

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

PARKTOWN, JOHANNESBURG

10

04 JULY 2019

DAY 127

20

PROCEEDINGS ON 4 JULY 2019

CHAIRPERSON: Good morning, good morning everybody.

ADV MPHO RASIVHETSHELE: Morning Chair.

CHAIRPERSON: Thank you. Are you ready?

ADV MPHO RASIVHETSHELE: We are indeed Chair.

CHAIRPERSON: Yes.

ADV MPHO RASIVHETSHELE: Chair may Mr William Matjila be sworn in?

CHAIRPERSON: Thank you please administer the oath or affirmation?

10 **REGISTRAR**: Please state your full names for the record?

MR WILLIAM MOLEFE MATJILA [through interpreter]: William Molefe Matjila.

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

MR WILLIAM MOLEFE MATJILA [through interpreter]: No.

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

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes.

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

MR WILLIAM MOLEFE MATJILA [through interpreter]: So help me God.

REGISTRAR: Thank you.

CHAIRPERSON: Thank you.

ADV MPHO RASIVHETSHELE: The Chair will note that ...

CHAIRPERSON: Just one second. Yes thank you.

ADV MPHO RASIVHETSHELE: Thank you Chair. The Chair will note that there is Mr Mnese right next to Mr Matjila. Mr Matjila had requested for – to – for a translator in Setswana in home language. Chair we have a document, an oath of office for the interpreter and I beg leave to hand that up.

CHAIRPERSON: Yes let me see. I see that the – that this oath relates him performing his work in the Magistrate's courts. I think we must just
10 do the oath. Mr Mnese please stand up. What is the – what is Mr Matjilas language? Is it Setswana?

MR STANLEY DUMISANI MNESE: Setswana yes.

ADV MPHO RASIVHETSHELE: Yes.

CHAIRPERSON: Setswana?

ADV MPHO RASIVHETSHELE: Yes Chair.

CHAIRPERSON: Okay. Mr Mnese I am just going to ask you a few questions before we do the oath. Okay. What are your full names I see here it is – simply gives initials S D Mnese?

MR STANLEY DUMISANI MNESE: Stanley Dumisani Mnese Chairperon

20 **CHAIRPERSON:** Yes. Are you proficient in the Setswana language an English language and you are able to translate from Setswana to English and from English to Setswana?

MR STANLEY DUMISANI MNESE: Yes Your Worship – Chairperson.

CHAIRPERSON: And how long have you been going that?

MR STANLEY DUMISANI MNESE: I am now in the Department for 32

years.

CHAIRPERSON: For?

MR STANLEY DUMISANI MNESE: 32 years.

CHAIRPERSON: 32 years and you have been interpreting from among other languages Setswana to English and from English to Setswana?

MR STANLEY DUMISANI MNESE: Correct so Chairperson.

CHAIRPERSON: Yes. Okay alright. Let us do the oath then. I am going to administer the oath to you. Mr Stanley Dumisani Mnese do you swear that you are proficient in Setswana and English and that you
10 are able to translate from Setswana to English and from English to Setswana and that you have done so for many years in the Magistrate's courts in South Africa and you have no objection to taking the oath. If you – your answer is yes to all of this please say yes and raise your right hand and say, so help me God.

MR STANLEY DUMISANI MNESE: Indeed so, yes, so help me God.

CHAIRPERSON: Thank you. You are duly sworn in. Thank you.

ADV MPHONG RASIVHETSHELE: Thank you Chair. Chair...

CHAIRPERSON: Thank you. Yes.

ADV MPHONG RASIVHETSHELE: Thank you Chair. The Exhibits that we
20 will be referencing to Chair is Exhibit FF1.

CHAIRPERSON: Yes.

ADV MPHONG RASIVHETSHELE: FF4.

CHAIRPERSON: Yes.

ADV MPHONG RASIVHETSHELE: And FF6.

CHAIRPERSON: Ja thank you.

ADV MPHONG RASIVHETSHELE: From the onset we will be dealing with FF6 Chair.

CHAIRPERSON: Yes.

ADV MPHONG RASIVHETSHELE: Mr Matjila's confirmatory affidavit is labelled Exhibit FF6.3 which starts on paginated page 11. Mr Matjila are you there?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes.

ADV MPHONG RASIVHETSHELE: Mr Matjila is that your confirmatory affidavit you see in front of you?

10 **MR WILLIAM MOLEFE MATJILA [through interpreter]:** Yes. Indeed so.

CHAIRPERSON: One second. Yes thank you.

ADV MPHONG RASIVHETSHELE: Thank you Chair. Mr Matjila is that your signature at the bottom of page 11?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes indeed.

ADV MPHONG RASIVHETSHELE: And if you turn to the next page on page 12 is that your signature in the middle of the page?

MR WILLIAM MOLEFE MATJILA [through interpreter]: That is true.

20 **ADV MPHONG RASIVHETSHELE:** And you deposed to this affidavit on the 26th of June 2019?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes Chairperson.

ADV MPHONG RASIVHETSHELE: Mr Matjila are you satisfied with the contents of this confirmatory affidavit?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes.

ADV MPHOS RASIVHETSHELE: And the contents are true and correct

MR WILLIAM MOLEFE MATJILA [through interpreter]: **mrYes.**

ADV MPHOS RASIVHETSHELE: Mr Matjila where are you currently employed

MR WILLIAM MOLEFE MATJILA [through interpreter]: State Visit Protocol DIRCO.

ADV MPHOS RASIVHETSHELE: And what are your functions?

MR WILLIAM MOLEFE MATJILA [through interpreter]: I am dealing with the President's planes and the Ministers.

10 **ADV MPHOS RASIVHETSHELE:** Sorry Mr Matjila could you just talk up a little bit louder.

MR WILLIAM MOLEFE MATJILA [through interpreter]: Presidents, Ministers and Deputy Presidents. When they are to come and land in South Africa they will send a request to DIRCO addressed Attention Mr Matjila by means of a note verbal.

ADV MPHOS RASIVHETSHELE: Mr Matjila you have submitted documents that you work with at DIRCO in terms of the non-verbal. If I may Chair refer you to the annexures that Mr Matjila has – has brought forth. Can I turn – your – bring your attention to page 16 of Mr
20 Matjila's document?

CHAIRPERSON: Well tell me what Exhibit is I do not know Mr Matjila's documents.

ADV MPHOS RASIVHETSHELE: It is Exhibit – sorry – apologies Chair.

CHAIRPERSON: Hm.

ADV MPHOS RASIVHETSHELE: It is Exhibit FF6.3.

CHAIRPERSON: FF6 did you say .3?

ADV MPHO RASIVHETSHELE: .3 so it is under Exhibit FF6 and it is the last....

CHAIRPERSON: Ja the exhibit is FF6.

ADV MPHO RASIVHETSHELE: Yes.

CHAIRPERSON: And then you want me to go to divider number 3.

ADV MPHO RASIVHETSHELE: Yes Chair.

CHAIRPERSON: Ja.

ADV MPHO RASIVHETSHELE: Thank you.

10 **CHAIRPERSON**: Did you say Exhibit FF6.3 I will not find that Exhibit. Is Exhibit FF6 and you must go under the divider number 3.

ADV MPHO RASIVHETSHELE: Indeed so Chair.

CHAIRPERSON: Okay or you tell me what the page is of that exhibit.

ADV MPHO RASIVHETSHELE: It is 16 Chair.

CHAIRPERSON: Yes. Okay I have got – ja I have got his affidavit but his affidavit just refers to the report.

ADV MPHO RASIVHETSHELE: Yes apologies.

CHAIRPERSON: It does not...

ADV MPHO RASIVHETSHELE: Apologies, apologies, apologies Chair if
20 I may just – just go back to the affidavit. Apologies for that. Mr Matjila in your affidavit if I could take you to the second paragraph of your confirmatory affidavit. That would be on page 11.

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes I see that.

ADV MPHO RASIVHETSHELE: You state that the contents in the cluster report issued after the subsequent landing of the aircraft

compiled that all the contents in that document that relates to you is true and correct.

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes the ones that were on my name.

ADV MPH O RASIVHETSHELE: The paragraphs that I would also like to bring to the Chair's attention is in Exhibit FF1 that would be the statement of Ms Sindane. An attachment under the second folder.

MR WILLIAM MOLEFE MATJILA [through interpreter]: What page?

ADV MPH O RASIVHETSHELE: FF1 Mr Matjila.

10 **MR WILLIAM MOLEFE MATJILA [through interpreter]:** FF1.

CHAIRPERSON: The report starts at page 5 of Exhibit FF1.

ADV MPH O RASIVHETSHELE: Yes Chair. I think Mr Matjila might just be slightly lost. Mr Matjila you will find that...

CHAIRPERSON: Have you not shown him which one is FF1, which one if FF6?

ADV MPH O RASIVHETSHELE: We have indeed. The folder that is right there.

CHAIRPERSON: Yes.

20 **ADV MPH O RASIVHETSHELE:** If I could just ask my colleague Ms [indistinct] just to assist.

CHAIRPERSON: Look outside – look on the cover page to see what Exhibit it is.

MR WILLIAM MOLEFE MATJILA [through interpreter]: Oh it is this one. We got it.

ADV MPH O RASIVHETSHELE: Okay.

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes.

CHAIRPERSON: Okay well maybe you go and show him each one of the exhibits so that we do not waste time as we go on.

MR WILLIAM MOLEFE MATJILA [through interpreter]: Okay.

CHAIRPERSON: Show him which one is Exhibit FF4, Exhibit FF5, Exhibit FF6, Exhibit FF1 so that...

MR WILLIAM MOLEFE MATJILA [through interpreter]: Okay.

CHAIRPERSON: He will not be confused.

MR WILLIAM MOLEFE MATJILA [through interpreter]: Okay. Okay.

10 Yes I have got it Chairperson.

ADV MPH O RASIVHETSHELE: Thank you Chair for your indulgence. Mr Matjila.

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes Ma'am.

ADV MPH O RASIVHETSHELE: And Chair if I could just bring your attention to page 12 of that document.

CHAIRPERSON: Yes.

ADV MPH O RASIVHETSHELE: Mr Matjila you are mentioned in paragraphs 2.1.18, 2.1.19.

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes.

20 **ADV MPH O RASIVHETSHELE:** And 2.1.20.

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes.

ADV MPH O RASIVHETSHELE: In these documents. Have you read the contents of those documents?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes.

ADV MPH O RASIVHETSHELE: And you confirm the correctness of it?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes.

ADV MPHO RASIVHETSHELE: Chair I am not particularly sure if – because this document has been led in evidence yesterday if you want us to either under your approval to either read it on record or just give a short synopsis of what is contained in these paragraphs?

CHAIRPERSON: Maybe let us do it this way. Mr Matjila your role in this whole incident seems to have been a limited one, is that correct?

MR WILLIAM MOLEFE MARTJILA [through interpreter]: Yes, yes Chairperson.

10 **CHAIRPERSON:** Can you just tell me what your role was in this incident which led to the landing of a commercial aircraft at Waterkloof?

MR WILLIAM MOLEFE MATJILA [through interpreter]: I was in the office Your Worship when I received a call from Ambassador Koloane.

CHAIRPERSON: Okay before you proceed let me ask this. At the time of this incident what position did you hold then?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Foreign Affairs Assistant Your Worship which I am currently holding.

CHAIRPERSON: You are still holding the same position?

20 **MR WILLIAM MOLEFE MATJILA [through interpreter]:** Yes Chairperson.

CHAIRPERSON: What were your duties in that position which may be relevant to this incident?

MR WILLIAM MOLEFE MATJILA [through interpreter]: I was performing my daily duties Your Worship which I was supposed to at the

office.

CHAIRPERSON: Ja what were the main functions attached to the position you held?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Assisting in making passports, note verbals for the other departments Your Worship and the Presidencies Department Your Worship.

CHAIRPERSON: So your – part of your duty was to prepare note verbal's?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes

10 **CHAIRPERSON**: And what were the circumstances under which you were required to prepare note verbal's'?

MR WILLIAM MOLEFE MATJILA [through interpreter]: The note verbal's Your Worship are when other departments are asking for assistance when they were actually asking to make some visas Your Worship.

CHAIRPERSON: What was your role in that connected you to note verbal's?

MR WILLIAM MOLEFE MATJILA [through interpreter]: In connection with this issue of ...

20 **CHAIRPERSON**: No generally speaking.

MR WILLIAM MOLEFE MATJILA [through interpreter]: I assist with the note verbal's like if the Presidential [indistinct] issues Your Worship are asking for the note verbal's I then prepare the note verbal hand it over to them and they will take them to the embassies Your Worship in order to get the visas Your Worship.

CHAIRPERSON: Was Mr Koloane your immediate superior?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes Mr Koloane was my superior at that point in time.

CHAIRPERSON: Yes no thank you. Now you can go back to telling me what your role was in this – in this – in regard to this incident?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Okay.

ADV MPHONGASHE: Sorry I have just received word from the technicians. Mr Matjila can you just move the microphone towards you.

10 **MR WILLIAM MOLEFE MATJILA [through interpreter]**: Okay.

ADV MPHONGASHE: Thank you.

MR WILLIAM MOLEFE MATJILA [through interpreter]: I received a call from Ambassador Koloane to ask the Indian Delegation about the overflight clearance.

CHAIRPERSON: I am sorry, I am sorry just start again I missed something in that sentence.

MR WILLIAM MOLEFE MATJILA [through interpreter]: I received a call from Ambassador Koloane to assist the Indian with the clearance. A few minutes...

20 **CHAIRPERSON**: Is that the Indian government or ...

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes Chairperson.

CHAIRPERSON: Yes okay continue.

MR WILLIAM MOLEFE MATJILA [through interpreter]: I then finished speaking to Mr Koloane for that specific point in time.

CHAIRPERSON: Do you remember on what date that was when you got this instruction from him?

MR WILLIAM MOLEFE MATJILA [through interpreter]: No I am not quite certain Your Worship about the date.

CHAIRPERSON: Okay well the incident happened in – the landing of the aircraft happened on the 30 April 2013 and it appears that the discussions and preparations started happening early or may have started early in April but if you do wish to refresh your memory if there is a document where you know you can see the date.

10 **MR WILLIAM MOLEFE MATJILA [through interpreter]**: Oh yes.

CHAIRPERSON: Feel free to have a look.

MR WILLIAM MOLEFE MATJILA [through interpreter]: It was on the 9th of April.

CHAIRPERSON: Okay so he – the instruction that Mr Koloane gave you was to assist with the clearance for the Indian government?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes.

CHAIRPERSON: What did you understand that to entail that instruction to entail if he says, please assist with the clearance for the Indian government, what did you understand that to require you to do?

20 **MR WILLIAM MOLEFE MATJILA [through interpreter]**: Seeing that the Ambassador is senior to me there are actually used to receive some note verbal. And then he will then hand over to me to process the – for the clearance.

CHAIRPERSON: Okay let me – I am sorry let me get that sentence correctly. What is it that he will give to you is that the note verbal?

MR WILLIAM MOLEFE MATJILA [through interpreter]: Ja they are supposed to give me the note verbal.

CHAIRPERSON: And what would you do with the note verbal?

MR WILLIAM MOLEFE MATJILA [through interpreter]: I check if the said note verbal contains all the information that we need. In the note verbal they must specify Your Worship who is coming to visit? What is the person coming to do in South Africa or the purpose of the visit? Is he coming to meet the President or is he coming on his own capacity or on a private visit?

10 **CHAIRPERSON:** Yes continue and tell me what you do if it contains that this information or different information.

MR WILLIAM MOLEFE MATJILA [through interpreter]: Yes if the note verbal states that the President from another country is coming in to meet the South African President we check it. Our political desk must know or my director must know that there is another President from outside the country who is coming in. For any President who is coming into South Africa or a state visit they are supposed to assign a protocol officer for that specific visit.

20 **CHAIRPERSON:** And who does the assigning – who assigns the [indistinct]. {Interpreter speaking over Chair}

MR WILLIAM MOLEFE MATJILA [through interpreter]: My director Your Worship.

CHAIRPERSON: And who was your director at the time?

MR WILLIAM MOLEFE MATJILA [through interpreter]: It was Ms Mason but she was out of the country.

CHAIRPERSON: In her absence who was performing her duties as director?

MR WILLIAM MOLEFE MATJILA (through interpreter): Ms Mdledle Chairperson.

CHAIRPERSON: Yes, okay. Continue.

MR WILLIAM MOLEFE MATJILA (through interpreter): The (indistinct) is supposed to also be involved if there is any visit but in this matter or in this problem that we are having now all of those did not happen.

