went to the lounge in order to enquire from him on his availability as aforesaid. When I opened the door of the lounge, I saw Mr Duduzane Zuma, Mr Fana Hlongwane and another person, whom I was later told was Mr Mcebisi Jonas.
- 6 I opened the door and stood in the doorway and called Mr Duduzane Zuma over to me and enquired from him about his availability on the following day, where after I left. I did not introduce myself to anybody, nor did I participate in that meeting. I did not have any discussions with Mr Jonas at all. I do not know until what time their meeting lasted. I also did not see him when he left No 5 Saxonwold Drive.
- 7 I have never met Mr Mcebisi Jonas, nor have I ever had any dealings and/or interactions with him, either before 23 October 2015 or thereafter, except for my brief appearance in his presence as set out above.



- 8 I categorically deny that I had any discussions and/or conversation of any nature whatsoever with that person that I now know to be Mr Jonas on the afternoon of 23 October 2015. I point out that there is no Bar area on the level where the lounge is situated as alleged by Mr Jonas.
- 9 From that which I have stated above, it appears in my view that Mr Jonas has, either of his own creation and/or prompted by others embarked on a process of fabricating a false narrative of myself and/or my brothers in order to make a case of alleged wrongdoing which is the very essence of the inquiry by this Commission.
- 10 It follows that I made no offer of a Ministerial post as described by him, I did not make any offer to him to pay him either R 600 000.00 in cash or offer to pay him R 600 Million in an account of his choice, I did not have any knowledge of any upcoming cabinet reshuffling and/or about Ministers that may be fired and I did not have any influence over the appointment of any members of the national executive nor did I ever had such influence.
- 11 I was the only Gupta brother present at No 5 Saxonwold Drive on the afternoon of 23 October 2015. My one brother, Atul Gupta, was overseas at that time. My other brother, Ajay Kumar Gupta, was, to the best of my knowledge, at his office in Sandton on the afternoon of 23 October 2015. He was neither present at No 5 Saxonwold Drive on the afternoon of 23 October 2015, nor did he attend the meeting between Mr Duduzane Zuma, Mr Fana Hlongwane and the person now known as Mr Mcebisi Jonas at any stage during that afternoon.



- 12 Mr Mcebisi Jonas's claim that he met and had a meeting with Mr Ajay Kumar Gupta and/or me during the afternoon on 23 October 2015 at no 5 Saxonwold Drive, can only be an intentional fabrication of the events during the meeting with the aforesaid individuals that took place that afternoon.
- 13 I was never called by the Public Protector to give evidence in connection with this incident and/or her investigation into State Capture, nor did I attend any hearing(s) before her, or before any other presiding officer in any forum whatsoever.



RAJESH KUMAR GUPTA

I certify that this affidavit was signed and sworn to before me at Dubai on this the 2<sup>nd</sup> day of September 2018 by the deponent who acknowledged that he knows and understands the contents of this affidavit, has no objection to taking this oath, considers this oath to be binding on his conscience and uttered the following words: 'I swear that the contents of this affidavit are both true and correct, so help me God.'



COMMISSIONER OF OATHS

ENOCH MATHAMBOLE  
(Vice Consul Administration)

Name:

SOUTH AFRICAN CONSULATE GENERAL  
Khalifa Bin Al Waleed Rd  
New Sharaf Bldg. 3rd. Floor  
BUR - DUBAI - U.A.E.

Address:

Capacity

**Commissioner of Oath**  
South African Consulate General  
Dubai, United Arab Emirates

Date: 02 SEP 2018

DUBAI



181A

Straat adres / Street Address:

1st Floor, 308 Brooks Street,  
Menlo Park, Pretoria, 0184



Telefoon / Telephone:

072 1724 098

Faks / Fax:

086 603 9496

Posadres / Postal Address:

Posbus 628  
Cullinan, 1000

E-pos / Email:

pieter@vdmattorney.co.za

**VAN DER MERWE & VAN DER MERWE**

PROKUREURS / ATTORNEYS

**OUR REF: PVDM/PO0012**  
**YOUR REF: MR B MABUNDA**

12 SEPTEMBER 2018

**MABUNDA INCORPORATED**  
**PER E-MAIL: busani@mabundainc.com**

Dear Sir,

**IN RE: COMMISSION OF INQUIRY – MR MCEBISI JONAS- SUPPLEMENTARY AFFIDAVITS**

We refer to the above matter and more specifically your letter to us dated 10 September 2018.

