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Affidavit

I, Themba Mveli James Maseko, state under oath in English that:

1. I am an adult male with identity number: [REDACTED] residing at [REDACTED] [REDACTED]. My mobile number is [REDACTED]. I am the Director at Ricopart (Pty) Ltd, my offices are situated at [REDACTED] [REDACTED]. My office telephone number [REDACTED].
2. I have been requested to provide an affidavit relating to the report that I submitted to the Public Protector in relation to the so-called 'State Capture' investigation.
3. I first submitted the statement in response to the call by the Secretary General of the African National Congress, Mr Gwede Mantashe, which statement was subsequently submitted to the Public Protector's office
4. The statement provides details of my experience with the Gupta family during my tenure as Accounting Officer and Chief Executive Officer of the Government Communication and Information System (GCIS).
5. I was approached by the Gupta Family during my tenure as the Accounting Officer and Chief Executive Officer (CEO) of the Government Communication and Information Service (GCIS), and Government Spokesperson.

My background in the public service

6. I have served in the public service from 1995 to 2011. My roles included the following:
 - a. Member of Parliament

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- b. First Superintendent General (DG) in the Department of Gauteng Department of Education
- c. Director General -- Public Works
- d. CEO of Government Communications and Information Services (GCIS) and
- e. Government Spokesperson
- f. Director General --Department of Public Service and Administration (DPSA)

My role at GCIS

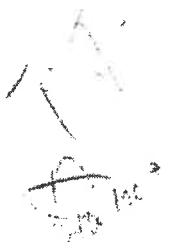
- 7. GCIS is the communication service of the government of the republic of South Africa. It is responsible for communicating to the public on behalf of government. The GCIS was located in The Presidency. At the time in question, GCIS reported to the Minister in the Presidency, the late Minister Collins Chabane.
- 8. GCIS was also responsible for the media buying function on behalf of all national government departments. This entailed identifying and buying advertising space in all media platforms (Radio, print media and TV). The total government expenditure on advertising was valued at around R600 million per annum at the time.
- 9. The media buying function mentioned in paragraph 7 above was performed on an agency basis on behalf of other departments. The budget for this function was allocated to the various line departments and not to the GCIS budgets votes.

Meeting with the Guptas

- 10. Around September/October of 2010, I received a call from Mr Ajay Gupta on my mobile number: [REDACTED] requesting a meeting to discuss what he said was a new project which he and his company were launching which he indicated required government support.

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11. At the time of the call, I knew Mr Ajay Gupta whom I had met at meetings of the International Marketing Council (IMC), now called BrandSA. I was also aware at the time that there were talks of the Gupta family's plans to enter the media sector by establishing a newspaper and a television station. I, however, did not know any details in this regard at the time.
12. I was reluctant to accede to Mr Ajay Gupta's meeting request because I did not have any details of the 'project' that Mr Ajay Gupta was referring to. However, as he spoke more about the 'project' and explained that the project entailed the entry of a new player into the media sector, I thought I should give him a hearing in order understand more about the 'project'. In my view, meeting him would be in keeping with my general attitude towards all stakeholders in the media industry.
13. Consequently, our discussions ended on the note that we would meet. We arranged that I would meet Mr Ajay Gupta at the Gupta residence in Saxonwold. The exact date of that meeting can be obtained from my diary which is in possession of GCIS. I did not think it was unusual for the meeting to be held at that venue because Mr Ajay Gupta told me that the venue was appropriate for the meeting. Also, I often met with people either at my office or at venues suggested by them.
14. I had no reason to believe that the meeting would be anything other than one in which I would be provided with further details of the media 'project' which Mr Gupta had referred to during our telephone conversation.
15. On the date of the meeting, as I was driving out of the office parking lot, I received a call from Mahlambandlopfu, the President's official residence. I identified the incoming number as I had had dealings with the residence previously. A female caller said the President wanted to speak to me.