10 **CHAIRPERSON:** Okay. I am sorry. Just repeat that. I missed that.

MR WILLIAM MOLEFE MATJILA (through interpreter): The problem that we are having of this Indian visit there is none of those that I have stated that happened your worship.

CHAIRPERSON: Is that the usual procedures that are normally followed? Is that what you are talking about?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes Chairperson because normally the Director is the one who will call me if he got the formal request.

CHAIRPERSON: Yes.

20 **MR WILLIAM MOLEFE MATJILA (through interpreter):** But with this I never received anything. Even my Director did not know anything.

CHAIRPERSON: Yes. Is that request separate from the note verbal that we are talking about or is it the same thing that when – when you say a request?

MR WILLIAM MOLEFE MATJILA (through interpreter): No. They are

separate.

CHAIRPERSON: Oh they are two separate things?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes

Chairperson.

CHAIRPERSON: So if there is going to be a visit by a Head of State from another country on official business to meet with the President of South Africa you say there would be a note verbal that should be issued – that should be available?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes

10 Chairperson.

CHAIRPERSON: So in this case you say there was no note verbal and there was no request as well. Is that what you are saying?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes

Chairperson.

CHAIRPERSON: And the request would be a request for what that you say was not there in this case?

INTERPRETER: Pardon. I did not hear that.

CHAIRPERSON: The request ...

MR WILLIAM MOLEFE MATJILA: Yes.

20 **CHAIRPERSON:** That you say was not there would have been a request for what?

MR WILLIAM MOLEFE MATJILA (through interpreter): The request Chairperson that I am talking about is actually the note verbal.

CHAIRPERSON: Oh, I – I thought earlier on when I asked you whether it is a separate – the request and the note verbal were separate things.

I thought you said they were separate things.

MR WILLIAM MOLEFE MATJILA (through interpreter): I misunderstood.

CHAIRPERSON: Oh, okay. So when you talk about the request and the note verbal you are talking about the same thing?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes Chairperson.

CHAIRPERSON: Okay, alright. So now we know that one of the things that you say would normally happen that did not happen was that the –
10 there should have been a note verbal but on this case there was no note verbal?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes Chairperson.

CHAIRPERSON: What other step or procedure or item in the procedure that you – was normally followed which did happen in this case?

MR WILLIAM MOLEFE MATJILA (through interpreter): At the State visit when they assign the Protocol Officer he must arrange some accommodation, transport and the venue for the meetings. In this point in time all of those did not happen.

20 **CHAIRPERSON:** And who was the Protocol Officer at the time who would have performed – who would have done that if this was a State visit and there was going to be a Head of State coming to South Africa?

MR WILLIAM MOLEFE MATJILA (through interpreter): As far as the State visits there are quite a number of us. We are many and we are rotating Chairperson.

CHAIRPERSON: Oh, it would have been a Protocol Officer who would have been assigned for this particular trip?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes
Chairperson.

CHAIRPERSON: And who would have been the person to assign a Protocol Officer?

MR WILLIAM MOLEFE MATJILA (through interpreter): Director - that is now my Director your worship.

10 **CHAIRPERSON:** In her absence who did you say was performing her duties?

MR WILLIAM MOLEFE MATJILA (through interpreter):
Ms Noba Mdledle.

CHAIRPERSON: Okay, thank you and what other step in the procedure that would normally have applied that did not apply that was not involved in this case?

MR WILLIAM MOLEFE MATJILA (through interpreter): Normally when there are incoming visits into the country there will be meeting that must be held to prepare for the visit. In this your worship no meeting did take place.

20 **CHAIRPERSON:** Okay and who would convene those meetings?

MR WILLIAM MOLEFE MATJILA (through interpreter): The Protocol Officer assigned for that visit.

CHAIRPERSON: Yes, thanks and then what other procedural step that would normally have been taken that was not taken in this instance?

MR WILLIAM MOLEFE MATJILA (through interpreter): Normally I am

the one who will send the note verbal to the air force requesting for the clearance but in this matter I was surprised that that note verbal went direct to the air force.

CHAIRPERSON: And it was not sent by you this time?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes
Chairperson.

CHAIRPERSON: Who sent it?

MR WILLIAM MOLEFE MATJILA (through interpreter): Chairperson
we did not receive the note verbal as usual as we are supposed to. I
10 only received a call from the Ambassador. Then they just sent me a
short or small message and then I forwarded that message to the air
force.

CHAIRPERSON: Okay, thank you. Do you want to take it from there?
You have an idea what my interest ...?

ADV MPH O RASIVHETSHELE: Yes indeed Chair.

CHAIRPERSON: Where my interest is? Okay.

ADV MPH O RASIVHETSHELE: Thank you Chair.

CHAIRPERSON: *Ja*, but I think just complete – let us – let us be sure
all the procedural steps that he says used to be taken that he says
20 were not taken. Now we know that on his evidence one of them is the
note verbal and that was said by previous witnesses. It was not there.
He says that the other is that a Protocol Officer would be assigned to
the trip. That was not done.

He has mentioned that he would be the one who would normally send the note verbal to the air force. There was not note

verbal. He did not send that but he says there was a message that he was given – a small message as he put it which he passed on. Just follow up to see whether there are other procedural steps that he know – knows would normally be taken but were not taken and then take it from there.

ADV MPHONG RASIVHETSHELE: Thank you Chair. Mr Matjila when Ambassador Koloane called you what documents did you have relating to the Indian delegation?

MR WILLIAM MOLEFE MATJILA (through interpreter): There was
10 actually no document that I had or received from the Ambassador like the note verbal itself.

ADV MPHONG RASIVHETSHELE: Did you receive – Mr Matjila did you receive anything from the air force?

MR WILLIAM MOLEFE MATJILA (through interpreter): No, I did not receive anything from the air force.

ADV MPHONG RASIVHETSHELE: Mr Matjila am I correct in saying that all you had received is a call on behalf and from Ambassador Koloane?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes.

ADV MPHONG RASIVHETSHELE: And Mr Matjila the clearance number
20 that was issued from the air force was done without any proper non-verbal or authorisation from DIRCO?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes that is true.

CHAIRPERSON: Oh, did you want to add something?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes. I wanted

to show Chairperson the clearance that I would normally receive from the air force.

ADV MPHO RASIVHETSHELE: Chair that would be paginated page 15 of ...

CHAIRPERSON: Yes, okay before we – we do that. Mr Matjila let us just complete the part that I wanted to complete. In terms of the procedure that was normally followed when there was a Head of State who was going to visit South Africa have you finished telling me the procedural steps that would normally be taken but were not taken on
10 this occasion or are there still some that you want to tell me – procedural steps that were not taken.

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes Chairperson when the President from another country is coming to visit I will get the note verbal, which I will scan and then send it to the air force. From there we will wait for two or three days and then they will then send me the approval.

CHAIRPERSON: Yes, okay.

MR WILLIAM MOLEFE MATJILA (through interpreter): Then I will send it back to the Embassy.

20 **CHAIRPERSON:** Yes. Would that normally complete your role for a State visit?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes Chairperson. After I get the approval from the air force that shall have completed my role.

CHAIRPERSON: Oh, okay. Yes, you want to ...

MR WILLIAM MOLEFE MATJILA (through interpreter): DIRCO or my Director your worship we do not approve any flight clearances. We only forward it to the air force.

CHAIRPERSON: Hm, yes. Okay. Now in this case you did not forward to the air force any note verbal because there was known but you say you also did not or you forwarded a small message as you put it?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes.

CHAIRPERSON: To the air force. Is that correct?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes the
10 message that I sent your worship was to show that as the Ambassador is our Head of the section that there is no way that I can refuse to do the job or the duties that I was given. It was to show that I did something or the duty as instructed. On the email that I sent to the air force there were three things. Assist, (indistinct) and for your information and no approval your worship.

CHAIRPERSON: Yes. You want to take it from there?

ADV MPHO RASIVHETSHELE: Yes Chair. Just to assist Mr Matjila is talking to a document that is in FF4 Chair from pages 198. Mr Matjila it is the big file just right next to you.

20 **CHAIRPERSON:** Yes.

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes I am there.

ADV MPHO RASIVHETSHELE: In the middle of that page on 1-9-8 that is an email from you to the air – to the air force?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes.

ADV MPHO RASIVHETSHELE: And the message that you forwarded is on page 1-9-9.

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes.

ADV MPHO RASIVHETSHELE: Chair can we read just that short message into the record?

CHAIRPERSON: *Ja.* Let him – *ja* – you – you can read it.

ADV MPHO RASIVHETSHELE: Thank you Chair.

10 “Dear William, as per our as per your discussion with Ambassador Koloane with regards to the request for flight clearances and landing at the Waterkloof AFB for the Indian delegation kindly note that Ambassador Koloane telephonically approved the request, regards.”

And this was sent from – on behalf of Ambassador Koloane office of the DDG State Protocol on 9 April 2013 08:33 am.

CHAIRPERSON: Well let us – let us go ...

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes that is true.

20 **CHAIRPERSON:** Did – have you had a chance to interpret the actual text of the message Mr Interpreter. It says

“Dear William, as per our as per your discussion with Ambassador Koloane with regards to the request for flight clearances and landing at the Waterkloof AFB for the Indian delegation kindly note that Ambassador Koloane telephonically approved

the request.”

MR WILLIAM MOLEFE MATJILA (through interpreter): That is quite correct Chairperson.

CHAIRPERSON: Who did you receive this message from?

MR WILLIAM MOLEFE MATJILA (through interpreter): From the Ambassador’s public assistance.

CHAIRPERSON: Yes. Now ...

MR WILLIAM MOLEFE MATJILA (through interpreter): Or Personal Assistant your worship.

10 **CHAIRPERSON:** Yes. Now the request – the request that Ambassador Koloane was said to have telephonically approved what request was that and who had it come from?

MR WILLIAM MOLEFE MATJILA (through interpreter): As far as this message is concerned your worship I lastly spoke to Ambassador Koloane and his PA and that was it your worship.

CHAIRPERSON: Well the – the – this email was addressed to you. Therefore one would expect that you would understand what it says and if you did not understand you would go back to them.

20 **MR WILLIAM MOLEFE MATJILA (through interpreter):** Yes Chairperson.

CHAIRPERSON: Yes. So my question is what your understanding was of what request Mr Koloane’s PA was talking about in this email that he – that she said Mr Koloane had approved.

MR WILLIAM MOLEFE MATJILA (through interpreter): Look Chairperson I asked for some documentation which I could not receive

and that is when I asked – I spoke to the PA and I told her seeing that I did not receive any documents there is nothing that I can do.

CHAIRPERSON: Is that what you said to Mr Koloane's PA after receiving this email at page 1-9-9?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes Chair.

CHAIRPERSON: Am I correct to take that to mean that you did not understand what request she was talking about in the email?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes Chair.

CHAIRPERSON: Do you remember what documents you asked for in
10 response to this email when you spoke to Mr Koloane's PA?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes.

CHAIRPERSON: What documents – what documents did you ask for?

MR WILLIAM MOLEFE MATJILA (through interpreter): The
documents that I requested was a note verbal. On the note verbal
there shall be a flight plan or flight details. Those were the things that
I was asking for so that I could send them to the air force.

CHAIRPERSON: What did Mr Koloane's PA say when you made this
request?

MR WILLIAM MOLEFE MATJILA (through interpreter): After I asked
20 her to send me something in writing your worship that is when she sent
me this email. That was the last time I then spoke to them.

CHAIRPERSON: So the discussion that you have told me about
between yourself and Mr Koloane's PA when you asked her for certain
documents including the note verbal happened before she sent you the
email at page 1-9-9.

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes

Chairperson.

CHAIRPERSON: What had prompted that discussion between you and Mr Koloane's PA?

MR WILLIAM MOLEFE MATJILA (through interpreter): Because she is the one that is conduit between both of us. She is the one that will be sending us messages as we are working together.

CHAIRPERSON: You did say that the first thing that, your first involvement was when Mr Kholoane asked you to assist with the
10 clearance. Is that correct?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes,
Chairperson.

CHAIRPERSON: And you said that at that stage you do not have any documentation relating to this visit?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes,
Chairperson.

CHAIRPERSON: Did Mr Kholoane tell you the conversation he had with you whether this was a visit by Head of State or by deputy President of another country or a visit that entailed some Ministers? Did you talk to
20 you about those details?

MR WILLIAM MOLEFE MATJILA (through interpreter): No,
Chairperson.

CHAIRPERSON: Did he simply say please assist with obtaining a clearance for this Indian government request or exactly how do he put it to make sure you understood what he wanted you to assist with?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Your Worship.

CHAIRPERSON: Did he say this was a visit involving a Head of State or some Ministers or President from another country? Did he say that?

MR WILLIAM MOLEFE MATJILA (through interpreter): No, Chairperson. He just said I must assist the Indian delegation.

CHAIRPERSON: At that stage, at the stage of that conversation with Mr Kholoane, did you know what Indian delegation he was talking about?

10 **MR WILLIAM MOLEFE MATJILA (through interpreter):** No, Chairperson.

CHAIRPERSON: Did you ask him for any information about this visit by this Indian delegation?

MR WILLIAM MOLEFE MATJILA (through interpreter): No.

CHAIRPERSON: Did you know where to find information about the Indian delegation? Is that why you didn't ask because you knew where you would find the information?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Chair.

CHAIRPERSON: Where would you find the information?

20 **MR WILLIAM MOLEFE MATJILA (through interpreter):** As I have stated that whenever there is a State visit we get the note verbal but if there is no note verbal there is no way that we would know that the Indian delegation or the Brazilian delegation is coming into South Africa.

CHAIRPERSON: Yes, but my question is, you didn't ask him for more

information about the Indian delegation that he was talking about and that was visit he wanted you to help with in terms of the clearance and you said you were to find the information. Now where, the question is where we going to find the information?

MR WILLIAM MOLEFE MATJILA (through interpreter): As I have stated that we are given these tasks or duties by our director and if there is no task or duties from the director means there is nothing then.

CHAIRPERSON: Does that mean that you didn't asking for more information because you are going to wait for your director or the
10 person who was performing your director's duties to give you more details about the visit?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Chairperson.

CHAIRPERSON: And then you waited and the person who was performing your director's duties ask you to do anything?

MR WILLIAM MOLEFE MATJILA (through interpreter): No, Chairperson.

CHAIRPERSON: Is that answer mean you did not wait for your director or person performing your director's duties to give you instructions?

20 **MR WILLIAM MOLEFE MATJILA (through interpreter):** Look, yes if the director gave us some tasks I should have received the note verbal but till today whenever received a note verbal.

CHAIRPERSON: Okay. I think there may be some misunderstanding. Am I correct to say you waited to see whether the person performing your director's duties would give you instructions including a note

verbal?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, I did.

CHAIRPERSON: Yes, and at what stage did you then speak to Mr Kholoane's PA about documents?

MR WILLIAM MOLEFE MATJILA (through interpreter): It was during the period when she can send this email and that was it. That was the last time we spoke.

CHAIRPERSON: And what prom – who called? Did you call her or did she call you?

10 **MR WILLIAM MOLEFE MATJILA (through interpreter):** She's the one that called me.

CHAIRPERSON of: Okay. And what did she say in the telephone conversation with you?

MR WILLIAM MOLEFE MATJILA (through interpreter): She said, Mr Matjila the Ambassador is saying please assist the Indian delegation with the clearance.

CHAIRPERSON: So was she effectively repeating what Mr Matjila had said to you in a telephone conversation, no Mr Kholoane not Mr. Was Mr Kholoane's PA in this telephone conversation repeating in effect
20 what Mr Kholoane had sent to you in an earlier conversation?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Chairperson.

CHAIRPERSON: And what did you say? I know some of the things that you said because you said your requested documents but just tell me the actual conversation how it went. This is what she said to you that

Mr Kholoane said please assist and what did you say? Let me hear how the conversation unfolded.

MR WILLIAM MOLEFE MATJILA (through interpreter): As the PA is working at the State visit, she knows all the procedures of the State visit and then I told her that if we are not in possession of the note verbal there is absolutely nothing that we can do.

CHAIRPERSON: Now, do you only get involved in State visits?

MR WILLIAM MOLEFE MATJILA (through interpreter): No, not only that, Your Worship. Even Head of State or our President is being
10 assisted by myself whenever he is going abroad.