Kindly find attached hereto the supplementary affidavits of Mr Ajay Gupta and Mr Rajesh Gupta, for the Chairperson's consideration.

We trust you will find it in order.

Yours faithfully,

**VAN DER MERWE & VAN DER MERWE**  
**PER: PIETER VAN DER MERWE**  
**(signed electronically)**

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

---

**SUPPLEMENTARY STATEMENT OF MR AJAY KUMAR GUPTA IN RELATION**  
**TO THE EVIDENCE OF MR MH JONAS**

---

I, the undersigned,

**AJAY KUMAR GUPTA**

do hereby state as follows:-

- 1 I am an adult male and the facts contained in this supplementary statement fall within my own personal knowledge, save where otherwise indicated or stated, and are to the best of my belief both true and correct.
- 2 I have previously deposed to an affidavit/statement in which I set out my version of the facts in relation to the evidence given by Mr Mcebisi Herbert Jonas with reference to his attempted implication of me of some level of wrongdoing, and by virtue of which affidavit/statement I seek leave to cross-examine Mr Jonas.
- 3 I understand that after presenting argument on my behalf, the issue has arisen that the Commission may adopt the approach that unless a person who is



1844 (b)

implicated or may be implicated by the evidence given by a witness before the Commission, and who wishes to cross-examine such witness giving evidence before the Commission, undertakes to also give *viva voce* evidence before the Commission in South Africa, the Commission may refuse that implicated person leave to cross-examine the witness.

- 4 I confirm that my attitude in relation to coming to give evidence before the Commission in South Africa is properly set out in my written submissions filed on my behalf and argued before the Commission on 6 September 2018.
- 5 I further confirm that I already deposed to a supplementary affidavit with reference to my application for leave to cross-examine both Ms Vytjie Mentor and Mr Maseko and I incorporate my supplementary version in this affidavit.
- 6 I however want to in addition clarify and reiterate why I am reluctant to come to South Africa at this time and why I do not trust the Hawks and the NPA to treat me fairly and objectively despite their constitutional obligation to do so:-
- 6.1 They have already demonstrated not to act fairly, objectively and transparently towards me. My attorneys wrote to them on a number of occasions enquiring from them whether or not there is a warrant for my arrest and if so, to provide my attorneys with a copy of the said warrant of arrest together with the affidavit in support of the application for the warrant, as set out in the heads of arguments submitted on my behalf and the annexed correspondence thereto. To date they bluntly refused



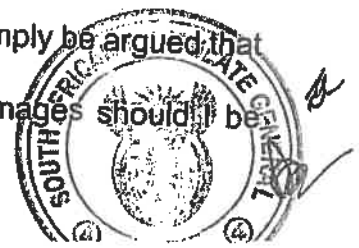
1844 (c)



to answer objectively and transparently to those simple requests. It should be plain and indisputable that I am entitled to such information.

- 6.2 It appears that despite the various contradictory and insecure versions proffered by Mr Jonas on various occasions and despite the fact that he as recently as 8 August 2018 still adopts the stance that he is in fact uncertain whether he had a meeting with me at all, he still did not lay any criminal charges against me with the South African Police Service (SAPS).
- 6.3 Media reports further suggests that a warrant of arrest has been issued for me due to the allegations levelled against me by Mr Jonas. Having regard to Mr Jonas's apparent confusion on whether he met me or someone else, it just indicates that the NPA and the Hawks will stop at nothing just to have me arrested, doesn't matter how they reach this goal. The Hawks spokesperson also indicated, according to media reports, that if I put one foot in South Africa I will be arrested.
- 6.4 Despite his versions as aforesaid, it however appears that the Hawks in co-operation with the NPA applied for some or other warrant for my arrest, premised purely on an alleged hearsay affidavit and criminal complaint apparently laid by a DA politician with the SAPS. Premised on this unlawful conduct I am now labelled as a fugitive of justice. This method and conduct clearly demonstrate the unlawful and unfair treatment I am subjected to. I submit that it cannot simply be argued that I have civil remedies at my disposal to sue for damages should I be

1844 (d)




subjected to unlawful treatment and incarcerated. There is simply no justification for them to conduct themselves in this fashion.

