

**COMMISSION OF INQUIRY INTO STATE CAPTURE**

**HELD AT**

**PARKTOWN, JOHANNESBURG**

10

**8 JULY 2019**

**DAY 128**

20

**PROCEEDINGS COMMENCE ON 8 JULY 2019**

**CHAIRPERSON:** Good morning Ms Norman, good morning everybody.

**ADV THANDI NORMAN SC:** Good morning Mr Chairman.

**CHAIRPERSON:** Are you ready?

**ADV THANDI NORMAN SC:** Yes thank you.

**CHAIRPERSON:** Thank you.

**ADV THANDI NORMAN SC:** Thank you. Mr Chairman might I beg  
leave to hand up Exhibit FF11 which is statement that consists of  
Ambassador Matjila's statement, the bundle has that statement together  
10 with the statement of...

**CHAIRPERSON:** Ja thank you.

**ADV THANDI NORMAN SC:** I beg leave to hand it up. Might I also  
hand up FF12 as well because we make reference to it. Thank you.

**CHAIRPERSON:** Yes.

**ADV THANDI NORMAN SC:** Thank you Mr Chairman. Might  
Ambassador Matjila be sworn in? Thank you.

**CHAIRPERSON:** Please administer the oath or affirmation?

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

**AMBASSADOR JERRY MATTHEWS MATJILA:** My name is Jerry  
20 Matthews Matjila.

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

**AMBASSADOR JERRY MATTHEWS MATJILA:** No objection.

**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, I truly affirm?

**AMBASSADOR JERRY MATTHEWS MATJILA:** I truly affirm.

**REGISTRAR:** Thank you.

**CHAIRPERSON:** Thank you very much. You may sit. Thank you. You may proceed Ms Norman.

**ADV THANDI NORMAN SC:** Yes thank you Mr Chairman. Ambassador Matjila could you – you would have before you Exhibit FF11.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Yes.

**ADV THANDI NORMAN SC:** It is a presentation file and if you open it  
10 under the divider marked Number 1.

**CHAIRPERSON:** Well Ms Norman should we not enter this into the record first?

**ADV THANDI NORMAN SC:** Oh yes, yes thank you Chair.

**CHAIRPERSON:** The file containing the affidavit of Mr Jerry Matthews Matjila will be marked as Exhibit FF11.

**ADV THANDI NORMAN SC:** Thank you. As Chairperson pleases. Then under 1 that you – you will see there is an affidavit that has your name on it, is that the affidavit that you prepared for the commission

**AMBASSADOR JERRY MATTHEWS MATJILA:** Yes Ma'am.

20 **ADV THANDI NORMAN SC:** And then could you please turn to page 6 of that bundle. There is a signature there and also a stamp from the South African Police Service, is that your signature that appears on that page

**AMBASSADOR JERRY MATTHEWS MATJILA:** Yes Ma'am.

**ADV THANDI NORMAN SC:** Yes. And are the contents of this affidavit

true and correct?

**AMBASSADOR JERRY MATTHEWS MATJILA:** It is true Ma'am but I wanted to make some if possible some corrections if you....

**ADV THANDI NORMAN SC:** Yes. Would you please identify those with the Chairperson?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Chair I would like to refer to FF4 – is it 4?

**CHAIRPERSON:** Sorry.

**ADV THANDI NORMAN SC:** Sorry.

10 **CHAIRPERSON:** Exhibit FF?

**AMBASSADOR JERRY MATTHEWS MATJILA:** No JMM4.

**ADV THANDI NORMAN SC:** Okay.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Exhibit

**ADV THANDI NORMAN SC:** Page 4.

**AMBASSADOR JERRY MATTHEWS MATJILA:** 1.

**CHAIRPERSON:** Oh is it...

**AMBASSADOR JERRY MATTHEWS MATJILA:** Page 4.

**CHAIRPERSON:** Oh ja. Okay.

**ADV THANDI NORMAN SC:** Yes.

20 **CHAIRPERSON:** She will refer to pages when she speaks – ask you questions without mentioning the initials on the page numbers so do not get confused when she does that. She will just focus on the numbers without the letters. So for example when she says page 4 she will be meaning JMM4 so... - so but you were right to say JMM4 because that is what is written there.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Thanks Chair.

**CHAIRPERSON:** Yes okay alright so yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Chair the first correction I wanted to make is on paragraph A.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** On 4.

**CHAIRPERSON:** Yes.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Is the name of – of the  
10 spokesperson of DIRCO.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** It is Mr Clayson  
Monyela now there it is Mr Clayso Monyelato.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** So now I want to that to  
Mr Clayson Monyela that is the first correction.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** I want to make Chair.

**CHAIRPERSON:** Yes.

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** And after Monyela I  
wanted to strike on that 2 – so it is Monyela and we strike the first 2.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Clayson Monyela  
[indistinct] so that is the second correction. Chair the third  
correction...

**CHAIRPERSON**: I am sorry I think the one that you referred to as the second is the one I thought was the first. I am now looking for the whether the first is.

**AMBASSADOR JERRY MATTHEWS MATJILA**: If it is the first then when you say Clayson Monyela then if you strike that 2.

**CHAIRPERSON**: Oh I think the one that I picked up which I thought you said was the first is the one that says Mr Clayson Monyelato. That is now the first one.

**AMBASSADOR JERRY MATTHEWS MATJILA**: No that is the one.

10 First it is Clayson.

**CHAIRPERSON**: Oh that is the one?

**AMBASSADOR JERRY MATTHEWS MATJILA**: It is n after so – Clayson.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: And then Monyela.

**CHAIRPERSON**: Yes so the TO should not be there

**AMBASSADOR JERRY MATTHEWS MATJILA**: That is right.

**CHAIRPERSON**: And there should be a an after so – in Clayson.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Right Chair.

20 **CHAIRPERSON**: Yes. That is the first one.

**AMBASSADOR JERRY MATTHEWS MATJILA**: No it is the first and the second in that way.

**CHAIRPERSON**: Oh first and second okay yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Ja. I wanted to be precise.