CHAIRPERSON: Yes, I am trying to understand what stage you understood that this was a State visit if at any stage that is what you understood because you didn't ask Mr Kholoane whether this was a State visit. You didn't ask him whether the visit involved a Head of State or Ministers. So I'm trying to understand whether at any stage your understanding was that this was a visit by Head of State, deputy Head of State, Ministers and if that is the case, at what stage you understood that to be the case?

MR WILLIAM MOLEFE MATJILA (through interpreter): Look, after my
20 director did not forward me with a note verbal that is when I realized that this visit is not actually a State visit and that this might be a private visit.

CHAIRPERSON: Up to that point, was your understanding that this was a State visit?

MR WILLIAM MOLEFE MATJILA (through interpreter): No, Chair.

CHAIRPERSON: Before that point, you didn't understand whether it was a State visit or private visit?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Chairperson.

CHAIRPERSON: So when the telephone call from Mr Kholoane, when the PA to Mr Kholoane called you, at that stage the time within which you were supposed to get note verbal, had it passed or you were still expecting to be given verbal at that stage?

MR WILLIAM MOLEFE MATJILA (through interpreter): On that day,
10 Your Worship, on the specific day when we were still waiting for the note verbal, Your Worship, that is when during the course of the day we noticed that there is playing that was landing in the base, Your Worship, which was the Gupta plane.

CHAIRPERSON: Okay. I'm not sure if I follow that. The plate, we are still talking about the 9th of April.

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Chairperson.

CHAIRPERSON: Yes. Okay let's go back to the conversation with Mr Kholoane's PA. She said, Mr Matjila Mr Kholoane says please assist
20 with the clearance for this visit. Is that right?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Chair.

CHAIRPERSON: And as I understand your evidence, you then said you needed a note verbal before you could assist. Is that correct?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Chairperson.

CHAIRPERSON: Act together with the note verbal you expected a flight or details of the flight?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes.

CHAIRPERSON: So did you say to her, I can't do, I can't assist unless I get a note verbal?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Chair, because as far as the State visit is concerned we don't do things, Your Worship, telephonically. We do things according to documentation or the note verbal.

10 **CHAIRPERSON**: And what didn't Mr Kholoane's PA said when you said you could not assist unless there was a note verbal?

MR WILLIAM MOLEFE MATJILA (through interpreter): That was the end of our speech or talking, Your Worship.

CHAIRPERSON: Did she undertake to convey your request to Mr Kholoane... (indistinct)?

MR WILLIAM MOLEFE MATJILA (through interpreter): No, Chair. She didn't tell me anything.

CHAIRPERSON: Okay. And that what happened after that? Is that when you received the message from Mr Kholoane that you passed on
20 to the Air Force?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes.

CHAIRPERSON: Would you normally get involved if the visit was a private visit and not a State visit?

MR WILLIAM MOLEFE MATJILA (through interpreter): It is the President who is coming privately, yes I do assist because on a private

visit it happens that he has come to meet our own State President even though he came privately.

CHAIRPERSON: Okay. Then do you want to complete it?

ADV MPH O RASIVHETSHELE: Yes, Chair. I have also noted that is about 25 past but however, we can continue. I have just got you know, a singular question and to refer to Mr Matjila. He had put that he wanted to make reference to a document and that would be the conclusion.

CHAIRPERSON: Okay. Maybe let's use the time up to 11h30 and then
10 we take the tea break.

ADV MPH O RASIVHETSHELE: As the Chair pleases.

CHAIRPERSON: Ja.

ADV MPH O RASIVHETSHELE: Mr Matjila, just to conclude on the evidence that you have informed the Chair on. What has now changed to deter noncompliance of let's just say the nonverbal's at Derco and so forth?

MR WILLIAM MOLEFE MATJILA (through interpreter): Can you repeat your question again?

ADV MPH O RASIVHETSHELE: Yes. What has now changed to deter
20 noncompliance of the normal processes of the note verbal?

MR WILLIAM MOLEFE MATJILA (through interpreter): At this point in time, if I sent a request at the Air Force I attach the letter from Derco and then I will send it with a stamp from Derco. And now on the note verbal they must state the full names of the President not VVIP.

ADV MPH O RASIVHETSHELE: Chair, that knows that he's talking

about is on paginated page 14.

CHAIRPERSON: I think I would like you to go to the message that he got from Mr Matjila which he sent to the Air Force.

ADV MPHONG RASIVHETSHELE: Indeed, Chair. That would be the email sent to the Air Force forwarding that message you received on behalf of Ambassador Kholoane.

CHAIRPERSON: At page 199?

ADV MPHONG RASIVHETSHELE: Yes.

CHAIRPERSON: The one that we are dealing with?

10 **ADV MPHONG RASIVHETSHELE**: It's page 198. That's the message that he Mr Matjila had forwarded to.

CHAIRPERSON: Sorry Mr Matjila. Are you page 198 of Exhibit FF4?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes.

CHAIRPERSON: Is that an email that you sent, is that the email that you, covering email that you sent to the Air Force?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Chairperson.

20 **CHAIRPERSON**: It's written; it seems to be addressed to SAAF overflights and then it copies a number of people and he says from Matjila WM and it was sent on Tuesday, April 9 2013 at 08h57 AM and the subject is, 'Request for flight clearances – Indian delegation'. Is that the message we are talking about? The covering email we are talking about?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Chairperson.

CHAIRPERSON: And what did you attach to that covering email? Did you attach, what did you, ja where is the one that you attached to there? Is it the one at page 199?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes, Chairperson.

CHAIRPERSON: Thank you. And did you say that later on you received the approval or clearance from Waterkloof?

MR WILLIAM MOLEFE MATJILA (through interpreter): No.

CHAIRPERSON: Was the sending of this message the last thing you
10 did in connection with the, with assisting with regard to this trip?

MR WILLIAM MOLEFE MATJILA (through interpreter): Yes.

CHAIRPERSON: Did you have another conversation with Mr Kholoane in connection with this visit and your assistance?

MR WILLIAM MOLEFE MATJILA (through interpreter): No, Chairperson.

CHAIRPERSON: Okay. Thank you.

ADV MPH O RASIVHETSHELE: Thank you, Chair.

CHAIRPERSON: Have you got anything?

ADV MPH O RASIVHETSHELE: Chair, besides Mr Matjila attempting
20 earlier to refer to an Annexure of his confirmatory affidavit, there is nothing further to leading evidence.

CHAIRPERSON: Okay. Mr Matjila, I think at this stage we are done with you.

MR WILLIAM MOLEFE MATJILA (through interpreter): Okay.

CHAIRPERSON: Thank you very much for coming to give evidence.

You are now excused.

MR WILLIAM MOLEFE MATJILA (through interpreter): Okay thanks.

CHAIRPERSON: We'll, it's 11h30. We'll take the tea adjournment and we'll resume at 11h45. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Norman are you ready?

ADV THANDI NORMAN SC: Yes I am ready thank you Mr Chairperson.

CHAIRPERSON: Thank you.

10 **ADV THANDI NORMAN SC:** Mr Chairman we have got the next witness, General Mgwebi, he is the one who is going to talk to the Chief SANDF Board Inquiry Report and that report and his statement are contained in Exhibit FF4, I had requested the Registrar to place it before you.

CHAIRPERSON: Yes I have got it.

ADV THANDI NORMAN SC: Yes, and starting from page 1 of that the Chairperson will find General Mgwebi's statement.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: Thank you, may he be sworn in Mr
20 Chairman, thank you.

CHAIRPERSON: Please administer the oath or affirmation.

REGISTRAR: Please state your full names for the record.

GENERAL DERRICK MBUYISELO MGWEBI: (d.s.s.)

CHAIRPERSON: Thank you very much, yes?

ADV THANDI NORMAN SC: Yes thank you Mr Chairman. General is it

correct that you are employed in the South African Defence Force, or the Department that's known as together with Military Veterans, but we will refer to it as the Defence Force, is that correct?

GENERAL DERRICK MBUYISELO MGWEBI: We refer to the Department as the Department of Defence and Military Veterans.

ADV THANDI NORMAN SC: Indeed so, yes. And what position are you holding there currently?

GENERAL DERRICK MBUYISELO MGWEBI: I'm a retired Lieutenant General, I've just been called up to be an acting Director General in the
10 military veterans.

ADV THANDI NORMAN SC: Yes how long were you with the department before your retired?

GENERAL DERRICK MBUYISELO MGWEBI: I would say probably 38 years.

ADV THANDI NORMAN SC: Yes thank you, you were presiding over the Board of inquiry, am I correct, that was held the department in connection with the Waterkloof incident?

GENERAL DERRICK MBUYISELO MGWEBI: Yes I was the President of the Board.

20 **ADV THANDI NORMAN SC:** You were the President of the Board, who else assisted you?

GENERAL DERRICK MBUYISELO MGWEBI: We have the late Major General Petane and we had – he was a Brigadier General at the time and Misi, he's a Major General now and then Colonel Dlomo who was a Colonel at the time he is a Brigadier General now, he was a scribe of

the Board.

ADV THANDI NORMAN SC: Yes thank you, what was the mandate of the Board?

GENERAL DERRICK MBUYISELO MGWEBI: The Board was convened by General Shoke? after the incident of the landing of the aircraft at the Air Force Base Waterkloof and then the Board was expected to determine whether in fact there was an authority and clearance for the aircraft to land there, then whether the policies and procedures were followed and if not, if there was anybody, or individuals who might
10 have, at least violated any prescripts or any witnesses in the system to be rectified, we had to determine that and be able to report – make findings and report back with recommendation to the convener of the Board which was General Shoke.

ADV THANDI NORMAN SC: Yes thank you before we go into detail can you just – because in your statement you deal with what you had to do insofar as the Board is concerned but can you please identify your statement which appears at pages 1 to page 4.

CHAIRPERSON: I'm sorry did you say page 4?

GENERAL DERRICK MBUYISELO MGWEBI: Yes page – I beg your
20 pardon Chair it's, they put in as 1.4 I beg your pardon, yes it will be page 1.1 to page 1.4 of Exhibit FF4.

CHAIRPERSON: Yes okay.

ADV THANDI NORMAN SC: Are you there General, do you identify this is – did you sign this statement and do you identify your signature there?

GENERAL DERRICK MBUYISELO MGWEBI: Yes I do.

ADV THANDI NORMAN SC: Where is it?

GENERAL DERRICK MBUYISELO MGWEBI: You're talking about the affidavit?

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

ADV THANDI NORMAN SC: Yes your signature appearing at page 1.4.

GENERAL DERRICK MBUYISELO MGWEBI: The signature is appearing at page 4.

10 **ADV THANDI NORMAN SC:** Yes and are the contents of what you've put in that statement true and correct?

GENERAL DERRICK MBUYISELO MGWEBI: They're true.

ADV THANDI NORMAN SC: Yes thank you. Now let's talk about the – you've already outlined what the mandate of the Board was, how did you go about then investigating and discharging your mandate?

GENERAL DERRICK MBUYISELO MGWEBI: Well we had, first of all to look at who would be appearing before the Board and to determine that we had to look at the structure of the Defence Force and who is in charge for what.

20 **ADV THANDI NORMAN SC:** Yes.

GENERAL DERRICK MBUYISELO MGWEBI: So all the military Air Force Bases are under the Chief of the Air Force and whatever happens there falls under his jurisdiction but anything which has got to do with information, intelligence then falls under the Chief of Defence Intelligence. So from there they become the first individuals to give

sense of what actually happened and then from there , there would be structures, the levels of the structures you would have the Chief of the Defence Force which we'll call level 2 and then you would have the Air Command Post which becomes level 3 and then we have the base itself which is Waterkloof Air Force Base, which becomes level 4 and all of them have got certain responsibilities and tasks you've got to understand so that to least – who is in charge for what and who reports to who. So we followed that order to speak to those who were in command.

10 **ADV THANDI NORMAN SC:** Yes and the Chief of Air Force is General Msimang, is that correct?

GENERAL DERRICK MBUYISELO MGWEBI: Yes it is Colonel Msimang.

ADV THANDI NORMAN SC: So is that why you'll find then that he's very – his questions and statements, they appear quite early in the report.

GENERAL DERRICK MBUYISELO MGWEBI: Yes we had to follow that order.

20 **ADV THANDI NORMAN SC:** Yes you followed order of seniority in interviewing them.

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

ADV THANDI NORMAN SC: Thank you, then you interviewed them, did you prepare a set of questions for them which they had to answer to or did you simply conduct oral interviews with all of them?

GENERAL DERRICK MBUYISELO MGWEBI: It was oral interviews and

those were probably not comfortable with that, they had to make statements but they have to at least all of them do that under oath?

ADV THANDI NORMAN SC: Yes and those interviews that were given under oath, were they recorded mechanically?

GENERAL DERRICK MBUYISELO MGWEBI: They were recorded.

ADV THANDI NORMAN SC: And the company that the Air Force used to record those, was it a company that is contracted to the Air Force and the – because the transcripts, I'll deal with that aspect of a transcript that was questioned yesterday by one of the witnesses, Major
10 Ntshisi, I just want to get you the name of the companies that was doing the recordings, whether it is a company that's contracted to the Defence Force and it appears in that bundle at page 282, it's called IAfrica Transcription (Pty) Ltd.

GENERAL DERRICK MBUYISELO MGWEBI: Page?

ADV THANDI NORMAN SC: Page 282.

GENERAL DERRICK MBUYISELO MGWEBI: Okay, yes I see.

ADV THANDI NORMAN SC: Yes thank you, just to follow the process after these interviews were conducted and then there were transcriptions were these kept under lock and key or were these
20 safeguarded by the department or do you know whose responsibility it was to make sure that the transcripts- the record, the recordings are not interfered with and the transcripts are kept safe.

GENERAL DERRICK MBUYISELO MGWEBI: The Chief of Defence Force keep these transcripts and records under the legal department of the Defence, the military side of it.

ADV THANDI NORMAN SC: Yes and under your watch whilst you were conducting these interviews would you have kept these under lock and key to make sure that there was no tampering with the evidence?

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

ADV THANDI NORMAN SC: It that what you did?

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

ADV THANDI NORMAN SC: Yes, thank you. Now let's talk then about you having interviewed then the Chief of the Air Force, after interviewing the Chief of the Air Force, what is it that you found which
10 would have indicated to you, that maybe there were certain processes that were not followed?

GENERAL DERRICK MBUYISELO MGWEBI: The – what transpired in terms of the incident is that the advisor to the Minister of Defence seemingly somewhere in February, early March did speak to the Chief of the Air Force enquiring about this possible landing of this aircraft and the Chief of the Air Force, having listened to that, that's what he says to us or to the Board. He in fact indicated that if that's what is required they are advising that he should not approve the landing of this, so that was the first thing. The second thing then, we then asked
20 the Chief of the Air Force because after all that has been said and done the aircraft did land, now the question is, the approval of the landing and the policy which governs that. So it became quite clear that in terms of the policy framework there was a gap, what then, the Air Force was utilising is a standard operating procedure which then gives you boxes to tick whether this has been done, this has been done and also

the challenge with that standard operating procedure is that the people at a lower level are the ones who determine but the interesting part about that is that if there is anything untoward it is expected that they report to the senior controller, the senior controller must report to the Commander of the Air Force Base command post who then reports to the Chief of the Air Force. So basically those were the – some of the challenges which then were quite clear and also in terms of number of government departments – because that base, Waterkloof is also understood and recognised as an entry point to South Africa and therefore if there are going to be visitors other government departments as would be the case that the OR Tambo International, those government departments must be present but then what was missing at the time is a policy which governs that inter-departmental relations and workings to manage that, it was a policy missing. So these were the kind of things which – at least which became glaring as we were interviewing the Chief of the Air Force.

ADV THANDI NORMAN SC: And you were talking when we were dealing with the levels starting from the Chief of the Air Force you were dealing with level 4 and you said the standard operating procedures, they applied to level 4 and in your investigations then, if – did you find that there were things that were not done properly within that level, that is level 4?

GENERAL DERRICK MBUYISELO MGWEBI: The challenge with this request, you start seeing a Defence (indistinct) from India communicating with the Defence foreign relation which is correct but

they are sharing what is going to happen and also requesting that they should be allowed to land. Now the foreign relations people share that information with some of their colleagues who are foreign relation but sitting at the Air Force and that again, in terms of warning, one can say is correct but the approval should go through DIRCO and DIRCO it should go to the Secretariat of Defence and then they should meet with the Chief of Defence Force, but that policy is guiding that, it's not written, its not documented, it becomes a practice.

ADV THANDI NORMAN SC: Yes.