6.5 I once more make the offer to testify *via* video conference link. This would not entail an enormous expense, as it could take place with me giving *viva voce* evidence under the supervision of one or two persons, with the Commission remaining in South Africa. Other witnesses were already afforded such courtesy. To claim that because I am allegedly implicated by any witness and therefore I must appear in person in itself boils down to unequal treatment of witnesses.

7 I humbly pray that the Commissioner hears my evidence, so that not only the Commission can achieve its aim, but that I may have an opportunity to clear my name and the name of my family.

THUS DONE AND SIGNED at Dubai on this the 12<sup>th</sup> day of September 2018.


  
AJAY KUMAR GUPTA

I certify that this affidavit was signed and sworn to before me at DUBAI, UNITED ARAB EMIRATES, on this the 12<sup>th</sup> day of September 2018 by the deponent who acknowledged that he knows and understands the contents of this affidavit, has no objection to taking this oath, considers this oath to be binding on his conscience and



1844 (e)

uttered the following words: 'I swear that the contents of this affidavit are both true and correct, so help me God.'



**COMMISSIONER OF OATHS**

Name: **ENOCH MATHAMBOLE**  
(Vice Consul Administration)

Address: **SOUTH AFRICAN CONSULATE GENERAL**  
Khalid Bin Al Waleed Rd  
Capacity New Sharaf Bldg. 3rd Floor  
BUR - DUBAI - U.A.E.

**Commissioner of Oath**  
South African Consulate General  
Dubai  
Date:.....12 SEP 2018.....  
DUBAI



1844 (f)

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

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**SUPPLEMENTARY STATEMENT OF MR RAJESH GUPTA IN RELATION TO THE**  
**EVIDENCE OF MR MH JONAS**

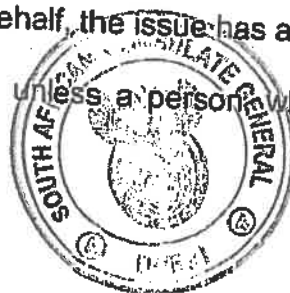
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I, the undersigned,

**RAJESH KUMAR GUPTA**

do hereby state as follows:-

- 1 I am an adult male and the facts contained in this supplementary statement fall within my own personal knowledge, save where otherwise indicated or stated, and are to the best of my belief both true and correct.
- 2 I have previously deposed to an affidavit/statement in which I set out my version of the facts in relation to the evidence given by Mr Mcebisi Herbert Jonas with reference to his attempted implication of me of some level of wrongdoing, and by virtue of which affidavit/statement I seek leave to cross-examine Mr Jonas.
- 3 I understand that after presenting argument on my behalf, the issue has arisen that the Commission may adopt the approach that unless a person who is



1844 (9)

implicated or may be implicated by the evidence given by a witness before the Commission, and who wishes to cross-examine such witness giving evidence before the Commission, undertakes to also give *viva voce* evidence before the Commission in South Africa, the Commission may refuse that implicated person leave to cross-examine the witness.

- 4 I confirm that my stance in relation to coming to give evidence before the Commission in South Africa is properly set out in my written submissions filed on my behalf and argued before the Commission on 6 September 2018.
- 5 I further confirm that I have read the supplementary affidavit of my brother Ajay Gupta and confirm the facts as set out by him in so far as it is also applicable to me.
- 6 I once more make the offer to testify *via* video conference link. This would not entail an enormous expense, as it could take place with me giving *viva voce* evidence under the supervision of one or two persons, with the Commission remaining in South Africa. Other witnesses were already afforded such courtesy. To claim that because I am allegedly implicated by any witness and therefore I must appear in person in itself boils down to unequal treatment of witnesses.
- 7 I however need to emphasise a number of points, which are as follows:-
- 7.1 I have no reluctance whatsoever, and in fact am very keen to participate in the proceedings before the Commission.