**CHAIRPERSON**: Yes, no, no you are precise.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Chair the third correction in on B.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: The name of the Minister.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Is not is not properly spelt. Her name is Minister Maite Nkoana-Mashabane. So there it is  
10 Minister Nkoana-Mashabane Maite.

**CHAIRPERSON**: Oh yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: So it is to correct that Chair if the Chair allows me?

**CHAIRPERSON**: Yes. That was ...

**AMBASSADOR JERRY MATTHEWS MATJILA**: It is a typo error.

**CHAIRPERSON**: That was – that was your – was that your typist?

**AMBASSADOR JERRY MATTHEWS MATJILA**: Is...

**CHAIRPERSON**: I hope it was not the commission?

**AMBASSADOR JERRY MATTHEWS MATJILA**: Maybe Chair it was the  
20 commission.

**CHAIRPERSON**: Okay.

**AMBASSADOR JERRY MATTHEWS MATJILA**: I do not want to be direct but maybe it is the commission typist.

**ADV THANDI NORMAN SC**: Yes. The typist is sitting right behind me.

**AMBASSADOR JERRY MATTHEWS MATJILA**: But Chair please it is

not his problem I should have edited that myself.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: So that is not to do with him

**CHAIRPERSON**: Okay no that fine.

**AMBASSADOR JERRY MATTHEWS MATJILA**: So please save him.

**CHAIRPERSON**: Okay. Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: And the third correction is the – the name of DDG Mahoai then DDGHR. Chair I want to record  
10 that he was not present in the said meeting with the Minister.

**CHAIRPERSON**: Oh okay.

**AMBASSADOR JERRY MATTHEWS MATJILA**: So if we can strike it off.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: It was Ambassador Koloane [indistinct] of Protocol and Mr Clayson Monyela. So DDG Mahoai was not there and I apologise Chiar. So we can strike it off.

**CHAIRPERSON**: Yes.

**ADV THANDI NORMAN SC**: Thank you.

20 **AMBASSADOR JERRY MATTHEWS MATJILA**: And then Chair on 2.

**CHAIRPERSON**: Page 2?

**ADV THANDI NORMAN SC**: Page 2?

**AMBASSADOR JERRY MATTHEWS MATJILA**: Page 2.

**CHAIRPERSON**: Okay.

**AMBASSADOR JERRY MATTHEWS MATJILA**: B3 roman 3 [iii] .



**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** It says: 'the nature of the visit state' then there is a v there. It is not that Chair.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** It is supposed to be "the nature of the state visits" then semi colon.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Then it says state visit.

**CHAIRPERSON:** Yes.

10 **AMBASSADOR JERRY MATTHEWS MATJILA:** Official visit and then on 4

**CHAIRPERSON:** Oh.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Can be a summit or private. So this 4 can [indistinct] visits.

**CHAIRPERSON:** Ja no but the typing skills were very poor here.

**AMBASSADOR JERRY MATTHEWS MATJILA:** We will improve with that Chair as time goes on. So that is the...

**CHAIRPERSON:** Ja it should be state visit; official visit.

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** Official visit during the summit when the President come or a private visit. So it is.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** So it is four type of visit.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Because they got the

various what you call. So that is the correction.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: And I wanted the Chair to understand it that way.

**CHAIRPERSON**: Yes no that is fine.

**AMBASSADOR JERRY MATTHEWS MATJILA**: And then the second one Chair is they know the buzz there.

**CHAIRPERSON**: Yes.

10 **AMBASSADOR JERRY MATTHEWS MATJILA**: You know from roman iv to roman vi.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: On that B.

**CHAIRPERSON**: I am sorry are you still on the same B roman figures?

**AMBASSADOR JERRY MATTHEWS MATJILA**: B yes roman figures.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: iv, v vi, vii.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: And then roman figure I, ii, iii, iv. So Chair you may have two note verbales'

20 **CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: The first one just asking for the visit.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Then when the number 1 or the [indistinct] yes when the details come because of security.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA**: If a note verbale which now ask about the lending.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: That ask about – because you want to protect the security of the guests.

**CHAIRPERSON**: Yes okay.

**AMBASSADOR JERRY MATTHEWS MATJILA**: And normally at that point security services take over.

10 **CHAIRPERSON**: Okay.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Because it is less – because of the current environment in which we are.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: You know there are so many threats to heads of states.

**CHAIRPERSON**: Yes, yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: And they have different classification.

**CHAIRPERSON**: Ja.

20 **AMBASSADOR JERRY MATTHEWS MATJILA**: So sometime at that detailed level the security services take him over.

**CHAIRPERSON**: Okay.

**AMBASSADOR JERRY MATTHEWS MATJILA**: So there may be interaction between security services.

**CHAIRPERSON**: And DIRCO.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Among themselves and one person in DIRCO.

**CHAIRPERSON:** Okay.

**AMBASSADOR JERRY MATTHEWS MATJILA:** So because it is the details now.

**CHAIRPERSON:** Okay.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Or the movement.

**CHAIRPERSON:** Okay

**AMBASSADOR JERRY MATTHEWS MATJILA:** Of the chief guests. I

10 just wanted to

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** To make that understanding that ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Maybe talking about two note verbale. The first ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** To triggers.

**CHAIRPERSON:** Yes.

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** And then the second one the details now.

**CHAIRPERSON:** The details ja.

**AMBASSADOR JERRY MATTHEWS MATJILA:** When you ask for a flight path...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Then the...

**CHAIRPERSON:** Okay.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And all those.

**CHAIRPERSON:** Okay, okay.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Chair thanks those were the few changes that...

**CHAIRPERSON:** That you picked up.

**AMBASSADOR JERRY MATTHEWS MATJILA:** I wanted to indulge you with Chair.

10 **CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Thanks.

**ADV THANDI NORMAN SC:** Thank you.

**CHAIRPERSON:** She will make arrangements afterwards.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** For a supplementary affidavit which will deal with this to say in this affidavit I have picked up the following corrects. This is how it should have been. Basically what you have told us to be put in an affidavit form. Okay no that is fine.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Thanks Chair.

20 **CHAIRPERSON:** No that is fine. Thank you.

**ADV THANDI NORMAN SC:** Thank you. Thank you Mr Chairman. Thank you. Ambassador can I please take you to – to page 8 that is where your profile appears.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Right.