- 10 **GENERAL DERRICK MBUYISELO MGWEBI:** Then when that first one from February because it's starting 28 February it goes up to the 5th of March and nothing happens, it stopped and then the Indians from their side, the Defence Attaché decides to send it direct to level 4 and this is where then the level 4 people start processing it and then it becomes quite clear that the level 4 people they were looking at what was being said in terms of the request, from again the Defence Attaché of India and from there they realise that there's nothing coming from DIRCO and then they tried to link up with DIRCO. And what transpired later on it becomes an email and that email is coming from a PA in my
- 20 understanding, of Mr Koloane who's – and then it goes to one of the officials, I think it's Mr Matjila who was there and then from Mr Matjila it goes to the Air Force again, level 4 and then you then find at level 4, the base itself has got a base Commander and then there's a Movement Control Officer who becomes (indistinct).

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Now (indistinct) manages that without the knowledge to a certain extent of his Commander.

ADV THANDI NORMAN SC: And who was the Commander?

GENERAL DERRICK MBUYISELO MGWEBI: The Commander was Brigadier General Matumane.

ADV THANDI NORMAN SC: General Matumane, yes.

GENERAL DERRICK MBUYISELO MGWEBI: So then Matumane seemingly does not get involved and then Anderson runs it and then
10 comes from the Air Force Command Post Sergeant Major at the time Ntshisi and then who's supposed to be – because that's talking about a clearance a clearance means in terms of the length of the airstrip the width of the airstrip and the safety of the passengers when then all the issues speak to safety and the passengers is the landing strip and the aircraft at least (indistinct) what is possible at that Air Force Base and then that's the clearance part of it and the clearance part of it, also it's who are these people, what levels are they and are they in fact expected to land here. So those are the boxes which they're supposed to tick.

20 **ADV THANDI NORMAN SC:** Yes.

GENERAL DERRICK MBUYISELO MGWEBI: What then becomes quite clear in this one right through in the discussion it's just a delegation from India and of course from one of the states of India, I think 27 one of the 27 states and it's just said it's a Minister from one the states and they say Minister from the central level. No names, no leader of the

delegation in this part of the discussion among themselves right through.

ADV THANDI NORMAN SC: And you found those to be irregular?

GENERAL DERRICK MBUYISELO MGWEBI: First of all the Air Force Base Waterkloof there are those that are supposed to land there, the heads of state, and their deputies and it must be a Minister of a state coming from somewhere else, it must be cleared at least for the Defence Force at DIRCO for whatever special reason but there must be clearance from that level and any delegation who's coming through
10 there must be a leader of that delegation because protocol demands that when that aircraft lands, then the protocol from the Defence Force there must be an officer which we call that officer, meet and greeter, he must meet the person who's senior and greet the person and of course if he's really an official person deserving the red carpet it must be rolled and then all the rest. So this is why it's important that there must be a leader of the delegation and the level of that person so that the meet and greet can be able to know, who is this person, so that one again was missing.

ADV THANDI NORMAN SC: And – so as you were going along
20 interviewing all these persons, then you would focus on the key people that would have played key roles in the incident itself.

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

ADV THANDI NORMAN SC: And you didn't just interview generally but you had specific persons who were relevant for the purposes of executing your mandate.

GENERAL DERRICK MBUYISELO MGWEBI: That's correct.

ADV THANDI NORMAN SC: And you have attached to the report various statements that were obtained from the various individuals but you may highlight persons that you have mentioned so far in evidence that you also obtained a statement from Lieutenant Colonel Anderson and that appears at pages 35 to 44 and you obtained from Lieutenant General Simunk that you've already mentioned and you've obtained one from Brigadier General Lombard, what was the position of General Lombard.

10 **GENERAL DERRICK MBUYISELO MGWEBI:** He was a Commander – General Officer Commanding, the Air Force Command Post.

ADV THANDI NORMAN SC: What would have been his involvement in the incident?

GENERAL DERRICK MBUYISELO MGWEBI: Now under him, there would be – first of all he is in charge of that base so he's a Commander, you're supposed to know what's happening and you'd get that from your subordinates, they will be briefing you and in the morning there's supposed to be sittings and there you get briefed about what has happened the previous day and what's about to happen which
20 deserve your attention as a Commander. So he was supposed to have been informed about all these, what's happening.

ADV THANDI NORMAN SC: Alright.

GENERAL DERRICK MBUYISELO MGWEBI: So then he had to explain what happened and then under him of course there would be a senior – in relation to this one there'll be a senior controller who is the actual

person then who must sign and approve the clearance and it happened to be Lieutenant Colonel Van Zyl.

ADV THANDI NORMAN SC: Yes and did you get a – you do have a statement also at pages 45 to 50 sorry, and then I see you also obtained one from Brigadier General Matumane, that you mentioned.

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

ADV THANDI NORMAN SC: So all of these statements were obtained from them but then having done that then you would have reached – because we don't have to go through all of these because you did the
10 investigations and you made the findings and maybe can you just go then – may I refer you to page 206 of the document, or maybe because, just to identify it formally because this is attached to your report, maybe we could start at page 199 because you made reference to it just now. This is an email that has been referred to in the evidence of the two previous witnesses.

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

ADV THANDI NORMAN SC: Or maybe we should just start it at page 194, I beg your pardon General I would like us to start at page 193 because I'd like you to explain to the Chairperson the difference
20 between the RSA05 and RSA04. Could you just start at page 193?

GENERAL DERRICK MBUYISELO MGWEBI: Yes the RSA05 speaks to aircraft coming and flying into the Air Force Base Waterkloof, coming from outside South Africa then that becomes the form to be filled to do the clearance.

ADV THANDI NORMAN SC: And who completes this form?

GENERAL DERRICK MBUYISELO MGWEBI: Well the form is supposed to be completed by somebody under Van Zyl. Now in this particular case, the person who is supposed to have filled that form looking at that – if one is looking at this particular one, it becomes a Ntshisi who was a Warrant Officer Class 1 at the time, that's referred under inquiry, so he's the one who filled the form.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: But then at the end of the day, the person who takes responsibility of whatever changes are done
10 there becomes Van Zyl who signs it at the bottom.

ADV THANDI NORMAN SC: He signed at the bottom there, yes thank you and then RSA04, that clearance, what is it about?

GENERAL DERRICK MBUYISELO MGWEBI: That one it's an aircraft which is within the borders of South Africa but again it's going to land at the Air Force Base, so it becomes that one but this particular one was a request which was speaking to - about seven helicopters and two fixed winged aircraft which were going to be playing a role in moving this delegation from Waterkloof to somewhere in the area of Sun City, Pilansberg.

20 **ADV THANDI NORMAN SC:** Yes and this too would be signed by Colonel Van Zyl?

GENERAL DERRICK MBUYISELO MGWEBI: Same story the inquiry is Ntshisi and signed by Van Zyl because it's kind of spoke to one mission, you can call that because it was a mission therefore that mission had to be done the same individuals.

ADV THANDI NORMAN SC: Yes thank you and then when you said to the Chairperson that – your investigations revealed that there was an email that was sent by a PA to Matjila and then Matjila sent it, were you referring to the email that appears at page 199 and the one appearing at 198?

GENERAL DERRICK MBUYISELO MGWEBI: Yes I see.

ADV THANDI NORMAN SC: Yes thank you. And then at page 200 you then summarise the events and then you make your findings as the Board at page – they start from page 206.

10 **GENERAL DERRICK MBUYISELO MGWEBI:** Yes I see.

ADV THANDI NORMAN SC: Yes, could you just summarise for the Chairperson those very important findings that you made after you had heard all this evidence, you had read all the statements that were submitted and then what were your findings?

GENERAL DERRICK MBUYISELO MGWEBI: Well according to what was expected to happen there, is that the Board of inquiry in fact came to realise that the Air Force and the Defence Intelligence they knew about the request and the proposal and this became quite clear roundabout the 28th of February and of course foreign relation did
20 receive the copies that there will be people and of course also it (indistinct) seemingly confirmed what has happened for this is it was a communication between DIRCO, of course claiming that it was coming fro Mr Koloane and then also Indian Navy Captain Chetty sitting in the High Commission of India then all what they were saying there were going to be two or three Ministers coming in, this was the kind of

mention being made and of course Anderson also seemingly have confirmed and probably told Ntshisi that according to Mr Koloane this is known and Anderson also mentioned the question of number one, because – relating number one in the South African context with the President.

ADV THANDI NORMAN SC: Yes is that what you mention in paragraph 28D?

GENERAL DERRICK MBUYISELO MGWEBI: Yes so then it becomes quite clear that the Air Force structures were not necessarily communicating within the Air Force, because you would have Anderson not necessarily giving full information to his Commander who's Matumane and also you have Matumane not necessarily playing his role in all that was happening. Why one is saying this in terms of the findings, now Anderson begins to change the furniture without telling anybody at the Air Force Base which we don't do that.

ADV THANDI NORMAN SC: Yes, when you say, changing the furniture, where was this furniture?

GENERAL DERRICK MBUYISELO MGWEBI: At the lounge because there was going to be a reception so she decided to change the – which was suiting that and decorated the way it was expected by those who were going to decorate and also she then allows that there must be cultural groupings and then photographs, people with cameras came in and then a number of cars came in again nobody seems to be aware except Anderson in this particular case. So these are the things that becomes visible and if you look at the role of the – what I'll call for this

Board, I'll call it, the Military Intelligence Officers this is why Defence Intelligence. You would have Commanders you would have people working but they are Military Information Officers, now their responsibility is to, when they pick something which is out of the ordinary they must be able to bring it to the attention of the Commander and those structures are developed by the Air Force and they are available at the Air Force Base Waterkloof. Now the question is, when all this was happening, furniture was being changed, and people were making these arrangements, where were they, to whom did they report
10 and this again becomes glaring in terms of the witnesses of the system.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: And of course they are trained and prepared in different (indistinct) and divisions but that's a responsibility to empower and train them of the Chief of Defence Intelligence.

ADV THANDI NORMAN SC: Yes can I just take you back to – or maybe take you to paragraph F, 28F.

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

ADV THANDI NORMAN SC: Where you deal with the role of the
20 intelligence not knowing this aircraft. What was – what ought to have happened as soon as maybe supposing that there was an indication or a request that there is this aircraft coming from another country into the country. What would have been the role of intelligence there insofar as that aircraft is concerned?

GENERAL DERRICK MBUYISELO MGWEBI: The first thing you have

got seven helicopters landing very early in the morning and then you got two fixed [indistinct] landing later on and you then get to know that those who are in command at a higher level than those who were within the base do not know what is happening.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: And of course an hour or two later you have got the airbus landing. Again the question is if those aircraft which landed about two hours earlier were known and then they were interrogated and it was understood what was happening
10 somebody was supposed to report to the seniors and then that two hours later that airbus if it was – since it was not approved by the Minister and the Chief of the Air Force was aware and the Chief of Intelligence was aware and the Chief of Defence Force was aware then there is no way if those intelligence officers or information officers did pick up that information and report it correctly.

ADV THANDI NORMAN SC: Yes. So that...

GENERAL DERRICK MBUYISELO MGWEBI: So the aircraft would not have landed two hours later.

ADV THANDI NORMAN SC: Yes. Because they would have prevented
20 it from landing?

GENERAL DERRICK MBUYISELO MGWEBI: They would have picked the first ones up.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: And then they would have known that something is wrong and then we cannot just have seven

helicopters landing in a base and nobody reports it.

ADV THANDI NORMAN SC: Yes. Alright thank you. And then can we move on or can highlight just those that you believe are quite important.

GENERAL DERRICK MBUYISELO MGWEBI: Sorry?

ADV THANDI NORMAN SC: Yes thank you. You may proceed General thank you.

GENERAL DERRICK MBUYISELO MGWEBI: Okay. Then of course what then becomes clear in terms of the finding the link between the
10 Chief of the Air Force and the Chief of Defence Intelligence and within their own structures also going down there seems to be in terms of communication a little bit of weakness in the links and sharing information there. That is what we at least – and clearing and authorisation again of the – of that aircraft at the base it is the policy – the policy framework which guides that not the SOP, not the Standard Operating Policy.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Then also it was quite clear that there is a requirement for that. Even the approving cell at
20 the Air Force Command Post the approving cell they were able to do what they did. Now you would find that this Van Zyl was almost one month in the post.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Because he was standing in for somebody who attended a course. Now of course if you take that

check list where you are going to tick the boxes now you answer yourself a question. Did Van Zyl interrogate that even if he [indistinct] so did he interrogate that. Now he was relying on Ntshisi but Ntshisi himself then you would find that Ntshisi in fact had his own challenges and he was asking all the right questions.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: From Anderson, From the Defence Attaché, from Matjila, from Mr Koloane he was asking all the right questions.

10 **ADV THANDI NORMAN SC:** Ys.

GENERAL DERRICK MBUYISELO MGWEBI: And he knew what was wrong the question is did he share that information for Van Zyl to make a decision – an informed decision. If you look at that there is something which is not gelling so something is wrong there.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: So this is why I am saying for me if you look at [indistinct] that approving cell was able to hide and led to a decision which the request was approved. And again that request if you look at it there is nowhere where Mr Koloane signed
20 anything except that somebody says and from his office a verbal approval has been done. Even in the email.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: But do we work on verbal approval? Do we work on emails? And the answer is no.

ADV THANDI NORMAN SC: And those are the standard practices

within the defence force?

GENERAL DERRICK MBUYISELO MGWEBI: And officer sitting at the level of a Lieutenant Colonel should have known that. A Sergeant Major with the experience of Ntshisi should have picked that up and then they should have said no this is not on. And then they should have requested for a better formal at least information coming from DIRCO.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: They did not.

10 **ADV THANDI NORMAN SC:** It appears from Mr – Major Ntshisi's evidence that when he got the call from Ambassador Koloane and that was – and then the email from Mr Matjila he looked at it and he thought this was all appropriate. But I just want to understand is he allowed as a Major to take instructions from an Ambassador who falls within DIRCO?

GENERAL DERRICK MBUYISELO MGWEBI: The Ambassador Koloane is sitting at a higher level in another government department.

ADV THANDI NORMAN SC: Yes.

20 **GENERAL DERRICK MBUYISELO MGWEBI:** The formal way of communication between the two government departments should be a written one and again it should go the right level. And then any person at a level 4, level 3 should be receiving direction orders instructions from his or her only commanders.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: So there was no way that

they should have implemented whatever that was coming from Mr Koloane without clearing.

ADV THANDI NORMAN SC: With the commander?

GENERAL DERRICK MBUYISELO MGWEBI: With their commanders.

ADV THANDI NORMAN SC: Thank you.

CHAIRPERSON: You have said that it is not clear whether Major Ntshisi told Mr Van Zyl everything that he should have told him. He said here yesterday that is Mr Ntshisi, Major Ntshisi that he told Mr Van Zyl everything from the beginning of this request or his involvement up
10 to the point where he went to him for him to make a decision. Is that consistent with what he told you during the inquiry, the board inquiry?

GENERAL DERRICK MBUYISELO MGWEBI: The Sergeant Major when we ask all these questions it became quite clear that the Sergeant Major was aware of what was happening. But the information shared with Van Zyl is not in fact reflecting what he was aware about all the time. That is on his side he did not necessarily share everything. But again Van Zyl has got a responsibility that he is a senior person and he is an accounting and responsible for what he does. Looking at the – that SOP and looking at the boxes to be ticked he also had at least a
20 duty to ask the relevant questions.

CHAIRPERSON: Now as I understand the position to the extent that Mr Van Zyl's information was that the aircraft that was going to be bringing these visitors was going to be commercial aircraft for purposes of allowing it to land at Waterkloof he could only allow it as I understand the position if it was bringing a head of state, deputy head of state or

some national ministers is that understanding correct?

GENERAL DERRICK MBUYISELO MGWEBI: Chair your understanding is correct.

CHAIRPERSON: And is it also correct that such an aircraft in order for him to allow it there would have had to be a note verbal that he would have received?

GENERAL DERRICK MBUYISELO MGWEBI: A note verbal would be coming from the DIRCO.

CHAIRPERSON: Yes.

10 **GENERAL DERRICK MBUYISELO MGWEBI:** And then indicating the delegation and the nature of the delegation and the nature of the visit.

CHAIRPERSON: Yes. So is it correct to say one of the things he would have looked for to find out which – find out if it was there would have been the note verbal?

GENERAL DERRICK MBUYISELO MGWEBI: He should have asked for the note verbal.

CHAIRPERSON: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: And to confirm the nature of the visit.

20 **CHAIRPERSON:** Yes.

GENERAL DERRICK MBUYISELO MGWEBI: And delegation.