1844 Ch)

- 7.2 With regard to the evidence of Mr Jonas, it must be clear that my version seriously impugns the reliability, if not the credibility, of that evidence.
- 7.3 Unless my evidence is heard, the Commission might be compelled (there being no counter-veiling evidence) to accept the evidence of Mr Jonas. I humbly submit that this, with respect, will result in the Commission only having one side's version which denies it the ability of uncovering the truth.
- 7.4 That evidence of Mr Jonas, if accepted, would go some way in supporting a thesis that there was indeed some form of State Capture. On the other hand, if that evidence is found not only to be untruthful or unreliable, but to have been falsely made up, then such a finding would signal to the Commission that it should look very closely at all other evidence, as there would appear to be a motive to make out a case for State Capture where perhaps none exists. This is entirely plausible, and a possible line of inquiry that the Commission may be driven to undertake.
- 7.5 The view that I take with regard to the competence of the South African Police and the National Prosecuting Authority is that they are at the very least irresponsible in the wielding of their powers. If there was another way of my being able to come to South Africa, and to have been satisfied that I would not be subjected to the abuse of powers wielded by the Hawks and the National Prosecuting Authority, wielded in such a manner as they do at this time, I would have grabbed the opportunity.



1844 (i)

8 I humbly pray that the Commissioner hears my evidence, so that not only the Commission can achieve its aim, but that I may have an opportunity to clear my name to the extent that I may be implicated by Mr Jonas, despite the fact that he appears to be very confused whether or not I had any interaction at all with him.

THUS DONE AND SIGNED at Dubai on this the 12<sup>th</sup> day of September 2018.



**RAJESH GUPTA**

I certify that this affidavit was signed and sworn to before me at DUBAI, UNITED ARAB EMIRATES, on this the 12<sup>th</sup> day of September 2018 by the deponent who acknowledged that he knows and understands the contents of this affidavit, has no objection to taking this oath, considers this oath to be binding on his conscience and uttered the following words: *'I swear that the contents of this affidavit are both true and correct, so help me God.'*



**COMMISSIONER OF OATHS**

Name: **ENOCH MATHAMBOLE**  
(Vice Consul Administration)

Address: **SOUTH AFRICAN CONSULATE GENERAL**  
Khalid Bin Al Waleed Rd  
New Sharaf Bldg. 3rd Floor  
Capacity: **BUR - DUBAI - U.A.E.**

**Commissioner of Oath**

South African Consulate General  
Dubai, United Arab Emirates

Date:.....

SOUTH AFRICAN CONSULATE GENERAL

12 SEP 2018

DUBAI



1844 Ci)

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IN RE: STATE OF CAPTURE COMMISSION

Ex parte Lynn Brown

APPLICANT

---

NOTICE OF MOTION  
APPLICATION TO CROSS EXAMINE A  
WITNESS (MCEBISI JONAS)

---

PLEASE TAKE NOTE that, on a date and time to be allocated by the Chairperson of the abovementioned Commission, the Applicant, Lynn Brown will, apply for leave to cross examine the witness Mcebisi Jonas who delivered his testimony on the 24<sup>th</sup> of August 2018.

PLEASE TAKE NOTE that the accompanying affidavit or statement of Lynne Brown will be used in support of this application.

Date at \_\_\_\_\_ on this the \_\_\_\_ day of September 2018.



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Ms. LYNETTE BROWN

TO : THE STATE ATTORNEY  
STATE ATTORNEY  
SALU BUILDING  
316 THABO SEHUME STREET  
PRIVATE BAG X 91  
PRETORIA

REF : MR K I CHOWE  
TEL : 012 - 309 1562

FAX : 086 507 2194  
CELL : 083 527 8921

AND TO : THE CHAIRPERSON OF THE  
THE STATE OF CAPTURE COMMISSION

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IN THE STATE OF CAPTURE COMMISSION

Ex parte Lynette Brown

APPLICANT

---

AFFIDAVIT IN SUPPORT OF APPLICATION  
TO CROSS EXAMINE WITNESSES GIVING TESTIMONY AT THE  
STATE OF CAPTURE COMMISSION

---

I, the undersigned,

LYNETTE BROWN

declare under oath as follows:

1. I am an adult person, having served as an MPL, MP and various public office bearer positions in various contexts for the last 24 years, on behalf of the African National Congress. I retired on 27 February 2018, and I am now retired.