**CHAIRPERSON:** Yes. Could you just summarise – you have started it

– it starts from 20 – in fact it starts from 2006 maybe you should start from page 7 because that is where you start from 2001, 2006 and then take us through your career and where you have served the country as an ambassador in various states throughout the world.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Chair I had two lives. There was a life before 1994 where I served the current ruling party as their envoy.

**CHAIRPERSON:** YEs.

**AMBASSADOR JERRY MATTHEWS MATJILA:** In foreign countries.

10 **CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** In Sweden where we run the office to mobilise international support, solidarity and the resources to support the struggles in South Africa. And then the then President of the ANC Oliver Tambo then moved me from Sweden to Japan, Tokyo to open up the first ANC office in North Pacific dealing with Japan, South Korea, China, Malaysia, Indonesia, Brunei all those countries in the North Pacific again for the same reasons.

**CHAIRPERSON:** Yes.

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** To mobilise support for the ANC. Mobilise material support to conduct the struggles, to ask the countries to implement sanctions. Internally speaking to make people conscious about the brutalities of apartheid. And then Chair in that context I received President Mandela twice in Japan. In 1990 when he was released and 1991. And then after the ruling party was unbanned I used to come home temporarily. We were given a week to come home

and back into exile or three weeks to go back into exile. That torturous period of your life where you taste home, then you go back into exile. But finally Chair I came back.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** After voting in Tokyo. I voted in Tokyo.

**CHAIRPERSON:** In 1994?

**AMBASSADOR JERRY MATTHEWS MATJILA:** 1994.

**CHAIRPERSON:** Yes.

10 **AMBASSADOR JERRY MATTHEWS MATJILA:** Then I came home with my family and then work came into DIRCO 1 August 1994. We were 17 of us who were former ANC envoys abroad called Chief Representative who were then moved to the then Department of Foreign Affairs as Deputy Directors. So that is how I was inducted and that was my second life now. This time around serving a democratic South Africa. And then Chair I was then posted to India as the first South African High Commissioner to India to open up the embassy there.

**CHAIRPERSON:** Yes.

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** In India until 1999. Came home, get promoted to a Chief Director and served in the office of the Director General at that time. And in 2001 I was then posted to Belgium to European Union as and Envoy there but also covering the Grand Duke of Luxemburg. So it was both bilateral Belgium/South Africa, Luxemburg/South Africa and multilateral with the European Union and part of that was because at that time the European Union

was the biggest trading partner of South Africa, close 60% of our trade was European Union. And there were a number of agreement to be negotiated with the European Union for market access of our products. Like wines and spirits we were a mid-size marketing of wines and spirits to the European Union and wanted to take up the – more quotas and part of that was because of job creations in the wine industry. But also because of the foreign exchange so we managed to get additional quotas from 21 to 52 – 51 million litres of wine. And then the auto selling of the cars. Because Chair you recall the new democracy the

10 local content of our cars there was about 5/6% but we are revving up local content. We are producing more parts in South Africa. And once they reached 66%, 67% local content the – that threshold the – in terms of the – the ruse of origin you can say it is my car. So that at the time we reached that threshold of 66% of content of the cars we could then send them duty free to the European Union. So we had to have that agreement. And the third one was on the Science and Technology Agreement because we are a new democracy obsolete technologies you have to again mobilise new technologies for the input into manufacturing in particular. Telecommunication and other systems.

20 Health education. So we then had an agreement with the European Union on Science and Research. So for every scientist they sent here we sent scientist to European Union in that case we create the capacity and you know for manufacturing. But the sum total of all this Chair was that you see a growth in terms of the quant ant of trade from mineral resources, from raw material you see the quant ant increases. So that



was part of responsibility. But also because we used to get a grant, an envelope, European Development Fund in the region of about 130 million Euros free grants to help South Africa and that fund was very necessary for us because you recall Chair we are still developing the capacity of local government, provincial government, even national government departments in terms of policy system procedures. It was a period where we – this new democracy was building systems to make sure that we can function efficiently. At the same time establishing institutions like Human Rights and others for accountability purposes to

10 make sure that there is a – there is a system of accountability. So the executive can be held accountable. So this was very nice and very fragile, very new systems so we needed grants that does not burden the fiscus in that area of work but also to expose bureaucrats, officials to those countries to go and lend, to go and study how other countries have dealt with these issues. The issue here Chair was to make sure that as this new democracy take roots in the Parliament, in the executive, in bureaucracy at all level of governments there is a capacity being created because it does take time. More so it was in the context of transformation. Racial issues, perceptions issues,

20 movement of people from rural to urban, new departments, new officials, new acquaintances, governance. So it was a period where there was so much influx so we needed that type of envelope from European Union which could be used to capacitate.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** For example we – then

we got funds in 2003 for Limpopo to train local government officials to know what it is to be a local government. To be MEC, to be a Mayor, to be MLA, how to respond to the people's things, how you study legislations etcetera, etcetera. So that was that period. So part of our responsibility Chair was to make sure that that money continues to flow. Chair I was giving the extension by President Mbeki. President Mandela was – when he was India now President Mbeki is in charge so he sent me to Brussels. So he gave me one year extension because at that time I was assisting with the Congolese issue. You recall there  
10 was a Sun City Process.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Where South Africa was helping the Congolese.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** To find peace and now most of them were based in Brussels in Belgium so I have to make sure that they are assisted to go to Sun City so that the – as exclusive as possible, transparent so that at the end of the day Congolese at home – abroad can own up to the process and that is what [indistinct] is. So  
20 for this reason President Mbeki gave me an extension. So I came back in 2006.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** When I came back 2006 Chair I was then given various responsibilities in government.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** You know I was a DDG Asia / Middle East.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And part of that was because perhaps President Mbeki thought I know Asia since I went there in 1988.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And I dealt with those countries in the area. But part of this was because – part of my career was to develop the strategy for government, the policy for government. So then we had to develop the strategy for India, strategy for China, strategy for the Gulf, strategy for Japan. How do we access those markets? And we have a role to play because we saw a huge potential in Asia / Middle East. At that time Chair the trade between South Africa and Asia / Middle East was not that pronounced but we thought we can do better. And so over a period of time like now you see the biggest market of South Africa is no longer Europe anymore it is Asia / Middle East. Almost R880 billion close to a trillion with the EU is almost half of that so you could see that change.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Or the [indistinct] South African Foreign Policy from Europe, Asia / Middle East, Latin American and Africa have borne fruits for the economy. So that was part of our responsibility to do but at the same time we had to deal with BRICS formation. I developed the BRICS strategy. What the government

should do in the BRICS. What is IMPSA focal point India, Brazil and then we have the multilateral engagement. So you have South Africa, Africa and China it is called FOCAC I was the focal point of that. How do we as South Africa and Africa deal with China? Then you have Japan, Africa, it is called TICAD I was the focal point for TICAD. India, Africa I was focal point for India, Africa. So we have these polo lateral arrangements where Africa was trying to access this huge merging market going forward.