CHAIRPERSON: And if he was – if he did not get a note verbal and got something else is it correct that in terms of the procedures then he should not have provided clearance?

GENERAL DERRICK MBUYISELO MGWEBI: That is correct Chair.

CHAIRPERSON: Obviously here he did not find any note verbal so would it be consistent with your understanding when you presided in the inquiry that he provided clearance knowing that there was no note verbal and therefore that this was not right.

GENERAL DERRICK MBUYISELO MGWEBI: The challenge with him with the benefit of doubt in terms of being in that post although senior as it might be being one month and the experience and also the ease of handing over and taking over whether that [indistinct] hand over take over was done which then might have led to a gap. But in...

10 **CHAIRPERSON**: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Things being equal his [indistinct] [coughing] not have approved that request.

CHAIRPERSON: Yes. Yes. He was standing in on that day for somebody else but his position within the Air Force would it not have been a position that would have meant that he would have known what the requirement are?

GENERAL DERRICK MBUYISELO MGWEBI: Chair coming from a different environment within the air force he might not necessarily have the nitty gritty and details of what is required.

20 **CHAIRPERSON**: Yes. Okay, okay.

GENERAL DERRICK MBUYISELO MGWEBI: And this is why Chair one would say if then the air force and himself they did hand over and take over that the one who was going on leave brought on board a little bit – the one was taking – going to take over brought on board a little bit earlier so that they can sit together and take one through that process

so that when one finally is in charge in the absence of the person who has been doing it he is able to see any gaps.

CHAIRPERSON: Okay thank you.

GENERAL DERRICK MBUYISELO MGWEBI: Again that led to this situation.

CHAIRPERSON: Yes okay thank you.

ADV THANDI NORMAN SC: Thank you Chair. Thank you. Then may you then proceed again – is there any other one that you wish to highlight? I think you have dealt with J as well. But then what follows
10 you then found that certain people should be held accountable for whatever non-compliance with procedures were and you deal with those in paragraph 30 of the report. That would be at page 209.

GENERAL DERRICK MBUYISELO MGWEBI: 200 and?

ADV THANDI NORMAN SC: 209.

GENERAL DERRICK MBUYISELO MGWEBI: 209.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: 30A Van Zyl did approve and authorise the landing without proper checking and complying with the air force instruction. Now that air force instruction mainly speak to
20 the issues of what needs to be done so he did not and also the SOP which speaks to the over flying and landing rights. So...

ADV THANDI NORMAN SC: You found that he was – he must be held responsible?

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

ADV THANDI NORMAN SC: Yes and then Ntshisi?

GENERAL DERRICK MBUYISELO MGWEBI: Ntshisi yes for facilitating and influencing the approval of the request while knowing that it does not comply with the air force instruction and the SOP.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Anderson for advising Ntshisi wrongly because when Ntshisi goes there and then he sets a one he mentioned again Ambassador Koloane and then he mentioned – she mentions number 1. Now obviously that kind of information Anderson being an officer Ntshisi being a Sergeant Major there is a
10 challenge there because now Ntshisi is a Sergeant Major who is a Warrant Officer which is not a commissioned officer. Anderson is an officer, a commissioned officer he should understand what he says to Ntshisi and Ntshisi is supposed to take at least with confidence what a commissioned officer say.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: So yes – well Mr Koloane if you look at what then is coming from the document from his office.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Was saying here there
20 was a misinformation coming from his environment to say this is a VIP coming in. There are Ministers which are going to be landing there and we take these and we did not interview him. But we take this because

1. He was going to be appearing in the one which was being done at government level.

ADV THANDI NORMAN SC: The email an enquiry?

GENERAL DERRICK MBUYISELO MGWEBI: In terms of enquiry.

ADV THANDI NORMAN SC: Yes. Yes.

GENERAL DERRICK MBUYISELO MGWEBI: So we said

1. Based on what Ntshisi is saying and based on what Anderson is saying and based on the documents flowing from a PA in his office this information was misleading therefore something needs to be done.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: In relation to Mr Koloane.

- 10 And then the captain from India also with all the writings there was misinformation and [indistinct] the Department of Defence there for them to accept what was happening. And again his entry point to the Defence Force was wrong. So that captain from India knew what was happening. And he knew that these were not ministers and he knew that in fact it was not an official visit. Therefore he was misleading.

ADV THANDI NORMAN SC: Yes. And then you also deal with security matters whether there were any security breaches as a result of that incident.

- 20 **GENERAL DERRICK MBUYISELO MGWEBI:** When you – again Ntshisi then in terms of using the communication with the people he was communicating to which he was not aware that in terms of the telephone that there were recording happening then it finally transpired during that period when he was doing all these phone he also phoned another lady where then discussing this kind of event and also in terms of asking this lady to assist Koloane I mean not Koloane Mr Koloane.

To assist Ntshisi to get some kind of employment somewhere else. So then again Ntshisi then becomes a little bit

1. Security wise discussing issues of the department with a civilian outside and
2. Then you get to understand that he has got other interests in terms of possibly employment outside the defence force.

And then there was a foreign relation officer by the name of Khumalo. In the writings of the defence foreign relation she get copied by the officer from the Embassy of India the captain and also when foreign
10 relations received the same letter which speaks about this they sent it to Colonel Khumalo but when Khumalo appears before the board she claimed ignorance about the two documents which she was supposed to have received.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: So obviously again the reliability there of the Colonel becomes a challenge.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Then we are also saying there is an absence of properly guided and informed counter
20 intelligence so those military officers I was talking about that from a security point of view there was a lack in terms of that. So security was compromised because people are trained, people who were there they saw all this but they did not report. So the security was breached there. And again if you look at the question of the communication with the other government departments at what level so obviously that is D

the communication of the personnel of the department with the members of the diplomatic core where they were talking direct and liaising you would look at a Sergeant Major speaking to somebody in the name of Khetias a captain in the Indian High Commission he has got no business to do that but he was doing. So [indistinct] security again get compromised. So these are the issues which speaks to security.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: The civilians came into
10 during the landing, they came in, they took pictures. Remember this base is a at least understood to be a strategic military facility and therefore you – nobody is supposed to take pictures and if you do you must be authorised. But here people came in, they took pictures. And of course civilian vehicles came in, they were able to enter and drive around. Again there was a challenge there.

ADV THANDI NORMAN SC: Yes. And then in the following you analyse the policies, the standard operating procedures and how they applied or they ought to have been applied? You have already summarised that you found that people failed to do what they were
20 supposed to do.

GENERAL DERRICK MBUYISELO MGWEBI: They failed to do what they are supposed to do but again those two documents are not necessarily speaking to the authorisation of the aircraft to land. One is speaking to the issue of the aircraft landing there, is it going to need fuel and if it is going to be needing fuel then the base must prepare

fuel and then also they are supposed to be charged for the fuel which is coming from defence so defence wants to speak to that. The second one is looking at a technical issue of is this aircraft in fact able to land in this airstrip and then the size of the aircraft and of course the safety so that you can prepare in terms of the fire fighting and the emergency side. Mainly that is that. So those are the technical things clearance to land.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: But now authorise to land.

10 So there is a document which is missing. So the air force is expected – was expected to have developed a document which speaks to the actually authorisation not clearance. So the two documents just they are there but there is a policy missing part of it.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: So it just went direct to an SOP. 34 speaks to what I have already mentioned.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: That we came to a realisation as a board that between DIRCO and the DOD there should
20 be a policy which govern this.

ADV THANDI NORMAN SC: So that its relationship so that ...

GENERAL DERRICK MBUYISELO MGWEBI: This relationship so that it is documented it does not rely on personalities. It is informed by policy and at least even if it is a working procedure. So that is what we are saying there.

ADV THANDI NORMAN SC: Yes. And then – then you analyse all the policy matters that should be adhered to but then I would like to take you then to – you also highlight what corrective measures ought to be taken. But I would like to take you to the recommendations or maybe before that at page 219.

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

ADV THANDI NORMAN SC: You deal there with any other related matters that may be brought to the board’s attention during the investigation and you highlight those from paragraphs 58 to 61. Could
10 you just summarise those for the Chairperson please?

GENERAL DERRICK MBUYISELO MGWEBI: 58 reads as such:

“Mr Koloane’s name was mentioned by many witnesses in influencing the decision to authorise and approve the landing of the aircraft that landed on the 30 April 2013. The board is aware that Mr Koloane was interviewed during the directors’
generals’ investigation regarding this matter. It would be proper that the convening authority which happened with the defence force here request a copy
20 of the investigation or his testimony at a later stage if it is – if he so wishes.”

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: So we are saying something has to be done but we did not call him because he was already there that is why.

ADV THANDI NORMAN SC: Yes. That investigation is the one that the witness we had yesterday Ms Sindane spoke to. The inquiry about the directors' general.

GENERAL DERRICK MBUYISELO MGWEBI: Ja she was part that.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Yes. Must I go through?

ADV THANDI NORMAN SC: Yes please. Thank you.

GENERAL DERRICK MBUYISELO MGWEBI: Then we are saying there is no clarity and interference or duplication of responsibility for that of
10 the post of officer in charge movement control which undermine the question [indistinct]. Now here this is speak to us as a – as an organisation. Anderson and Ndluli they were occupying one and the same posts and the person who was in the post was Ndluli not Anderson. But Anderson in fact ran the show. So we are saying here to the Chief of the air force this thing is wrong.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: There must be one person so that you can have one person accountable. And again the level of training of the person so that was one other problem which was at least
20 indicated in terms of 59.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: The board found that training and understanding of counter intelligence function and its role in the DOD was lacking in the SAF – in the South African Air Force. There is no relationship between the air force counter intelligence

officers and practices and practitioners at the DI. Now what one is saying here those are the people I call for the sake of this point so that I make it a little bit easier? Military information officers I call them. Now their job firstly are training. If you are trained you should and you must see something wrong and when you see something wrong most of the time you should see it before it happens and you should try and sensitise the commanders to prevent it from happening. But the actual functioning authority for this function is the chief of defence intelligence. But these people are found in the army, the air force, in
10 the navy, in the other divisions but coming from there. So here there is a lack of interaction and lack of training and the practices indicate that because of the incident which happened so this is what we are picking up in terms of this.

ADV THANDI NORMAN SC: Yes. And that would also be linked to 61?

GENERAL DERRICK MBUYISELO MGWEBI: Ja who individual officers who fully understand the practice were able to portray their trust and responsibility bestowed to them and manipulate the structure – the structural processes unnoticed. There is no clear distinction between the roles played by the air force base Waterkloof and the air force
20 command post.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Now one you would have here Anderson who is very well versed with the processes and he understand – she understand what should have happened. She is sitting at the air force base Waterkloof, Ntshisi is sitting at the air force

command post. Now you can see how things the two of them were able to facilitate things. So the question would be who must speak to who before they can do what they need to do at a lower level in terms of the two structures.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: That is what then is being alluded there.

ADV THANDI NORMAN SC: Then at – then from paragraph 62 then you listed the recommendations of board.

10 **GENERAL DERRICK MBUYISELO MGWEBI:** Yes.

ADV THANDI NORMAN SC: And its – some relate to the miscommunication between the departments that is DIRCO and the defence force and improvement of those communication channels. But I would like you to just this one issue that I think we need to deal with. There was – apparently there is a CCTV system that is supposed to be operational at all times at the Waterkloof base but it appears that during that period it was not working. What did you establish around that?

20 **GENERAL DERRICK MBUYISELO MGWEBI:** Well it – when we finally went there – when we went there to check what happened we wanted to see the footages then we could not see things. And all what we could see the relevant areas where we were interested in they were not covered. And then it then transpired that they were under at least service – had been serviced and then we say no if you are servicing you need to be able to have a backup system.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: So then there was a lack of a backup system. And the areas which are critical were not covered during that period.

ADV THANDI NORMAN SC: So even if there was not any form of documentation any aircraft could have landed and no one would have picked it up because the system perhaps was not functional at that stage.

GENERAL DERRICK MBUYISELO MGWEBI: Not necessary the – this
10 one is not necessarily speaking to an aircraft it is speaking to the –
once you are on the ground and the movement of the people.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Because now you want to
check when the aircraft land and then there was a meeter and a
greeter. But the meeter and the greeter then there was a red carpet
rolled. Now you want to check where was this aircraft? Was the – and
then where was the red carpet? And you look at where it is supposed
to be and then you ask the meeter and the greeter and then the meeter
and the greeter goes and then they see people coming then there is no
20 control The meeter and greeter means nobody greets nobody.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: But the carpet is rolled
but for who? But you want to see that in terms of [indistinct] what
actually was happening then there were photographers but who were
they carrying cameras? Then of course there were cars moving around

but you want to see them. So if then that footage is not there then it is a story not necessarily evidence.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: Depending on who tells the story.

ADV THANDI NORMAN SC: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: So those are the kind of challenges.

ADV THANDI NORMAN SC: Thank you. And then you all of those you
10 confirm all those recommendations that you have from paragraph 62
right up to S – 62S they are all the recommendations that the board
made relating to individuals as to what each individual ought to have
done or should be done about a particular individual, is that correct?

GENERAL DERRICK MBUYISELO MGWEBI: That is correct.

ADV THANDI NORMAN SC: Yes thank you. And you stand by those
recommendations?

GENERAL DERRICK MBUYISELO MGWEBI: Yes I do.

ADV THANDI NORMAN SC: And I see your signature is the one
appearing at page 223 General?

20 **GENERAL DERRICK MBUYISELO MGWEBI:** That is correct

ADV THANDI NORMAN SC: And the date that was the 21st June 2013?

GENERAL DERRICK MBUYISELO MGWEBI: That is correct.

ADV THANDI NORMAN SC: So you completed it just almost a month
after the incident?

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

ADV THANDI NORMAN SC: Yes. And this record as you can see on top it is marked 'Secret' does this – it is – it has been kept like that by the Defence Force until it was required by the commission?

GENERAL DERRICK MBUYISELO MGWEBI: We as a board we had it – as the President handed it over to the office of the chief through the legal officers and then it became their responsibility to keep it and my understanding is it was kept in the hands of the chief in terms of his office.

ADV THANDI NORMAN SC: Yes.

10 **GENERAL DERRICK MBUYISELO MGWEBI:** And under a lock and key.

ADV THANDI NORMAN SC: Yes thank you. Is there anything else that you wish to share with the Chairperson?

GENERAL DERRICK MBUYISELO MGWEBI: Probably let me say nothing thank you.

CHAIRPERSON: You said that is it Colonel Anderson was occupying the same position with somebody else, is that correct?

GENERAL DERRICK MBUYISELO MGWEBI: That is correct Chair.

CHAIRPERSON: Who was the other person?

GENERAL DERRICK MBUYISELO MGWEBI: Lieutenant Colonel Mdluli.

20 **CHAIRPERSON:** Mdluli?

GENERAL DERRICK MBUYISELO MGWEBI: Mdluli.

CHAIRPERSON: Mdluli.

GENERAL DERRICK MBUYISELO MGWEBI: Mdluli.

CHAIRPERSON: Mdluli.

GENERAL DERRICK MBUYISELO MGWEBI: Yes.

CHAIRPERSON: How is that possible for two people to occupy the same position?

GENERAL DERRICK MBUYISELO MGWEBI: It was wrong.

CHAIRPERSON: Hm.

GENERAL DERRICK MBUYISELO MGWEBI: It was not supposed to happen.

CHAIRPERSON: But it happened?

GENERAL DERRICK MBUYISELO MGWEBI: But it happened.

CHAIRPERSON: Oh. But the one who was correctly in the position
10 was Mdluli?

GENERAL DERRICK MBUYISELO MGWEBI: In terms of

CHAIRPERSON: Is that...

GENERAL DERRICK MBUYISELO MGWEBI: Chair in terms of paperwork the one who was supposed to be in the position was Mdluli.

CHAIRPERSON: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: But in terms of functioning the one who was functioning doing the job was Anderson.

CHAIRPERSON: What does that mean at a practical level? Does this
20 mean Mdluli was supposed to just enjoy the position and the benefits
and Anderson would do the actual job or what? Or both would perform
– they would just divide the tasks between themselves and they would
both perform the tasks attached to the position?

GENERAL DERRICK MBUYISELO MGWEBI: It is one of those unfortunate incident Chair which was not supposed to have happened in the first place.

CHAIRPERSON: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: And it created its own challenges in terms of the morale within the base and of course the functioning of the base.

CHAIRPERSON: It was subsequently sorted out I take it?

GENERAL DERRICK MBUYISELO MGWEBI: As part of the recommendation.

CHAIRPERSON: Yes.