16. The call was then transferred to The President. After the pleasantries, the President then said the following: "*mfokababa. Kunalamadoda akwa Gupta. Ngifuna ukuthi uhlangane nabo futhi ubancede.*" The English translation is – 'my brother, there are these Gupta guys who need to meet with you and who need your help. Please help them.
17. I advised the President that the Guptas had already contacted me with a request for a meeting. Further, I advised the President that in fact I was on my way to the meeting with Mr Ajay Gupta at that very moment. The President thanked me for my cooperation and terminated the call.
18. I was taken aback at the call and wondered whether the Guptas had requested the President to call me to demonstrate their power and influence in the upper echelons of government. However, I avoided jumping to that conclusion and I decided to proceed to the meeting with an open mind. I was clear in mind that I would approach the discussions as I would with any other stakeholder in the media industry, namely, by considering the discussions as objectively as possible.
19. The above notwithstanding, and with some trepidation, I proceeded to the Saxonwold Gupta residence (or compound) for the meeting with Mr Ajay Gupta.
20. On arrival at the compound, I was greeted by security people who directed me to leave my car next to the door as they would park it for me.
21. I was welcomed into the house by a female who I assumed was a staff member who led me to the room which looked like a formal lounge. Mr Ajay Gupta entered the room and was followed by his brother Atul a few minutes later.
22. Mr Atul Gupta did not stay for the duration of the meeting.

Demand for advertisement budget

23. Mr Ajay Gupta then introduced the subject of the meeting as follows

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24. The Gupta family was setting up a media company which needed government support in the form of advertising spend. The company would have interests in print media and a TV station.
25. He then went to tell me that he was aware that government was spending around R600 million on advertising in media platforms and he wanted all that expenditure to be transferred to his company, the would-be media company. In essence, he wanted the total budget to be utilised for advertising in the television and newspaper businesses the Gupta family was setting up.
26. I then proceeded to explain how the budget and procurement process worked and why it would not be possible to transfer the whole budget to his company. I told him that in any case, the budget didn't sit with us at GCIS and that we merely acted as an agency for the respective government departments.
27. He dismissed my explanation and proceeded to tell me that my job is to go and identify, collect and allocate all the communication budget amounts in the various departments to his company.
28. He then told me that I should let him know if any department or Minister gives me any problems and he would deal with them directly. I asked him to elaborate and he told me that he will personally summon and deal with any Minister who doesn't cooperate in this regard. I then objected to the way he was talking about Ministers in such derogatory terms. He seemed oblivious to the point I was making and emphasised that he could deal with any Minister who didn't cooperate.
29. Matters such as the inappropriateness of what he saying and the impropriety of trying to obtain government business in this manner did not seem to matter to Mr Ajay Gupta.

Handwritten signature and initials, possibly "T. J. D." and "22/10/12".

30. The meeting concluded. He expected me to implement his instructions with a clear action plan. I on the other hand, was convinced that I would not be party to what I considered to be improper and potentially corrupt on his part to secure government business. In this regard, Mr Ajay Gupta did not offer me any personal benefit, he was clearly attempting to force my hand in a threatening manner.

31. I also reported the incident to Mr Frank Chikane, who was a former Director General in the Presidency.

The call

32. On or around the end of November 2010, I was driving to the North West province for a weekend getaway. I received a call from an unknown gentleman who said he worked for the Gupta Media Company (the term is used loosely herein to refer to the media company set up by the Guptas for their print and/or TV venture). The gentleman requested to meet me the following Monday at 08h00 in the morning to discuss government advertising in the soon to be launched New Age Newspaper.

33. I told him I would meet with him but that he should call me on Monday morning to set up an appointment as my diary was already packed. In this regard, I wished to ensure that whilst I would listen to any proposal, this had to follow proper procedures and had to be done on a proper basis.

34. He insisted that the meeting had to take place that following Monday as the launch of their newspaper was imminent. I proceeded to tell him that a Monday morning meeting was out of the question. The call ended unceremoniously.

35. About an hour later, my phone rang again. This time it was Mr Ajay Gupta. He sounded very agitated and he started the conversation with an aggressive tone.