**ADV THANDI NORMAN SC:** Yes.

- 10 **AMBASSADOR JERRY MATTHEWS MATJILA:** At the same side Chair I must also make the focal point for BRICS because there were huge emerging economies that we were accounting for accessible percentage of the global market. So those were part of my peace jobs after [indistinct].

**CHAIRPERSON:** Yes.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** In your second life. In your second life.

**AMBASSADOR JERRY MATTHEWS MATJILA:** In my second life Chair.

**ADV THANDI NORMAN SC:** Yes thank you. And then...

- 20 **CHAIRPERSON:** And then you became DG of the Department of Foreign Affairs.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** No before that Chair.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Then I was sent by

President Zuma now. Now government have changed to Switzerland as the second Ambassador of the United Nations in Geneva. UN have two major centres it is the UN in Geneva and the UN in New York. Now Geneva have a lot of UN agencies like World Health Organisation, World Intellectual Property Organisation, WTO, Human Rights Council, IPO, it is a whole huge of what I call heavy lifters of the UN are in Geneva. So I was sent there Chair to be South African Permanent Representative at United Nations in Geneva. Human Rights, ILO and all those entities. And in that capacity I was then elected to chair the ministerial board of ILO to make the ILO to help the ILO to deal with the issues especially of domestic workers farm workers. So that was part of my responsibility. Then Chair two years into – eighteen months into the process I applied for a job offer to the DG of DIRCO. When that it come then it means I have to leave Geneva and come back here to be the DG.

**CHAIRPERSON:** Hm.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** So I served five years as a DG>

20 **CHAIRPERSON:** And you started being DG from which year?

**AMBASSADOR JERRY MATTHEWS MATJILA:** 2011.

**CHAIRPERSON:** 2011?

**AMBASSADOR JERRY MATTHEWS MATJILA:** To 31 May 2016.

**CHAIRPERSON:** Okay, okay. Thank yo.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Five year contract.

**CHAIRPERSON**: Thank you.

**AMBASSADOR JERRY MATTHEWS MATJILA**: At the end then I was sent to where I am today.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: The New York United Nations.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: That is my short life in the new life.

10 **CHAIRPERSON**: Thank you.

**ADV THANDI NORMAN SC**: Thank you. Thank you very Ambassador. Could you just in summary then we do not know what Ambassadors do but what we know is that when you go overseas and you go to the meet the Ambassador you get entertained, taken to lunch, but exactly what is...

**AMBASSADOR JERRY MATTHEWS MATJILA**: Taken to?

**ADV THANDI NORMAN SC**: To lunch. Ja. We have had very kind Ambassadors in New York I hope you are that kind? But...

**CHAIRPERSON**: So I think Advocates are quite lucky.

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

**AMBASSADOR JERRY MATTHEWS MATJILA**: I am not sure Chair.

**ADV THANDI NORMAN SC**: Ja but what in summary what is it that Ambassadors are supposed to do really for the country when they are posted elsewhere in the world?

**AMBASSADOR JERRY MATTHEWS MATJILA**: Chair Ambassadors

called Plenipotentiary and Extraordinaire. In other words they are the representatives of the heads of state. Where a head of state through a letter of credentials, letter of credence says to a counterpart in the receiving state let me say in Belgium. I am sending Jerry Matjila as my trusted person so please accredit him to do the job there. If you have any sensitive issue you want to communicate to me that is my person.

**CHAIRPERSON**: That is my representative.

**AMBASSADOR JERRY MATTHEWS MATJILA**: That is my representative.

10 **CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: So you are the ears, the eyes and the spokesperson all the heads of state. And you represent all government departments.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: That is why – that is why you fly the flag in your car. The car has your flag of the country. And that is why in your house you call it the residence there is a flag of the republic there.

**CHAIRPERSON**: Yes, yes.

20 **AMBASSADOR JERRY MATTHEWS MATJILA**: In the office.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: That is why in your house you have the heads of state photo there.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: The Ministers photo

there.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: In your office you have them there.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Because you are regarded as the representative of the heads of state.

**CHAIRPERSON**: And that is why I guess you are – you are referred to as His Excellency is that – does that come in?

10 **AMBASSADOR JERRY MATTHEWS MATJILA**: Precisely.

**CHAIRPERSON**: Ja.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Excellency Bruce Koloane ja.

**CHAIRPERSON**: Yes, yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: That is why you are His Excellency. Very few people have this title His Excellency.

**CHAIRPERSON**: Yes, yes. So – but you have made a very important point to which I think you were – Ms Norman was still going to come. You say the head of state is saying to the receiving head of state this is  
20 my trusted representative.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Precisely.

**CHAIRPERSON**: And therefore I am – I take it that a person occupying the position of Ambassador must have a high degree of integrity, is that correct?

**AMBASSADOR JERRY MATTHEWS MATJILA**: Integrity, knowledge,



expertise.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: And a trust of the head of state.

**CHAIRPERSON**: The trust of the head of state.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Because that is why when you come there Chair that letter from your President you take it to the head of state. You meet the head of state.

**CHAIRPERSON**: Ja face to face.

10 **AMBASSADOR JERRY MATTHEWS MATJILA**: And you hand it over to the head of state.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Who opens it, read it and then you sit down with the head of state whether it is a King, the Majesty, the President, you sit down and then you discuss a relationship.