GENERAL DERRICK MBUYISELO MGWEBI: The finding it also it was
10 found to be wrong and Chief of the Air Force was also at least expected to correct that.

CHAIRPERSON: Okay no thank you very much.

ADV THANDI NORMAN SC: Yes thank you very much.

CHAIRPERSON: You are done.

ADV THANDI NORMAN SC: Yes thank you Chair.

CHAIRPERSON: Thank you very much Lieutenant General Mgwebi for coming to give evidence. Thank you very much. You are excused.

GENERAL DERRICK MBUYISELO MGWEBI: Thank you.

CHAIRPERSON: Thank you.

20 **ADV THANDI NORMAN SC**: Thank you. Chair the next witness is General Msimang I see it is ten to one would Chair like us to start with that witness now?

CHAIRPERSON: How long is his statement?

ADV THANDI NORMAN SC: His – it is not long.

CHAIRPERSON: Like how many pages?

ADV THANDI NORMAN SC: It is about – and his area it is – he is going to talk to – sorry I did not count. Only four pages Chair.

CHAIRPERSON: Ja. Okay no let us...

ADV THANDI NORMAN SC: Call him.

CHAIRPERSON: Take him after lunch.

ADV THANDI NORMAN SC: Alright.

CHAIRPERSON: Ja.

ADV THANDI NORMAN SC: Oh thank you.

CHAIRPERSON: Let us adjourn for the lunch break now. It is ten to
10 one we will resume at two.

ADV THANDI NORMAN SC: Thank you Chair.

CHAIRPERSON: We adjourn.

ADV THANDI NORMAN SC: Thank you.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV THANDI NORMAN SC: 10.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: This is the statement of General Msimang
20 and the annexures to - to his statement. May he be sworn in
Mr Chairman?

CHAIRPERSON: Yes thank you. Please administer the oath or
affirmation.

REGISTRAR: Please state your full names for the record.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: I am

Zimpande Fabian Msimang.

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

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Not at all.

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

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Certainly.

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

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: So help me God.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: (duly sworn, states)

CHAIRPERSON: Thank you.

ADV THANDI NORMAN SC: Thank you.

CHAIRPERSON: You may proceed.

ADV THANDI NORMAN SC: Thank you Mr Chairman. General you have before you – you would have a document that is marked on – it is
20 a presentation file EXHIBIT FF10. As explained to you earlier could you please turn over to page 1 of that document – of that file? It is entitled:

“SA Air Force Submission to the Zondo Commission
of Inquiry State Capture.”

Is that your submission?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes it is ma'am.

ADV THANDI NORMAN SC: Yes. Could you please turn to page 3 of that submission? Is that your signature that appears there?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes it is.

ADV THANDI NORMAN SC: Yes thank you; and are the contents of your submission true and correct?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes ma'am.

ADV THANDI NORMAN SC: Yes thank you; and ...

10 **CHAIRPERSON:** You may have to just raise your voice ...

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Oh sorry.

CHAIRPERSON: Or bring the mic closer ...

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: I will – I will ...

CHAIRPERSON: Lieutenant General.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Thank you.

ADV THANDI NORMAN SC: Thank you. Thank you. Thank you General. Is it correct that you are the Chief – Chief of the Air Force?

20 **LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG:** I certainly am. I am the Chief of the South African Air Force.

ADV THANDI NORMAN SC: Yes; and how long have you held this position?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Since October, the 1st 2012.

ADV THANDI NORMAN SC: Yes; and is it also correct that you are

pilot by profession?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes I am.

ADV THANDI NORMAN SC: Yes; and how long have you been in service with the defence force?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Since integration in 1994 but prior to that I was a Member of Umkhonto we Sizwe, trained in Russia.

ADV THANDI NORMAN SC: Yes, thank you. Now let us – the incident that you are talking is and as we have heard from the earlier witness
10 General Mgwebi that when he started doing the investigation they had to start with the Chief of the Air Force ...

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes ma'am.

ADV THANDI NORMAN SC: Because that is something that falls squarely within your responsibility. Is that correct?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Correct.

ADV THANDI NORMAN SC: Yes; and then the South Africans are asking where the Chief of the Air Force was when all of this was happening. Could you please just tell the Chairperson then as to how – what do you know about the incident, how you got to know about it and
20 – and what did you do?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Thank you very much Chair. As it is stated in my statement I was approached by the advisor to the Minister of Defence with regards to a possible arrival of the Indian delegation. This took place during the time when the South African National Defence Force was on high alert. We had a

situation in the Central African Republic whereby on 22 March it was around that period where we lost 13 of our members.

It was at this time when we had to attach the officer commanding of the F – the officer commanding of the Air Force Command Post Brigadier General Lombard to our joint operations to assist with this operation. At the same time we had also an incident or an accident in the South African Air Force whereby we had lost a helicopter.

So there were all those things that were taking place. I
10 would also like to state that the landing of the aircraft the one that we are talking about happened within the six months of my having taken office. I had also at a time did indicate to my Commander the Chief of the South African National Defence Force General Shoke in writing that I had serious concerns with regards to the command and control of the South African Air Force – the structure – with structural problems and of course those were being addressed.

The issues around the landing of the aircraft and in my statement I have stated that after I had indicated that – to the – to the advisor – to the Minister of Defence that - I would like to quote what I
20 had said.

ADV THANDI NORMAN SC: Yes, okay thank you. Oh, sorry. Maybe just let us go back.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Okay.

ADV THANDI NORMAN SC: The advisor approached you what did the advisor want from you?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: The advisor

...

CHAIRPERSON: You can – you can have a look at the statement ...

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes.

CHAIRPERSON: For purposes of refreshing your memory.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Thank you very much.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: In my

10 statement I state that:

“During the latter half of my March 2013 the political advisor of the Minister of Defence and Military Veterans approached the Chief of the South African Air Force ...”

Which is myself.

“...to determine the regulations governing the landing and taking off civilian aircraft at Air Force Base Waterkloof.”

I state in my statement that:

20 “The Chief of the South African Air Force informed the political advisor it would be irregular for an aircraft carrying Indian wedding guests to land at the base. The Chief of the Air Force advised the political advisor that the matter should not be entertained any further.”

And from my point of view I thought that was the end of it.

ADV THANDI NORMAN SC: So you just give an answer and you knew that no one else ...

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: He sought – he sought advice ...

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: And we gave him the advice.

ADV THANDI NORMAN SC: Yes; and ordinarily when then a political
10 advisor seeks advice do you share what you had communicated with that political advisor with – I do not know whether it would be the Commanders or the Commanders who are below you or is it something that you would keep to yourself because in any event it is your advice that was being solicited?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: It was the first time that such a thing had happened. That the political advisor came to seek my advice. I think it was due to the fact that he too wanted to – to be advised as to whether it fell within the regulations.

ADV THANDI NORMAN SC: Yes.

20 **LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG:** I thought I was duty bound to inform him and I think that was from my point of view that was – would have been the end of our discussion.

ADV THANDI NORMAN SC: Discussion.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes.

ADV THANDI NORMAN SC: And then why did you feel that it would

have been irregular? What - what are the factors that informed that advice?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: We have protocols within the South African National Defence Force ...

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: And especially in the South African Air Force. We have also what we would call SOPs which determine the type of aircraft, type of delegations that would be allowed to land at Air Force Base Waterkloof and for the mere
10 fact that it spoke about a wedding party. That in itself did not comply with the – with the regulations.

ADV THANDI NORMAN SC: Yes. Maybe I should just take you to the protocols that you have attached to your statement.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes ma'am.

ADV THANDI NORMAN SC: If I may take you – refer you to a divider marked two Mr Chairman.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Pardon to?

ADV THANDI NORMAN SC: There is a divider ...

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes ma'am.

20 **ADV THANDI NORMAN SC:** Marked number two.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Marked number two?

ADV THANDI NORMAN SC: Yes. At number five – page five there is what is called:

“The Standard Operating Procedures Issuing of

Overflight and Landing Authorities for Visiting Aircraft.”

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes ma’am.

ADV THANDI NORMAN SC: Yes. Could you just highlight those factors that where one wants to land as a wedding party which would conflict with what you have got here in this SOP?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Okay. Would you mind if I just talk about it in general?

ADV THANDI NORMAN SC: Yes.

10 **LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG:** Once a foreign state requests to land at Waterkloof we would first have to determine whether it was military, non-military or other. If it was military it will then follow the – I would – if it was military it will then come from the country concerned to the Defence Foreign Affairs to the Command Post and to the Base Command Post.

In this case it was a non-military and which we call – which is a non-military. The request came through DIRCO because it was diplomatic under RSA05. Diplomatic to DIRCO and then from DIRCO it would have then gone to – should have gone to Defence Foreign Affairs
20 that is within the DOD and then from DIRCO it would have then gone to the Department of Transport and then within – and then from the Department of Transport I think it will go to Home Affairs and also to the Civil Aviation Authority.

CHAIRPERSON: Please just clarify – clarify the “it” throughout this? It would come from DIRCO to Foreign Affairs within DOD

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Oh the request, the request sorry.

CHAIRPERSON: And then to Transport.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: The request, the request, the request.

CHAIRPERSON: Oh, so – so DIRCO then to the Foreign Affairs Section of DOD and then from there to Department of Transport?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes. They also have – they have links with the other – other Government departments' yes.
10

CHAIRPERSON: Yes. What I am asking is whether the Transport one that would go to Transport would come directly from DIRCO or it would be after going via ...

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: No, no. It would be directly – directly from DIRCO.

CHAIRPERSON: Foreign Affairs Section of the DOD?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: The way I understand ...

CHAIRPERSON: Yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Directly to DIRCO.
20

CHAIRPERSON: Okay, not that is fine.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Directly to - to the Department of Transport.

CHAIRPERSON: Okay, okay.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Now ...

CHAIRPERSON: This is still just the request?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: This is just the request yes. Now please understand this ...

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: I must say it up front that there were no checks and balances. That is now the problem that we are faced with here. It is due to the nature of the –
10 the request in general – 05s – because it is a diplomatic request. It has its own protocols.

It involves other Government departments and in most incidences when there is that – when it is initiated from the requesting country or state at level four – the technical level – the officials are already running around trying to make sure that they have got systems in place to accommodate the – the guests and this has become the practice. So you have the – the SOPs and then you have got also practice. Now can I take ...?

CHAIRPERSON: SOPS being?

20 **LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG:** Standard Operating Procedures. I am sorry.

CHAIRPERSON: Okay.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Standard Operating Procedures.

CHAIRPERSON: Okay, alright.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes. I would like us to maybe to maybe have a – to show the ...

ADV THANDI NORMAN SC: there is a slide?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes that slide.

ADV THANDI NORMAN SC: Okay.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: The hierarchy of policies.

ADV THANDI NORMAN SC: Alright, thank you. Sorry Mr Chairman
10 could you – oh it is up there. Oh, thank you. Okay.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes. As we can see we have got a hierarchy of policies which are at various levels. Typically the Chief of the Air Force would be at level two. Level two which states:

“Services and Divisions.”

At this level we – I am talking about now services in the South African National Defence Force we have got four Service Chiefs. That is the Chief of the Army, Chief of the Air Force, Chief of the Navy and Chief of the Military Health Service called the Surgeon General and then we
20 have got eight ...

CHAIRPERSON: I am sorry. I am trying to follow.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Level two, level two, level two.

CHAIRPERSON: Level two is – is - what position would be there?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: That is

Lieutenant General.

CHAIRPERSON: Okay, right and level one.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Level one that is now my boss.

CHAIRPERSON: Oh.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes.

CHAIRPERSON: That is the Chief of the – the Army?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: The Chief of the South African National Defence Force.

10 **CHAIRPERSON:** Oh, okay, okay.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes.

CHAIRPERSON: Alright.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Chief of the Defence Force.

CHAIRPERSON: Okay.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes. Now at his level which is now as you can see it is copied policy matters.

CHAIRPERSON: Hm.

20 **LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG:** That is where we – we deal with the Department of Defence instructions.

CHAIRPERSON: Hm.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: You then deal with the joint Defence Publications ...

CHAIRPERSON: Hm.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Because

remember that this arms of service ...

CHAIRPERSON: Hm.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: And this – the – the divisions and then there is a joint command.

CHAIRPERSON: Hm.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: So then of course – then that – the directives. Then there is the Department of Defence Strategy and then the Military Strategy.

CHAIRPERSON: Hm.

- 10 **LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG:** Now this is now which comes from the top which now informs the next levels policies. So at my level what we generate which is now the service operational level which looks at the strategic and operational level there are instructions, the doctrines, the manuals, the sub – strategies, the divisional supporting strategies and then the level below us which we call the intermediate structures.

This is now where the Air Force Command Post resides, okay. That is where the Air Force Command Post resides. That is at level three.

- 20 **CHAIRPERSON:** That is level? Three?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Level three.

CHAIRPERSON: Okay.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Okay. That is where they have the instructions, the manuals, functional curricula because some of these are directorates which have got their own

training entities within which is like the combat line, the helicopter line, the transport line, command and control line and so forth.

Now – and then we have got level four which is now at the technical level which is basis, units, centres and depots. Now at this level this is now where you – where they generate orders, technical publications, the Standard Operating Procedures, curricula's because they also have training responsibilities and of course the base strategies.

Now seeing that Air Force Command Post is a unit it also
10 generates its own Standard Operating Procedures. Now with the problem that we are faced ...

CHAIRPERSON: Before you ...

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes.

CHAIRPERSON: Go further just so that I can understand the – the hierarchy there.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes.

CHAIRPERSON: Would the – would level one be equivalent in terms of public service rankings to a DG or – or it is incomparable? Well maybe in terms of responsibility.

20 **LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG:** A Military General is a Military General.

CHAIRPERSON: Sorry.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: A Military General is a Military General. There is no equivalent.

CHAIRPERSON: I – I suspected you would say that; but in terms of

responsibility it would be the same responsibility ...

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: DG.

CHAIRPERSON: That a DG has? Okay.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: (Intervenes).

CHAIRPERSON: No that is fine; and then level two Deputy DG and – and maybe level three would be Chief Director?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: That is it.

CHAIRPERSON: Okay. No that is fine. Thank you. Yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Chairperson,
10 okay. Then furthermore is that when you look at this hierarchy you find that the – most of the activities are taking place under the guide of the SOPs. I am saying this because there is no over arcing instrument that pulls together ...

CHAIRPERSON: Everything.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Everything ...

CHAIRPERSON: Hm.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Including
other Government departments.

CHAIRPERSON: Hm.

20 **LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG:** It is a gap ...

CHAIRPERSON: Hm.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: And it is
unfortunate that at the end of the day it is those persons – people at
level four ...

CHAIRPERSON: Hm.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Who are exposed.

CHAIRPERSON: Hm.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: I think that is the finding also in the ...

CHAIRPERSON: Hm.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: In the Board of Inquiry.

CHAIRPERSON: Hm.

10 **ADV THANDI NORMAN SC:**

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: It is something that we have also since – are rectifying.

CHAIRPERSON: Hm, hm.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Nor for me that is the crux of the problem. Nothing else but just that.

CHAIRPERSON: Hm.

20 **LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG:** So this incident for me is a symptom of an absence of a coordinated interdepartmental arrangement to coordinate and coherent – coherently deal with the RSA05 which is now diplomatic requests and this is what the interim air force instruction which is a regime that we are currently working under seeks to address in the interim because there is already within the system a departmental instruction that is being formalised – finalised - let me put it that way – under the signature of level one and also level zero.

From the Minister to the – to the Chief Defence and the Secretary of Defence but again it will also create some challenges this is why we are also engaging with other Government departments to ensure that there is an over arching instrument that will deal with such issues to protect level four, level three, level two. So that the entry point for any of these requests must come at the appropriate level.

CHAIRPERSON: Well it - it maybe that what I want to ask you is something that we should deal with later but let me ask – ask you it maybe that the systems that were in place were not the best ...

10 **LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG:** Were not the best.

CHAIRPERSON: That could be put in place but is the position not this that when one looks at what appears to have unfolded here one is dealing with a situation where nobody can say I did not know that it was not right to allow the landing of this aircraft. Is the position not that when all is said and done nobody can say I did not know that it was wrong because if particularly the key people knew that this was not right and knew that it was not in accordance with one, the operating procedures and policies and – and two, the practices.