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2. The facts contained herein fall within my personal knowledge, unless the context indicates otherwise, and are both true and correct.
3. I have listened to the evidence adduced by Mr. Mcebisi Jonas "Mr. Jonas" on the 24<sup>th</sup> of August 2018. For reasons that I outline below, I depose to this affidavit in application for leave to cross examine the witness Mr. Jonas.

#### Introduction

4. I have had the privilege of serving as the Minister of Public Enterprises at the behest of the former President, Jacob Gedleyihlekisa Zuma from May 2014 to February 2018
5. In that capacity I as the Executive Authority, had oversight over 6 state owned entities, namely; Eskom, Transnet, Denel, Alexkor, Safcol and S.A. Express. Initially, I also had SAA but the President moved it to National Treasury in December 2015.
6. For reasons outlined by my legal representative on Monday 20 August to the Chairperson, I have a direct and substantial

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interest in this matter. For current purposes, I need not repeat them here.

7. I must point that for this session, I have not been served with a Rule 3 Notice. I have also not received, even to date, any statement by any witness. This has hampered my preparation and forced me and my legal representatives to fly in the dark, as it were, without radar regarding which witnesses were going to implicate me.
8. As at the hearing of the evidence of Mr. Jonas' testimony, my legal team and I had not received the statement of Mr. Jonas nor the statements of other witnesses irrespective of my having notified the Commission of my interest and role before it as far back as 4<sup>th</sup> June 2018 through a letter attached hereto marked "A". I haven't even received any notification advising me that I was going to be implicated by Mr. Jonas or any other witness' testimony.

#### Motivation

9. As it turned out, the evidence of Mr Jonas on the 24<sup>th</sup> of August 2018 mentioned my name.
10. He testified that during the alleged meeting of 23<sup>rd</sup> of March 2015, at Saxonworld, in the presence of Duduzane Zuma and

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Fana Hlongwane, Mr Gupta exhorted to him that they (presumably the Guptas and cohorts) have "people [they] work with", they "work with Lynne Brown".

11. These utterances implicate me. At face value they come across as an innocuous, hearsay utterance by a third party.
12. I, however, opine differently. This, for me may be seminal seed upon which further insinuations and allegations against me may be built. This anxiety is amplified by the fact that Mr. Jonas has further testified that cabinet was hostile to Treasury. Consequent upon that, the Chairperson has asked him to reflect on this and return with fuller details, which, I presume will include individuals' names possibly including my name as well.
13. I do not know whether my name will emerge there from, nor do I wish to speculate. I do however wish to be in a position to cross-examine him and any other witness should my name somehow emerge.
14. In a word: his testimony so far, may appear innocuous now, as I have already alluded, but may later as the further evidence unfolds before the commission prove to be insidious. His anticipated outstanding testimony magnifies this.

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15. If I am not allowed the opportunity to cross-examine now, I will be gravely prejudiced later when Mr. Jonas and any other further witness is no longer available.
16. In the premises, I humbly request that I be granted leave to cross-examine Mr. Mcebisi Jonas and any other witness that may possibly implicate me in wrongdoing of any kind.

DEPONENT

I certify that the deponent acknowledged that she knew and understood the contents of the above declaration that I duly administered the oath as prescribed by Regulation No. R 1258 of the 21st July 1972, and that thereafter the deponent in my presence signed the declaration at \_\_\_\_\_ on this the \_\_\_\_\_.

COMMISSIONER OF OATHS

Full Names:

Designation:

Business address:

1851

Adv. S. M. Lebala SC

Suites 2-3 & 2-T6, 2<sup>nd</sup> Floor  
The Club Advocates Chambers  
30 Pinaster Avenue  
Hazelwood  
Pretoria, 0081

Tel: 012- 947 9231 / 9203

Cell: 082 557 2710

P/A Cell: 0730861900

Email: [simmyleb@law.co.za](mailto:simmyleb@law.co.za)

P/A: [lebalasec@law.co.za](mailto:lebalasec@law.co.za)

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"A"