**CHAIRPERSON**: Yes, yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Will ask you thank you very much please convey my regards to President Ramaphosa.

20 **CHAIRPERSON**: Yes, yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: I am glad that they sent you here. What is your task? Then you start to explain your task.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: And they say well we are very happy for this [indistinct] relationship we wish you well. And

then from time to time you meet that head of state of course.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** If there are sensitive issues.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Because you already presented you going to meet that head of state.

**CHAIRPERSON:** Yes, yes, yes. Thank you.

**ADV THANDI NORMAN SC:** Thank you Mr Chairman. Just on that  
10 point Ambassador maybe could you please – may I refer you to Exhibit  
FF12 do not close the one that you looking at but it is just a small  
document next to you FF12 also in a presentation file.

**AMBASSADOR JERRY MATTHEWS MATJILA:** FF12?

**ADV THANDI NORMAN SC:** Yes. Yes that one. The one on your left  
hand side. Could you just turn it over?

**CHAIRPERSON:** I think just raise your – the one in your hand and  
show it to him.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Ah this one.

**ADV THANDI NORMAN SC:** Yes thank you. Thank you FF12. Now  
20 that you mentioned to the Chairperson the letters that a person would  
receive which the person must take to the head of state in the country  
where one is deployed. This FF12 Mr Chairman these are documents  
that have been received from the Director General Doctor Lubisie from  
the Office of the President.

**CHAIRPERSON:** Yes.

**ADV THANDI NORMAN SC:** Yes. Could you – could I just ask you to turn to page 3 of that document.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Yes.

**ADV THANDI NORMAN SC:** Yes. This for instance is a President's minute that would relate to Ambassador Koloane.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Yes.

**ADV THANDI NORMAN SC:** Because this is the one that you had requested.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Right.

10 **ADV THANDI NORMAN SC:** Yes. Could you turn to page ... (intervenes)

**AMBASSADOR JERRY MATTHEWS MATJILA:** She receives it, looks through it when it comes into The Netherlands and then have a chat over a cup of coffee arranged by Protocol. It is just a small ceremony because some – some people make very elaborate ceremonies. Going there by house card, queen's card. I do not know how I must go there but something.

**CHAIRPERSON:** *Ja.*

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** It is a very elaborate thing. You know you going to the queen's ...

**CHAIRPERSON:** *Ja.*

**AMBASSADOR JERRY MATTHEWS MATJILA:** Houses.

**CHAIRPERSON:** *Ja.*

**AMBASSADOR JERRY MATTHEWS MATJILA:** You know. Those who go the majesty's but some of us we are not going there. It is just a

small thing but the majesty's one. Sometimes they make it very elaborate, very pomp and then you have that discussion with the majesty in which the majesty welcomes you and ask you to – to thank Heads of State but the same time it might be a letter recalling the one who was there before you. So that it is not you and somebody else. So ...

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: So this is the letter  
Chair ...

10 **CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA**: That the Head of  
Mission designate ...

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Will call. At that point  
he is no longer designate ...

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA**: After the Majesty says  
yes the designate goes then he becomes the Ambassador extraordinary  
(indistinct).

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

**ADV THANDI NORMAN SC**: Thank you. Thank you Mr Chairman. May  
I also at this stage this exhibit – this be admitted as EXHIBIT FF12  
which is the documentation from the Presidency. Thank you.

**CHAIRPERSON**: I am sorry. Just repeat (intervenes).

**ADV THANDI NORMAN SC**: As EXHIBIT FF12 Mr Chairman.

**CHAIRPERSON:** Yes.

**ADV THANDI NORMAN SC:** Yes, thank you. Then ...

**CHAIRPERSON:** We go to what page?

**ADV THANDI NORMAN SC:** I was just asking that this be admitted as exhibit Mr Chairman – FF12.

**CHAIRPERSON:** Oh. We ...

**ADV THANDI NORMAN SC:** Yes, yes.

**CHAIRPERSON:** We had not done that.

**ADV THANDI NORMAN SC:** We had not – yes – we had not done that  
10 yes.

**CHAIRPERSON:** Yes ma'am. The file containing a letter from Dr Cassius Lubisi Director-General and Secretary to the Cabinet addressed to Mr Peter Pedlar will be marked EXHIBIT FF12.

**ADV THANDI NORMAN SC:** As the Chair pleases. Thank you. Thank you Ambassador, can you go back now to EXHIBIT FF11 which has your affidavit.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Yes ma'am.

**ADV THANDI NORMAN SC:** We have covered paragraphs 1 up to five with the process that you have already testified to. Could you then tell  
20 the Chairperson - you were asked by the Commission is that correct to answer certain questions. One of the questions that you were asked was ...?

**CHAIRPERSON:** I am sorry. Before that ...

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** I saw that Ambassador you took an affirmation and

not an oath – not an oath but I see that this is in oath form. Is that fine with you - your statement/affidavit?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Yes. Yes it is oath form.

**CHAIRPERSON:** It is fine. Is it fine?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Well Chair I was asked is it oath or ...

**CHAIRPERSON:** Affirmation.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Affirmation.

10 **CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** I took oath.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Then she says if I am not a practicing Christian or religious then affirmation.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** I thought it is the same thing.

**CHAIRPERSON:** Yes, yes.

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** But Chair if it is not the same thing I will stay with the oath.

**CHAIRPERSON:** Okay. You have no problem?

**AMBASSADOR JERRY MATTHEWS MATJILA:** I do not have a problem with the oath.

**CHAIRPERSON:** Okay. No that is fine. That is fine.

**AMBASSADOR JERRY MATTHEWS MATJILA:** I just thought maybe I

have a leeway to move either way but (intervenes).

**CHAIRPERSON:** *Ja.* No, no that is fine. I just want ...

**AMBASSADOR JERRY MATTHEWS MATJILA:** I have to be very consistent.

**CHAIRPERSON:** I – I was just wondering whether there was a mistake. So – okay no that is – that is in order then.

**ADV THANDI NORMAN SC:** Thank you Mr Chairman.

**CHAIRPERSON:** Hm.

**ADV THANDI NORMAN SC:** Thank you. Then you were asked just to  
10 give a summary of what is the process that DIRCO would engage in when there is a request from a foreign country for landing in South Africa and then you deal with that process in paragraph 5. Could you just briefly tell the Chairperson what that process is?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Chairperson once DIRCO through the bilateral desk receives a note verbale from the resident mission foreign in the country. The bilateral desk notifies the protocol of the receipt of that note and then in the note we expect them to indicate the purpose of the request, the timing of the request and the places ...