20 Then they should have said no and then the whole question is why they did not say no or maybe some of them. Some might have said no up to a certain point and then gave in. So therefore if one is looking at it – it may be that we should not put a lot of emphasis on any inadequacies that might have been there in the systems because anybody who wanted to do the right thing knew what to do and if they

did what – if they did the right thing and had the courage to do the right thing this would not have happened. What do you say to that?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Sir in this space arrangements are hinged on trust and integrity. Initially when I tried to categorise the type of request that came in when we spoke about the non-military which 05 is one of them the environment from where that information is activated the right information has to come through. Otherwise it contaminates the whole process.

10 This is why I said there are no checks and balances from the point where that information comes into the Defence Force. We are not even sure as to when it also goes to the other environments as to whether there are those checks and balances. Hence the necessity for us to have this over arching instrument which will deal with all these issues.

CHAIRPERSON: But what do you say to the proposition that on the facts as they seem to have emerged in the report of the Directors General the Justice Cluster Investigation Team that at least insofar as we speak about the actual landing of the aircraft there may be other issues but that is the main issue.

20 Insofar as that one is concerned all the key people who had a role to play before your – the authorisation could be given knew that this was not in order. Do – do you accept that – that does emerge or is your understanding or analysis different?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: I go by the findings.

CHAIRPERSON: Yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: I go by the findings ...

CHAIRPERSON: Yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: But again we also have to put everything into context.

CHAIRPERSON: Yes, yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: This request should not have gone through ...

10 **CHAIRPERSON:** Hm.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: After we had said no.

CHAIRPERSON: Yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Period.

CHAIRPERSON: Exactly, exactly.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: That it went through at a different level well that is now the reason why we have got this Board of Inquiry and I would like to repeat we work on trust and integrity, thank you.

20 **CHAIRPERSON:** Well it is – it is a good thing to work on trust and integrity but the reason why it is necessary to have checks and balances ...

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes.

CHAIRPERSON: Is precisely because ...

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: That is it.

CHAIRPERSON: Sometimes it is not enough to work on trust and integrity. That part I understand but let's go back to the request. A no was given; you have just said then it went; the request went somewhere else. Is there any doubt in your mind that wherever it went they knew that this was not in order?

LIEUTENANT GENERAL MSIMANG: Chair.

CHAIRPERSON: Well, you are a leader now in the Defence Force. You have got to come out clearly.

LIEUTENANT GENERAL MSIMANG: As a Chief of the South African Air
10 Force, I said no and once we said no I wouldn't like to second-guess as to what informed them to be creative and.

CHAIRPERSON: You see? You are also saying they were creative.

LIEUTENANT GENERAL MSIMANG: In the lack.

CHAIRPERSON: No, you see, you see I guess we must look at the Defence Force as well as Derco as part of society.

LIEUTENANT GENERAL MSIMANG: True.

CHAIRPERSON: And part of the problem in our society is that it
appears we don't have enough numbers of people who stand firm for what is right in the face of pressure and enticements, corruption and
20 just stand firm and say it is not right. So we know that some of the people, you know appeared to have said no.

LIEUTENANT GENERAL MSIMANG: Yes.

CHAIRPERSON: But later on either they gave in to the pressure or I don't know if they got persuaded and we know that there are statements that appear to have been made to which appear to have

been intended to put pressure on them one way or another. So but knowing what, knowing the request that was made and you said no, it should not be entertained, is there any reason you know of why people who were required to deal with this request in the Air Force at different level up to the level where it was authorized, do you know of any reason why they wouldn't have clearly seen that this was not an order and it should not be allowed? And to be fair to you, you are free to see if you don't know; to say if you haven't looked at the facts sufficiently in regard to what happened at the different stages about knowing what
10 knowledge and expectation the Air Force has of people at certain levels who are authorized to deal with something like this. So my question is, can there be any doubt that anybody would have known that this request was not correct for purposes of authorizing the landing of this type of aircraft or an aircraft that was coming with a wording party?

LIEUTENANT GENERAL MSIMANG: Sir, from the word go this shouldn't have been approved at any level. I think that's what also comes out from the board of inquiry.

CHAIRPERSON: Yes, yes.

LIEUTENANT GENERAL MSIMANG: That decision was taken I think
20 that's why specific steps were taken within the Defence Force. I'd like to repeat once again the findings of the board of inquiries both.

CHAIRPERSON: Yes, are in order?

LIEUTENANT GENERAL MSIMANG: Are in order, yes.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: Thank you.

CHAIRPERSON: Okay maybe I can just ask this question. Were you shocked when you heard that the aircraft had been allowed to land?

LIEUTENANT GENERAL MSIMANG: I think that's why I have become bold.

CHAIRPERSON: Okay, alright. You were shocked?

LIEUTENANT GENERAL MSIMANG: It took us, yes. It took us... (indistinct).

CHAIRPERSON: Yes, okay.

ADV THANDI NORMAN SC: Thank you. Just as a follow-up to that
10 shock that you had. At under what circumstances does the Chief of the
Air Force get involved when a foreign aircraft lands into the country or
at least at the Waterkloof Base? Are there instances where you get
involved and what are those instances?

LIEUTENANT GENERAL MSIMANG: Yes, the South African Air Force
through its various structures gets informed. The officer commanding of
the unit, I'm now talking about the Air Force command post would then
inform the relevant entities but in this case because of the following
that officer commanding of the unit was not available. We were dealing
with a crisis. The SENCON officer Lieutenant Colonel Van Zyl was new.
20 He was just brought in and these were all things that would should have
been in place. Unfortunately, at that time it just so happened that this
thing came at the time when we were most vulnerable.

ADV THANDI NORMAN SC: Yes. No, my question really relates to as
because you are the Chief of the Air Force.

LIEUTENANT GENERAL MSIMANG: Yes.

ADV THANDI NORMAN SC: I just want to know ordinarily do you get involved in the, in these approvals at whatever level, of foreign aircrafts or you don't get involved at all... (intervention).

LIEUTENANT GENERAL MSIMANG: Ma'am, this is why I am saying.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: This procedure is designed to manage activities at level four and three, not at my level. Hence, the need for us firstly within the Air Force to overhaul our systems at that time and to ensure that we have an overarching instrument that also
10 talks to the other government departments.

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: I guess that answer means you don't normally get involved? Because that's the question.

LIEUTENANT GENERAL MSIMANG: Then then.

CHAIRPERSON: Ja, at that stage.

LIEUTENANT GENERAL MSIMANG: At that stage, yes.

CHAIRPERSON: You did not get involved?

LIEUTENANT GENERAL MSIMANG: No, no.

CHAIRPERSON: Do you get involved now?

20 **LIEUTENANT GENERAL MSIMANG:** Oh yes, certainly.

CHAIRPERSON: Because of what happened?

LIEUTENANT GENERAL MSIMANG: No, no.

CHAIRPERSON: Ja.

LIEUTENANT GENERAL MSIMANG: It's because it's the right thing to do.

CHAIRPERSON: Yes, but arising from that incident which may have opened your?

LIEUTENANT GENERAL MSIMANG: Remember we spoke about there were deficiencies within the.

CHAIRPERSON: Yes.

LIEUTENANT GENERAL MSIMANG: The system at that time.

CHAIRPERSON: Yes.

LIEUTENANT GENERAL MSIMANG: Because truly speaking we were not really configured to do what we were doing at that time.

10 **ADV THANDI NORMAN SC**: Okay.

LIEUTENANT GENERAL MSIMANG: You understand? So, yes we were doing this but.

CHAIRPERSON: Ja.

LIEUTENANT GENERAL MSIMANG: We were not properly configured.

CHAIRPERSON: Okay, okay.

ADV THANDI NORMAN SC: Thank you.

20 **CHAIRPERSON**: Well, let me ask you about the, your feeling or reaction to the incident. When Mr Ramatlodi gave evidence here, the former Minister of Mineral Resources, he gave his description of how he felt about his reaction to the incident. I don't want to put words in his mouth but what the impression that I gained from whatever words he used was that it was such a huge shock to learn that effectively a private aircraft had been allowed to land at Waterkloof. If I put it in my own words I think whatever words he used gave me the impression that he was saying, this was an abomination. Now you being.

LIEUTENANT GENERAL MSIMANG: Chief of the Air Force.

CHAIRPERSON: High up in the military, Chief of the Air Force, what was your reaction? What was your feeling about this commercial aircraft being allowed to land at Waterkloof? How bad was this thing to a leader of the Army of the country to somebody high up in the leadership of the Army of the country?

LIEUTENANT GENERAL MSIMANG: This is totally unacceptable. This hurt me personally. This was something that I never did imagine that it could happen. It was an unfortunate situation. As a commander of that
10 entity, this under normal circumstances would have required of course a board of inquiry of which we immediately instituted a preliminary investigation within the South African Air Force. A preliminary is a short intensive investigation and of course it did hurt the image of the Defence Force and of the country. Hence, the rapid reaction of the Chief of the South African National Defence Force in instituting the board of inquiry at his level and then the security cluster immediately after that. This just shows the importance the various government departments attached to this incident. I repeat again. It is for this reason that we are looking and war gaming the new instruction, the
20 overarching instruction because when you deal with so many government departments at level 4 that I spoke of where you dealing with border police, customs, immigration, Department of Health, SARS, Department of Agriculture, natural conservation, the military police, counterintelligence and so forth and also Derco. There is a huge number of departments that level 4 you are dealing with those people.

It should be the case. The entry point should be at the right level and of this interdepartmental instrument seeks to address just that.

CHAIRPERSON: You would say this is something that should never, ever happen again?

LIEUTENANT GENERAL MSIMANG: Yes. No, no it shouldn't happen, never.

CHAIRPERSON: Thank you.

ADV THANDI NORMAN SC: Yes, thank you. Just on the SOPs that you have put up, General, I see you have a look at paragraph 5, page 5
10 paragraph 5 of the standard operating procedures.

LIEUTENANT GENERAL MSIMANG: Is it the interim?

ADV THANDI NORMAN SC: No, sorry. We're looking at this.

LIEUTENANT GENERAL MSIMANG: The?

ADV THANDI NORMAN SC: No, no, no FF10.

LIEUTENANT GENERAL MSIMANG: FF10.

ADV THANDI NORMAN SC: Yes, yes. Yes, page 5.

CHAIRPERSON: FF10 page 5.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: Okay page 5.

20 **ADV THANDI NORMAN SC**: Under divider 2.

LIEUTENANT GENERAL MSIMANG: Okay, under divider 2?

ADV THANDI NORMAN SC: Yes, thank you.

LIEUTENANT GENERAL MSIMANG: Thank you.

ADV THANDI NORMAN SC: Maybe we should start with paragraph 2.

LIEUTENANT GENERAL MSIMANG: Paragraph 2?

ADV THANDI NORMAN SC: Paragraph 2, yes. Those SOPs the place the responsibility of issuing of the overflight and landing authorities. They make it the responsibility of the flight centre situated in the operational complex.

LIEUTENANT GENERAL MSIMANG: Yes.

ADV THANDI NORMAN SC: Under the administrative command and functional command of the (AFCP) senior controller.

LIEUTENANT GENERAL MSIMANG: That's it.

ADV THANDI NORMAN SC: Would that be level 4?

10 **LIEUTENANT GENERAL MSIMANG:** That is now level 3.

ADV THANDI NORMAN SC: That is level 3?

LIEUTENANT GENERAL MSIMANG: Level 3.

ADV THANDI NORMAN SC: Alright. And then it tells us... (intervention).

LIEUTENANT GENERAL MSIMANG: Because remember.

ADV THANDI NORMAN SC: Sorry.

LIEUTENANT GENERAL MSIMANG: Level 3 is, okay it's level 3.

ADV THANDI NORMAN SC: This is level 3. Okay, thank you. And then it then tells us in paragraph 4 and 5 about the process that must be
20 followed but what I would like us to talk about is paragraph 5. Where it says, the request for the issuing of an overflight and landing authority can be divided into two types of authority. 1.) An RSA05 international authority. This is relevant to what we're talking about.

LIEUTENANT GENERAL MSIMANG: Exactly.

ADV THANDI NORMAN SC: Okay. Now this authority is issued to

foreign military or government owned or chartered aircraft or to RSA registered aircraft chartered for government purposes crossing the RSA international boundaries and is divided into three categories. So if one looks at the circumstances on the Waterkloof request.

LIEUTENANT GENERAL MSIMANG: Yes, Ma'am.

ADV THANDI NORMAN SC: Being a wording party, coming back to the question that the Chairperson had asked you. That without looking at the loopholes, any official knowing exactly what is it that's required would know that that doesn't fit. It doesn't fit within that requirement.

10 **LIEUTENANT GENERAL MSIMANG**: Yes.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: That's if the correct information was given from the word go.

ADV THANDI NORMAN SC: Yes, yes.

LIEUTENANT GENERAL MSIMANG: So if there was no mention of Ministers, no mention of whoever you understand?

ADV THANDI NORMAN SC: Yes, yes.

LIEUTENANT GENERAL MSIMANG: Yes.

20 **ADV THANDI NORMAN SC**: Supposing that really there was one or two Ministers that were carried on this aircraft but if one takes the evidence of Mr Matjila this morning that there was never any protocol. No one to meet and greet. There was no meetings within the stakeholders to deal with how you are going to deal with this; where are they going to be accommodated. So even if there was a mention of Ministers, if one had looked carefully at the request itself, one would have found that given

the process that has to be followed it was not possible that there would have been Ministers of the aircraft or am I simply stretching it too far?

LIEUTENANT GENERAL MSIMANG: No, you are correct.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: You are correct. Apart from that, there would have been an interdepartmental meeting.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: Which informs all the relevant parties of what is happening who needs to do what.

10 **ADV THANDI NORMAN SC**: Yes.

LIEUTENANT GENERAL MSIMANG: And so forth.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: And from what I could deduce from the two boards of inquiry, that never took place.

ADV THANDI NORMAN SC: Yes, thank you.

CHAIRPERSON: In the moment it was an RSA05 that conveyed the impression that there would be a Head of State or a deputy Head of State.

LIEUTENANT GENERAL MSIMANG: A Minister.

20 **CHAIRPERSON**: Or a Minister.

LIEUTENANT GENERAL MSIMANG: Of a particular level.

CHAIRPERSON: Yes. And anyone filling in and making it an RSA05 not knowing that was aware that they were making misrepresentation?

LIEUTENANT GENERAL MSIMANG: Yes.

CHAIRPERSON: Yes.

LIEUTENANT GENERAL MSIMANG: Yes.

CHAIRPERSON: Ja, ja.

ADV THANDI NORMAN SC: Thank you. And you told the chairperson that when you heard about this you were shocked but I like to know when did you actually get to know about the landing? Was it a day after the landing or was it a week after the landing? When exactly did you get to know about it?

LIEUTENANT GENERAL MSIMANG: On the very same day.

ADV THANDI NORMAN SC: Yes, and then as we've been told because
10 there would have been given a clearance... (intervention).

LIEUTENANT GENERAL MSIMANG: Then what happened was that.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: We ran to.

CHAIRPERSON: You immediately wanted to know what's that?

LIEUTENANT GENERAL MSIMANG: I was in a meeting.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: And then I see that I heard a lot of
missed calls. I say, okay now what's happening. Check that okay, check
your TV, go check your TV, go check the TV and we saw what was
20 happening.

ADV THANDI NORMAN SC: Yes. They were, this aircraft was supposed
to return on the 3rd of May. So now it is landed at Waterkloof but we
know that it didn't leave from Waterkloof to India. It had to go to OR
Tambo. Do you have any dealings with that process? After then you
discovered that it had landed in the manner in which it did, what steps

did you take to make sure that it does not leave out of Waterkloof again?

LIEUTENANT GENERAL MSIMANG: No, we immediately indicated that the aircraft must be repositioned outside the Air Force bases.

ADV THANDI NORMAN SC: Yes. And that instruction would have been given to?

LIEUTENANT GENERAL MSIMANG: To my, at that time it was General Officer Commanding of the Air Force.

ADV THANDI NORMAN SC: Yes, and that is out it was moved to OR
10 Tambo?

LIEUTENANT GENERAL MSIMANG: Yes, of course and then the staff that were dealing with it.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: Did the necessary activities to make sure that it.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: It was repositioned, yes.

ADV THANDI NORMAN SC: Did you at any stage make contact with
20 Captain Kurty from India High Commission in India who was the one who was liaising with in fact sent directly correspondence to the level 4 officials? There's that correspondence it's from Captain Kurty.

LIEUTENANT GENERAL MSIMANG: To me?

ADV THANDI NORMAN SC: No, no, no not to you.

LIEUTENANT GENERAL MSIMANG: Oh okay.

ADV THANDI NORMAN SC: I just want to know even if it was not him.