36. He said his people told him that I was being difficult. I told him what happened in the conversation with his staff member.
37. He then responded by saying something to the effect that he will not tolerate any nonsense and that I didn't understand what was going on. He said the meeting must happen on Monday morning.
38. I was extremely offended by what was going on and the manner in which he spoke to me. I told him that he had no right to give me instructions as he was not my employer. His response was that the meeting must no longer take place on the Monday morning, as they had initially demanded, but should happen the following morning, which was a Saturday. I told him how ridiculous his demand was and that I was out of town for the weekend. He insisted that the meeting will take place on the Saturday morning.
39. I told him in no uncertain terms that I will not be spoken to in that manner nor dictated to as he was attempting to do. In the process and reflective of my annoyance at an attempt to improperly bully me as a government official, I also used an expletive.
40. At this point he told me that I was being uncooperative and that he was going to speak to my seniors in government who would sort me out and replace me with people who would cooperate with him. I can't recall whether he or I dropped the call. The call ended abruptly.
41. I attempted to reach Minister Chabane on the phone that evening to report this episode but was unable to reach him.
42. On my return to Johannesburg the following week, I briefed Minister Chabane about the developments.

Other Departments

43. This matter was of great concern to me especially when I started receiving complaints from heads of communication from other departments complaining that they were being harassed by people from the New Age Newspaper who were demanding either meetings or advertising budgets.
44. I was concerned by this development as whoever was making these demands was doing so under the pretext that I had given permission or authorisation for them to cooperate with the New Age Newspaper people. This was obviously not true as I had not made any undertaking to this effect to anyone.
45. All the telephone calls referred to in this statement were via my mobile phone.
46. During my tenure at GCIS, there were no dealings or contracts between GCIS and the Gupta family or any of their companies that I am aware of.

My exit from the Public Service

47. Towards the end of January 2011, I received a call from the Minister Chabane asking me to meet him at his office urgently. I met him at his office the following morning. At the meeting, he advised me that he had been instructed by the President to redeploy me or terminate my contract henceforth.
48. He told me that although he no choice but to implement the instruction from the President, he made a commitment not to throw me in the street because he knew that I was a committed civil servant who had not done anything wrong. He told me he would make a plan to find another post for me in the public service.

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49. A Cabinet meeting took place the following Wednesday. During the course of the Cabinet meeting, I was informed that ETV NEWS channel was running with the news story that I was fired.
50. During the tea break, I brought this to the attention of the Minister Chabane who was shocked that the matter of my imminent exit was somehow leaked to the media.
51. Minister Chabane, consulted with the President during the break and an impromptu announcement had to be made to Cabinet that I had been terminated as GCIS CEO and Government Spokesperson.
52. Minister Chabane advised me to report at the Department Of Public Service and Administration (DPSA) immediately because he was aware that the post of Director General at that department was vacant.
53. Unfortunately, Minister Baloyi was not at that Cabinet meeting at the time when this news broke. I had the task of informing him that I was his newly appointed Director General at the Department of Public Service and Administration.
54. In the afternoon of my dismissal from the GCIS/Government Spokesperson post, I received a call from Mr Ajay Gupta which I did not answer. The purpose of that call remains a mystery as we had not spoken since the telephone incident described in paragraph 33.
55. I served as the Director General of the Department of Public Service and Administration for a few months until my eventual resignation from the Public service.

Conclusion

56. I consider the approach by the Guptas and the manner in which they set to put pressure on me was inappropriate, uncalled for and irregular. The use of threats against me amounted to bullying and attempting to force me to break all government procurement processes and procedures. I refused to cooperate.

57. This approach by the Gupta Family was contrary to Section 217(1) of the Constitution and the Public Finance Management Act (PFMA).

I am willing to elaborate further on the above.

Before attesting to this statement, the deponent was asked the following questions and his answers were recorded hereon.

Do you know and understand the contents of this statement?

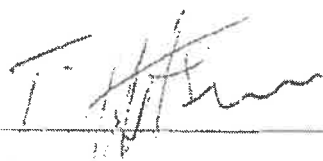
Answer: Yes

Do you have any objection in taking the prescribed oath?

Answer: No

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

Answer: YES



Signature of Deponent

I certify that the above statement was taken down in writing by myself and the Deponent has acknowledged that he knows and understands the contents thereof. This statements was sworn to and signed in my presence at [REDACTED] on this the 22nd Day of June 2017 at 13h45.



Commissioner of Oaths

Name: Pragasen M. Govender

Rank: Captain, SAPS, Directorate Priority Crime Investigation

Address: 83 Steve Biko Street, Arcadia, Pretoria