20 **CHAIRPERSON:** I guess the purpose of the visit?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Of the visit yes.

**CHAIRPERSON:** And – and the time ...

**AMBASSADOR JERRY MATTHEWS MATJILA:** And ...

**CHAIRPERSON:** The time when the visit is proposed to happen?

**AMBASSADOR JERRY MATTHEWS MATJILA:** That is right.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And the nature - is it a State Official, is it working or it is private. So once that part has been agreed upon we have to find if the Head of State – our Head of State is okay with the request especially the timing because there are (indistinct) issues and once we are certain that indeed the President is okay with this type of visit and is affirmed then the preparations start and part of that preparations may entail convening interdepartmental meetings to say here is the request from country A for this kind of visit  
10 and our President has consented to this visit.

So we then develop content. What should be achieved? Were there any agreements to be signed? What should be the outcome of the visit and then the protocol looks into the facilitation of the visit. The place of the visit? Where is going to be the arrival of the visit? What movements will it entail? The venues, the hotel, the transportation.

This is the protocol to arrange transportation. How many people will be coming there? So we – we then – we then prepare a submission to the Minister and to the President to say we think the best  
20 way of making sure that this is a success we need to address the following issues. Economic diplomacy, let us talk about market access. We talk about this - technology, security, issues of Africa.

So we – we go through all these issues to make sure that the visit is – because it is – it is costly. It is costly. So you make sure that it is money well spent but also because you are building a relationship.



You want to make sure that the ceremonial issues by protocol is up to mark. To leave a lasting impression to our guest. That you are ready to strengthen relations – to expand the relationship.

So protocol we go into those ceremonial issues like – is it going to be a dinner, lunch, it is going to be a breakfast. Will be a visit maybe to a museum or to the Cradle of Mankind or a project. Something that is long lasting for the Heads of State and then the second part protocol we then also deal with the maybe in a separate note verbale when we know the arrival, the number of guests in the  
10 plane and the date of arrival.

Then the protocols and the defence and (indistinct) services then is arrival. Are you going to have a guard of honour at the airport or not. For instance if it is a – a private visit you do not have to have that but then and where are you going to mount the – the ceremonial welcome by our military personnel. Where will be the 21 guns to be fired, taking salute or not.

So that is the protocol. It is very – very (indistinct) and delegate issue because if something slips there the whole content is gone. So – so ceremonial part is what markets the country. That is  
20 first impression, lasting impression. Of course content is also very important but you cannot underestimate the impact of properly arranged ceremonials. So that is where the protocol is to make sure that that part – so both protocol, content (indistinct).

Now if for instance it is going to be at a military base or at the airport – some Heads of State arrive at ORT because of the size of

the aircraft the 747. Mostly they arrive there. Some at Waterkloof Air Base etcetera. There is a different process now which needs now the security and the protocol to work on and once all of us have gone through our internal processes.

Example the – the defence will assess the availability of the facility. The condition of the facility and work everything internally and then they say to DIRCO no we do not think our facility is available or it is available and then our role is to notify the requesting mission that yes let us go ahead or please not at this one but that is the – that is  
10 the defence to decide because they going to (indistinct) have airport.

The defence will then agree. So once the defence agrees they apply their mind going through the internal processes. Then we trigger the preparation – the arrival ceremony all – all those kinds of things happen. So that is what normally happens ...

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** But if Chair choice of aircraft is like those big 747s. We then say no land at ORT because our runway does not handle that.

**CHAIRPERSON:** At OR Tambo Airport?

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** OR Tambo yes.

**CHAIRPERSON:** *Ja.*

**AMBASSADOR JERRY MATTHEWS MATJILA:** Then we trigger arrangements there. It is a civilian airport. So we make arrangements there. If it is Cape Town, Cape Town Airport. It is easier for us when it is Waterkloof because it is exclusive ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** But not many land there

...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** With big aircraft.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** So it is a decision that we normally take together. If it is at OR Tambo then ACSA kicks in. So we go with ACSA, Home Affairs and relevant ...

10 **CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Department. What is going to happen there? It differs. If it is Cape Town it is going to be international part or domestic part. It would be like for incident President Obama did go to Cape Town. So we then make arrangements there. If it is a summit it is the number of Heads of State. The protocol say okay so many of them land at OR Tambo, so many Waterkloof, maybe so many at Lanseria.

They will distribute them and create a mechanism to make sure that the – wherever they land they are all welcome to South Africa.

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

**AMBASSADOR JERRY MATTHEWS MATJILA:** So that is the in short without compromising security. There is a lot of security issues that Chair you may save me from not saying them. Understanding that we still have to protect the Republic.

**CHAIRPERSON:** Yes, yes.

**ADV THANDI NORMAN SC:** Thank you and – and then coming to the issue that we are dealing with which is the Waterkloof landing of Jet Airways. When did you become aware of that landing for the very first time?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Chair I became aware of that through the news.

**CHAIRPERSON:** Oh. Are you – are you asking the actual landing or the proposed visit prior to the landing?

**ADV THANDI NORMAN SC:** Yes, yes. No.

10 **CHAIRPERSON:** *Ja.*

**ADV THANDI NORMAN SC:** In fact I think he ...

**CHAIRPERSON:** The request ...

**ADV THANDI NORMAN SC:** The request.

**CHAIRPERSON:** *Ja.*

**ADV THANDI NORMAN SC:** When did you for the first time become aware of the request that Jet Airways wanted to land at Waterkloof?

**AMBASSADOR JERRY MATTHEWS MATJILA:** It was after the arrival.

**CHAIRPERSON:** After the arrival of ...

**AMBASSADOR JERRY MATTHEWS MATJILA:** After ...

20 **CHAIRPERSON:** Of the aircraft?