LIEUTENANT GENERAL MSIMANG: Yes.

ADV THANDI NORMAN SC: Did you try and establish from the Indian High Commission as to how did this happen, you know? What procedures did you follow before you allow this to happen?

LIEUTENANT GENERAL MSIMANG: Ma'am, immediately after we got wind of this that's when we initiated as I said our, sorry our internal.

ADV THANDI NORMAN SC: The board of inquiry?

LIEUTENANT GENERAL MSIMANG: No, what do they call it.

ADV THANDI NORMAN SC: The preliminary investigation?

10 **LIEUTENANT GENERAL MSIMANG**: Preliminary investigation.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: The preliminary investigation, yes. That's what we initiated and then immediately after that the Chief of the Defence Force initiated the board of inquiry.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: Which is now more, it's at a high level whereby I was also a subject of that investigation.

ADV THANDI NORMAN SC: Alright.

LIEUTENANT GENERAL MSIMANG: Yes.

20 **ADV THANDI NORMAN SC**: But you didn't make contact with the Indian authorities?

LIEUTENANT GENERAL MSIMANG: ... (indistinct).

ADV THANDI NORMAN SC: Okay thank you.

CHAIRPERSON: You may have shaken your head but.

LIEUTENANT GENERAL MSIMANG: No, no.

CHAIRPERSON: You must articulate your response so that it will be recorded.

LIEUTENANT GENERAL MSIMANG: I don't recall.

ADV THANDI NORMAN SC: Oh thank you.

CHAIRPERSON: Ja.

ADV THANDI NORMAN SC: I also forgot to ask him to do that. Maybe just, I'm not sure whether this diagram that you have.

LIEUTENANT GENERAL MSIMANG: Yes, Ma'am.

ADV THANDI NORMAN SC: At page, under divider 4, you have there,
10 South African Air Force Interim Air Force instruction under 4 and then
page 47 of the same document you have a diagram there.

LIEUTENANT GENERAL MSIMANG: Yes, Ma'am.

ADV THANDI NORMAN SC: I'm not sure whether you would want to talk to it or is it, do you think it's covered by the explanation that you've given?

LIEUTENANT GENERAL MSIMANG: It's covered by the explanation.

ADV THANDI NORMAN SC: You gave earlier?

LIEUTENANT GENERAL MSIMANG: Yes, it's covered by the explanation.

20 **ADV THANDI NORMAN SC**: Yes.

LIEUTENANT GENERAL MSIMANG: Remember this is just interim.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: I think I did also share with you a matrix which speaks to the evolution of the overflight and clearance instructions from 20/072014, 2018, 2019.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL MSIMANG: Yes, so you can, this is work in progress and then we are still awaiting to present this to the plenary defence staff council for approval.

ADV THANDI NORMAN SC: And it is also just... (intervention).

LIEUTENANT GENERAL MSIMANG: And then I will get then the go ahead and further guidelines from the Chief of the South African National Defence Force and the secretary of Defence before it is promulgated.

10 **ADV THANDI NORMAN SC**: Okay.

CHAIRPERSON: Okay. So let me understand.

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: Is that the document at page 27?

LIEUTENANT GENERAL MSIMANG: The one which I'm speaking to, the matrix?

CHAIRPERSON: That you are talking, ja.

LIEUTENANT GENERAL MSIMANG: Page 27, which divider?

CHAIRPERSON: Under divider 4.

LIEUTENANT GENERAL MSIMANG: Under divider 4.

20 **ADV THANDI NORMAN SC**: Yes.

CHAIRPERSON: Hm.

LIEUTENANT GENERAL MSIMANG: Page 27.

ADV THANDI NORMAN SC: The one marked South African.

CHAIRPERSON: South African Air Force, interim Air Force instruction.

LIEUTENANT GENERAL MSIMANG: Yes, yes.

CHAIRPERSON: That's the document you are talking about?

LIEUTENANT GENERAL MSIMANG: That's an interim instruction.

CHAIRPERSON: Interims?

LIEUTENANT GENERAL MSIMANG: Yes, yes.

CHAIRPERSON: Does it represent some of the steps that the Air Force indeed the Defence Force has taken subsequent to this incident?

LIEUTENANT GENERAL MSIMANG: Yes, yes it has.

CHAIRPERSON: To try and address whatever witnesses may have been identified?

10 **LIEUTENANT GENERAL MSIMANG**: Yes, and also to make sure that the entry-level.

CHAIRPERSON: Yes.

LIEUTENANT GENERAL MSIMANG: For such requests.

CHAIRPERSON: Yes.

LIEUTENANT GENERAL MSIMANG: Is at the correct.

CHAIRPERSON: Ja.

LIEUTENANT GENERAL MSIMANG: Level, yes.

CHAIRPERSON: Okay.

20 **LIEUTENANT GENERAL MSIMANG**: The entry point, sorry is at the correct.

CHAIRPERSON: Is at the correct level?

LIEUTENANT GENERAL MSIMANG: Yes.

CHAIRPERSON: And you're saying it's not the final version yet?

LIEUTENANT GENERAL MSIMANG: It's not the final version.

CHAIRPERSON: It's not the approved version as yet?

LIEUTENANT GENERAL MSIMANG: Yes but it is approved by me at my level.

CHAIRPERSON: Yes, yes.

LIEUTENANT GENERAL MSIMANG: Yes.

CHAIRPERSON: So the idea is just to show the Commission what work is being undertaken to try and address some of the weaknesses identified?

LIEUTENANT GENERAL MSIMANG: Yes.

CHAIRPERSON: Okay, alright. Thank you.

10 **LIEUTENANT GENERAL MSIMANG**: So that's within the, yes within the Air Force.

ADV THANDI NORMAN SC: Yes, thank you.

LIEUTENANT GENERAL MSIMANG: But subsequently, okay I think we'll leave it at that.

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: Ja, I understand that it will still go through other levels for final approval.

LIEUTENANT GENERAL MSIMANG: Exactly.

CHAIRPERSON: Okay, thank you.

20 **ADV THANDI NORMAN SC**: Thank you Mr Chairman. Then I think we've covered everything in your statement. Let me just double check that I haven't left out anything to that. Oh and maybe just to confirm, I'm sorry General. Just to confirm that you made the statement before the board of inquiry. General Mgwebi has already made mention of that. That will be in Exhibit FF4.

LIEUTENANT GENERAL MSIMANG: Yes, Ma'am.

ADV THANDI NORMAN SC: And if you could just identify that statement. It appears from page 1 of that bundle.

LIEUTENANT GENERAL MSIMANG: Yes, Ma'am.

ADV THANDI NORMAN SC: Yes. And it is in line with your evidence today on how the landing happened.

LIEUTENANT GENERAL MSIMANG: Yes, Ma'am.

ADV THANDI NORMAN SC: And the irregularities that you pointed out. That goes up to page 22.

10 **LIEUTENANT GENERAL MSIMANG**: 22?

ADV THANDI NORMAN SC: Yes, and do you see that? Is that your signature there?

LIEUTENANT GENERAL MSIMANG: That is my signature, Ma'am.

ADV THANDI NORMAN SC: Yes, thank you.

LIEUTENANT GENERAL MSIMANG: Thank you very much, Ma'am.

ADV THANDI NORMAN SC: Thank you.

CHAIRPERSON: Well, unless I have missed something or unless I have missed this, although you provided us with the, with this interim.

LIEUTENANT GENERAL MSIMANG: Instruction.

20 **CHAIRPERSON**: Instruction, you haven't highlighted some of the new suggestions. I may have missed it. To say in the past this is what would happen but in terms of this proposed new instruction this is what would be different.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: I can go through that sir.

CHAIRPERSON: Pardon?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: I can go through that.

CHAIRPERSON: Please do that ja.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Chair it is for that reason that I did share the semantics to show the evolution of where we were 2007, then we had a draft DODE 2014. In 2007 which was an SOP, at the Air Force Command Post this was at level 4 as I indicated, wrong level.

10 **CHAIRPERSON:** That is where the request would come in.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Yes.

CHAIRPERSON: At that time, yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: At that time.

CHAIRPERSON: As well as 2013?

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: And the nodule point at that point was Air Force Command Post, and then subsequently to that we had the nodule point being Chief Defence Intelligence. The approval was Chief Defence Intelligence, acronym we used CDI, and then the instruction was CAF which is Chief of the Air
20 Force, and the execution was then at that time was CAF but (Air Force Command Post) that is the – and then it still remains the same in 14, in 18 and into the future because that's actually a (indistinct) point, and then the Accounting Authority 2014 it was not addressed but the controlling authority at that time it was in the draft it was SAGDAF, in the previous one 2007 that was not the case. Responsible authority

2007 it was not there. 2014 it was included. In the draft it is included, but this time authority is now within the operational level of my environment, that is the Chief of Air Staff Operations, now it's going to be now a Major General, it's Lieutenant General, Major General who will now be responsible for the operational aspect of it, who reports directly to me and then executing authority remains the same but in 2007 it was not there.

Decision makers 2007 it was not there, in 2014 draft it was CDI and CAF. In the interim it was suggested that it should be the
10 MOD, Minister of Defence but was subsequently changed and its Chief's of Defence and Chief of the Air Force and all these updates are done in either the Military Command Council or the (indistinct) Defence Staff Council, in those forums.

This approval criteria, which is very important, it was not there in 2007, it was not there in 2014, but was included in 2018 and also the 2019 version. The financial implications which is also equally important it was not there in the 2007 document. 2014 yes it is, it was not there, in 2018 it was included and also in the 2019. If we go further in terms of the interdepartmental arrangement 2014, that's when
20 we – it was cited that it should be included, it was not there in 2007, in 2014, 2018 it was included but it was then withdrawn because remember the DODE it is a Departmental instrument so there has to be something that actually, which is overarching which includes all the other government departments, and then we had the processes, in 2007 it was just the internal processes, nothing that had to do with the

external processes. In 2014 we had the CDI was in the loop, CAF executes. In 2018 the – in the interim was MOD receives the approvals, CSNDF instructs, CDI recommends and CAF executes. That was subsequently changed and then there is a – for the DODE the suggestion is CDI receives, investigates, approves and then informs the MOD and CSNDF.

Now once that is done it then closes all loops, we all are now mandated, we know exactly who does what and the level four is no longer exposed.

10 **CHAIRPERSON:** Okay, thank you.

ADV THANDI NORMAN SC: Thank you Mr Chairman. Then maybe I need to put this question to you because it was put to Mr Ntshisi that now having done this the members of your staff not following what – the processes that were there that ought to have been followed, but then Major Ntshisi or who was not a Major at the time, gets promoted, then I just want to understand would you have been involved in that promotion and recommended his promotion to a major position and if so why in the light of what had happened?

20 **LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG:** Ma'am the Major was charged.

ADV THANDI NORMAN SC: Yes.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: And after that his career continues. Unless you are suggesting that seeing that he had there were some negative findings on him he shouldn't be promoted or he shouldn't undergo further development and so forth, I

would also like to put it on record here that Major or the Warrant Officer at that time, if I remember well, he was being prepared to be attached to DIRCO, because at that time we did sense that there was a problem. Hence at the level of a warrant officer he was, it was part of his career plans that he would get the training and after that get deployed to DIRCO to ensure that there is smooth operations between us and DIRCO.

What we're talking about here is the idea. When things start happening especially when there are tight schedules to meet you need
10 to have someone who understands what's happening from the Air Force side and also from the DIRCO side, so we took that initiative to say okay we're going to train this gentleman and then after that we send him to DIRCO, that was our plan, that was in our plans.

ADV THANDI NORMAN SC: Okay thank you.

CHAIRPERSON: Which Major was that, I missed that question.

ADV THANDI NORMAN SC: Major Ntshisi.

CHAIRPERSON: Ntshisi?

ADV THANDI NORMAN SC: Yes, yes.

CHAIRPERSON: Yes. Yes.

20 **ADV THANDI NORMAN SC:** Yes, thank you Chair.

CHAIRPERSON: In the light of you being Chief of the Air Force I just want to indicate that the investigators – I am told that the investigators of the Commission and the Legal Team have been trying to get a certain recording of the conversation between I think Ambassador Koloane and – is it ...(intervention)

ADV THANDI NORMAN SC: Between Ambassador Koloane and Lieutenant Colonel Anderson.

CHAIRPERSON: Anderson yes.

ADV THANDI NORMAN SC: And Ambassador Koloane and Warrant Office Ntshisi at the time.

CHAIRPERSON: Yes, and that at a certain stage State Security Agency had promised to make sure it was furnished to the Commission by last Friday I think but it seems that there was also some indication it could be furnished on Monday or I might have my facts not right there but it was promised and it is still not here. I don't know what role, if any the Defence Force has or may have and power in making sure that we get it. So I just want to alert you to this and say Ms Norman could speak to you after this and give you more information and ask you to assist. I would like – we aim to finish the witnesses that were lined up for this session in regard to Waterkloof early next week and I would like that, if possible, the Commission could have, by tomorrow to prepare for next week. So if there is any chance that you could ...(intervention).

10

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: We'll endeavour to assist.

20 **CHAIRPERSON:** You'll try do that ja, no thank you very much.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: And Chairperson I must state this, that within the South African Air Force so is the SANDF, South African National Defence Force we have dedicated people, people who go out of their way to make things happen, people who have taken an oath to serve this country and if needs be to die for

this country. These are the men and women who, the ordinary person does not see them get – going about their tasks on a day-to-day basis serving our people on the – trying to man the borders, assisting other government departments as you can see what the Army is being doing in the Vaal area, what the Medical Health arm of service is doing – has been doing when, Nationally the Medical Health Service puts tools down, the Air force when they are called upon to do rescues in mountains at sea and the Navy too and in my cases they're not adequately appreciated. They operate under very difficult

10 circumstances with a dwindling budget and they are expected to do more and one of our tasks as Commanders is to ensure that we support State Departments for the purpose of social economic upliftment, it's not seen we don't talk about it but we do it. Not long ago, last week, we were involved in KZN we had a two-week boot camp summer school with students from Grade 10, 11, 12 working with the Department of Education, helping them with maths and science and so forth and when things go bad this is your first line of defence and also probably your last line of defence. Yes, we do have gaps in our processes and so forth, this does not necessarily say that all is wrong in the Defence

20 Force or whatever it is. We are trying our level best under the circumstances and we plead that the Defence Force must be looked upon differently, yes we've got our challenges don't forget we are as old as this democracy, we are still in transition, we have issues of transformation, not transformation in terms of black and white, transforming the systems and so forth. Yes, there are going to be

gaps, yes we need to make sure that we have sufficient funds to send people to train adequately, we need to overhaul the systems that we have to be in line with our today's requirements. We also need that support; we also need that space. Yes, what happened is something that should never happen again, but we also need the support of the men and women on the streets, the people that we defend, the people that we – you now together with the police try and ensure that they are safe, we need their support, thank you.

CHAIRPERSON: Thank you very much Lieutenant General Msimang I
10 can tell you that my own impression is that the South African National
Defence Force enjoys a lot of support from society, the population and I
do not think that most people would simply by knowing that something –
some incident happened that shouldn't have happened that they would
then say forget about this Defence Force, that's not my impression but
as you say, the Defence Force many people don't see it on a daily
basis but my own impression is that many people appreciate the fact
that they know it is there and that it is there for them to defend them.
So my own impression is that the people might or might not show as
much appreciation as you might have wished for but my own impression
20 is that it is supported it is loved, that's my own impression, thank you
but thank you once again for having come forward to help the
Commission understand what happened and I doubt that anybody would
apply for leave to cross-examine you but if that does happen we will
ask you to come back again but thank you very much and you are
excused.

LIEUTENANT GENERAL ZIMPANDE FABIAN MSIMANG: Thank you very much Chair, thank you very much ma'am.

ADV THANDI NORMAN SC: Thank you Mr Chairman that concludes the business of the day.

CHAIRPERSON: For today.

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: Okay and then on – then on Monday we'll start at ten. Do we have Ambassador Koloane on Monday only or are there more?

ADV THANDI NORMAN SC: There is also – I've just been told that
10 Ambassador Matjila has also arrived so yes we would want to lead him so that they can leave – go back early in the week if possible.

CHAIRPERSON: Yes and then for Tuesday?

ADV THANDI NORMAN SC: For Tuesday I think – I those will be the last for now Chair.

CHAIRPERSON: Okay.

ADV THANDI NORMAN SC: Thank you.

CHAIRPERSON: Okay we are going to adjourn then for the day and then we'll start at ten on Monday, we adjourn.

INQUIRY ADJOURNS TO 8 JULY 2019

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