04<sup>th</sup> June 2018

TO : THE JUDICIAL COMMISSION OF INQUIRY INTO  
ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND  
FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF  
STATE "THE COMMISSION"  
C/O : THE CHAIRPERSON  
HONOURABLE MR. JUSTICE R ZONDO  
CC : EVIDENCE LEADERS  
ADVOCATE PAUL PRETORIUS SC  
EMAIL: [ppretorius@counsel.co.za](mailto:ppretorius@counsel.co.za)

Dear Honourable Justice Zondo *et al*

RE : INTRODUCTION OF THE LEGAL TEAM REPRESENTING  
THE FORMER EXECUTIVE AND POLITICAL HEAD OF THE  
DEPARTMENT OF PUBLIC ENTERPRISES, IE, MS. LYNNE  
BROWN / ADV. S. M. LEBALA SC

- 1.1 The above subject refers.
- 1.2 Kindly be advised that I will be representing former Minister Brown before your august Commission.
- 1.3 Currently, I am finalising the composition of Minister Brown's legal team and hope to team up with the Commission's evidence leaders and investigators in thudding ahead with the Commission's seminal prodigious assignment
- 1.4 Our team will be reaching out to you in the coming weeks to establish a working relationship inasfar as exchange of documentation, detail, information, witnesses including but not limited to collection of evidence is concerned. The importance of witnesses the Commission will be consulting with including documentation, detail and information in possession of such witnesses would greatly assist to facilitate

1 Accredited Mediator and Arbitrator, Corporate work, Constitutional Litigation and Administrative Law, Alternative Dispute Resolution Practitioner and General Litigation and areas of Company Law

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a common synergy that has to be created with Ms. Brown's legal team. On behalf of Ms. Brown's legal team, I undertake to do the same with the witnesses we will be consulting with and the documentation we will be coming into possession of. I am confident that if we share the same approach of establishing veritable facts and evidence before the Commission such an approach would assist the Commission to effortlessly discharge its important constitutional mandate.

- 1.5 Our team undertakes to prepare the witness statement of Ms. Brown that will be provided to the evidence leaders as soon as it's ready. Equally important, our team also undertakes to prepare statements of other witnesses we will be consulting with inasfar as Ms. Brown's role before the Commission is concerned. We also offer Ms. Brown to consult with your evidence leaders if practical, convenient and necessary. You will agree with me that our team has to be present during such a consultation. Needless to rehash the fact that Ms. Brown will definitely have to consult with the evidence leaders and investigators if need be, we undertake not to interfere with this function.
- 1.6 Our team further requests timeous notification of the evidence leaders' consultations with various witnesses if practical, convenient and favourable. In my considered view, such an approach would certainly simplify preparations, in particular analysis of documentation and evidence leading to testifying by such witnesses. Please do not view this request and such an approach as interfering with the evidence leaders' and investigators' critical roles.
- 1.7 Our team does not intend elevating the role played by Ms. Brown as the former executive and political head of the Department of Public Enterprises to be more important than that of other important witnesses who will be appearing before the Commission. This is so as we consider the role played by other former executive and political heads prior to Ms. Brown together with their accounting officers and officials as equally significant if not more important.
- 1.8 We would also appreciate an updated timetable as to when you will be consulting with witnesses from state owned companies of the Department of Public Enterprises. You will agree with me that permitting Ms. Brown's team to consult with such witnesses would make the task of leading such witnesses' evidence before the Commission practical, efficient, effective and resourceful. I add in parenthesis that such consultations need not be held in the presence of Ms. Brown's legal team if this would occasion delays and/or amount to interference in preparing such witnesses. Honestly speaking, I do not see how this would amount to interference including occasioning delays. We would appreciate if such witnesses are also offered to us for purposes of consulting with them to enable our team to be fully prepared. We would also



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appreciate the timeous exchange of documentation, detail and information to enable us to be fully prepared.

- 1.9 Finally, I humbly exhort that the requests made in this regard should not be viewed as interfering and/or dictating and/or undermining the evidence leaders' competencies and capabilities. May the record reflect that, I believe and have confidence in the competency and the capability of the evidence leaders. All that I am requesting is to assist Ms. Brown's legal team to make proper and full preparations including a full exchange of documents, statements, detail and information easier for the august evidence leaders and our team to discharge each others' functions smoothly to the Commission.
- 1.10 I await your speediest positive response.

Sincerely

Adv. S. M. Lebala SC

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