**AMBASSADOR JERRY MATTHEWS MATJILA:** *Ja.* When ...

**CHAIRPERSON:** Oh.

**AMBASSADOR JERRY MATTHEWS MATJILA:** When the news and social media ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Were busy then ...

**CHAIRPERSON:** *Ja.*

**AMBASSADOR JERRY MATTHEWS MATJILA:** We looked through this

...

**CHAIRPERSON:** Yes. Before that you did not know anything?

**AMBASSADOR JERRY MATTHEWS MATJILA:** No, I was not in the picture Chair.

**CHAIRPERSON:** Yes; and normally you would not get involved?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Normally I would get  
10 involved after an interdepartmental meeting.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** I normally get involved if it is Heads of State ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And I have been advised that the note verbale clearly indicates it is a Head of State coming ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And then in that case I  
20 will then confirm with the Chief of State Protocol and the DDG of that area.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** If it is from America it is the DDG of America. Europe ...

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Because that DDG we then convene an interdepartmental meeting.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Prepare preparations ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And they will come to report to me. Then I will make the Ministers aware ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** But also we have the  
10 forum called the DG Forum ...

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Where I convene the DDGs and we collectively discuss (intervenes).

**CHAIRPERSON:** Yes and that is the DDGs of your department?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Of my department.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** To say it is like this and then of course we have interdepartmental ...

**CHAIRPERSON:** Meetings.

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** Processes ...

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Where they send department – an official at the appropriate level where the issues can be discussed and sometimes the President might say no look I want a ministerial committee on this issue. So a few Ministers will be put

together to – to do (indistinct) but in normal circumstances the note verbale comes then I request the DDG responsible for that region to start the preparations, the content, to call the other colleagues, DTI, Home Affairs.

Defence always – Intelligence Services are always part of the process because you need to – to make sure that the defence family is – is aware of what is happening and then they then make a submission. We discuss them. Then I advise the Minister to say Minister I think we are ready. This is what we have to – to realise. So that is in terms of  
10 the content.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Then in terms of the preparation ceremonial ...

**CHAIRPERSON:** Yes. Maybe before you get to the preparations - you spoke earlier or you said earlier on there could be two note verbale. One just making the request and another one later on – later on coming with details.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Hm.

**CHAIRPERSON:** Normally at what or who at DIRCO would receive the  
20 first note verbale?

**AMBASSADOR JERRY MATTHEWS MATJILA:** The first note verbale ordinarily goes to the bilateral desk. Let me say it is Japan. The Japan desk will receive that note verbale ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And then make protocol

aware.

**CHAIRPERSON**: That is the protocol officer?

**AMBASSADOR JERRY MATTHEWS MATJILA**: Protocol Officer of – of DIRCO.

**CHAIRPERSON**: Yes, of DIRCO yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Being aware that there is this request.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Then we go for  
10 consultation first. We go – it goes into a facilitation process.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: To make sure that the Minister and the President are okay. Before you go to any preparations ...

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: You want to make sure that the principals ...

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: Are on – are on  
20 agreement.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA**: When the principals have agreed and then you trigger ceremonial issues and then you trigger the content development. Now the second note verbal maybe about the landing rights. It maybe containing the – the where to land



the type of aircraft and requesting the flight route all those issues.

Normally I saw that thing been dealt by the defence attaché of the mission. Let me say again it is Japan. The military attaché will then trigger that because now that is where security comes in. That is the protection of the principal or of the guests. The mode of the route come in. You do not expose the route from Tokyo to Johannesburg.

So very few people are then aware of the route of the flight, the time of the landing and the preparations and then they will deal with the – the defence – appropriate defence person and then maybe a  
10 person from protocol to be aware but this is – it is not a huge number of people made aware. It is a very risky thing because of security sensitivities.

Also because there maybe the – you know – application of the number of arms brought by the protecting party of the – of the guest. The type of arms, serial numbers. So all those things are done very quietly and sensitively. So that might trigger a different one from the global note verbale asking for a – for a visit.

**CHAIRPERSON:** But you – you would – if it is a visit involving a Head of State you would become aware of the first note verbale ...

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** *Ja.*

**CHAIRPERSON:** Quite soon after it has arrived at DIRCO or not?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Yes.

**CHAIRPERSON:** It will be quite soon?

**AMBASSADOR JERRY MATTHEWS MATJILA:** I will – I will get almost from the DDG to say DG we are in receipt of this ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Because my rule is to (indistinct) the Minister ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And then (indistinct) the President ...

**CHAIRPERSON:** Yes, yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And – so (indistinct) to start. So I will be aware of it.

10 **CHAIRPERSON:** Yes, okay. Okay and as the preparations move forward you would be aware of what is going on and you will ...

**AMBASSADOR JERRY MATTHEWS MATJILA:** I will be kept ...

**CHAIRPERSON:** Be kept informed?

**AMBASSADOR JERRY MATTHEWS MATJILA:** I will be kept informed by the relevant ...

**CHAIRPERSON:** People?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Yes Chair.

**CHAIRPERSON:** *Ja*, okay thank you.

20 **ADV THANDI NORMAN SC:** Thank you. Thank you Mr Chairman. So that relates to the arrival of a Head of State. What happens when there are Ministers visiting the country? Do you get as informed as you are when it is the Head of State visiting?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Normally at Ministers level there are Ministers – Ministers also differ. Instead of defence of intelligence of DIRCO normally as a different category because of the

nature of their work.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** They get sort of ...

**CHAIRPERSON:** Some special treatment?

**AMBASSADOR JERRY MATTHEWS MATJILA:** I am not saying that. I never said that. I said that it is some consideration and some consideration given because of the nature of their work ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And that consideration  
10 means that certain things are done but maybe if the Minister of Home Affairs comes Minister of Tourism comes it is a different consideration but still if a Minister comes we still get a note verbale. That note verbale may we request – let me say the Minister arrives at ORT.

Then protocol will then receive the Minister concerned from the flight through the protocol lounge of DIRCO. So – so you still need a note verbale.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** For – for that particular Minister.

20 **CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** As low as an Executive you need a note verbale.

**CHAIRPERSON:** Okay.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Whatever position or station in ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** In the Executive you still ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** You still need a note verbale.

**CHAIRPERSON:** Okay.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** And then I must just ask this question you spoke  
10 about two note verbale. Now is the position that there must always be  
two? Is the position that there must at least be one but sometimes  
there maybe two?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Chair it differs.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Let me say you receive  
Hilary Clinton. She travels with a special aircraft.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** She is not coming  
commercial.

20 **CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** So – and again because  
of profiling because all guests are profiled by the state security. They  
are graded.

**CHAIRPERSON:** Yes, yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** High risk, low risk,

medium risk ...

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Or it is Jerry okay let him come in. It differs.

**CHAIRPERSON:** But – but Jerry may be His Excellency?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Well but Excellency really with not much risk because South Africans like that person ...

**CHAIRPERSON:** *Ja.*

**AMBASSADOR JERRY MATTHEWS MATJILA:** There is no risk.

10 **CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** But certain people have risk. You have seen if American Heads of State arrive you could see the level of preparation. It is among the top security. You can see even the amount of American Intelligence amount of America Special Forces arriving. The – the type of cars, helicopters, armour. You could see because it is high risk because they are targets.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** They are targets but of course if the President of a neighbouring country comes you do not see  
20 that huge – there is a level. So we are guided by the grading by Intelligence Services on the Head of State and accordingly we calibrate  
...

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** The security arrangements.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** The rules ...

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** The – what do we do?  
The hotel ...

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** It – it triggers so many  
other ...

**CHAIRPERSON:** Hm.

10 **AMBASSADOR JERRY MATTHEWS MATJILA:** Things that happens.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** If it is a Minister –  
Minister from Iran for example or Minister of these countries that have  
global attention you also trigger arrangements but maybe a Minister  
from Lesotho we may not trigger such a huge arrangement but there  
will be security ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Details ...

**CHAIRPERSON:** Yes.

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** Done but ...

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** They all differ ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Depending where they  
come from ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And the protocol also ...

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Recalibrates its arrangements accordingly.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** So but for us we are led by Intelligence Services.

**CHAIRPERSON:** Okay.

10 **AMBASSADOR JERRY MATTHEWS MATJILA:** What is the grading?

**CHAIRPERSON:** Hm.

**ADV THANDI NORMAN SC:** Thank you.

**CHAIRPERSON:** So – but to go back to my question there are times when one note verbale is sufficient. There are times when two note verbale are required or is the second one always optional?

**AMBASSADOR JERRY MATTHEWS MATJILA:** I think for Heads of State normally I think if I recall well there will be two.

**CHAIRPERSON:** Yes, yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Agreeing then.

20 **CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And then the details ...

**CHAIRPERSON:** Yes.

**ADV THANDI NORMAN SC:**

**AMBASSADOR JERRY MATTHEWS MATJILA:** Because whether it is private whether it is official, ceremonial, state the security of the Head

of State of any country ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Is important.

**CHAIRPERSON:** *Ja.*

**AMBASSADOR JERRY MATTHEWS MATJILA:** You do not want to answer back something you are not ready for ...

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Because once they land they are your guest. So their lives are in your hands.

10 **CHAIRPERSON:** *Ja.*

**AMBASSADOR JERRY MATTHEWS MATJILA:** So – and hence the protection ...

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Around them.

**CHAIRPERSON:** Okay and I guess that whether it is one note verbale it might – can contain all the details that you would have expected from a second note verbale in a different case?

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** Well in some cases but as I said you will (coughing) Chair that - that different functions are triggered for preparations.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** For instance in the first note verbale they may not ask for landing rights when they do not know whether we accept ...

**CHAIRPERSON:** The request?



**AMBASSADOR JERRY MATTHEWS MATJILA:** The request or not.

**CHAIRPERSON:** *Ja, okay.*

**AMBASSADOR JERRY MATTHEWS MATJILA:** For instance if the President flies to the UN like he does every September the note verbale are triggered by defence – defence attaché with the American State Department and then we are notified that there is going to be - because of security. So I suggest that maybe the second one is triggered by yes we agree. Then work on the finer details which are not for public consumption.

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

**ADV THANDI NORMAN SC:** Okay. Thank you Mr Chairman; and then – then you commented then on the report that Ms Sindane and Dr Swemmer and – and others had prepared and you deal with your comments on the report from page 4 onwards and then you comment specifically on what is termed under the post arrival stage or phase and you deal with when you first got to know about the landing and the steps that you took. Could you take us through that process please?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Yes. On – as I said I only heard this on post arrival and in Mr – Ms Sindane’s document you  
20 are referring to ...

**ADV THANDI NORMAN SC:** Are you looking at FF1? That is Ms Sindane’s bundle.

**AMBASSADOR JERRY MATTHEWS MATJILA:** FF1?

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** FF1?

**ADV THANDI NORMAN SC:** Yes. What page are you looking at?

**AMBASSADOR JERRY MATTHEWS MATJILA:** I think I am looking at 2.3.3.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** That should be I think 2.2.3.

**ADV THANDI NORMAN SC:** Page – page 19. On top it would be page 19. Is that right? Not.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Let me come there.

10 **ADV THANDI NORMAN SC:** Oh sorry. Yes. It will be page 19 2.3.3.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Yes.

**ADV THANDI NORMAN SC:** The bottom page is marked 15.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Page – page 19.

**ADV THANDI NORMAN SC:** 19 on top. Page 19.

**AMBASSADOR JERRY MATTHEWS MATJILA:** Page 19.

**ADV THANDI NORMAN SC:** Thank you. Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** This is the first time now.

**ADV THANDI NORMAN SC:** Yes.

20 **AMBASSADOR JERRY MATTHEWS MATJILA:** Because as a DG of DIRCO I am also the Member of NICOC - National Intelligence Coordinating Committee - principal.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** So that is where we meet to take aboard the State security and other issues. So there was

a meeting convened.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** For the NICOC principals on 1 May.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** To come and – this is a day after the incident.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** To come and discuss  
10 this issue because it attracted so much attention ...

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And I am sure the principals were worried about it. So in preparation for this visit and having learnt that the GCS Cluster – GCIS called communicators because there was so much media hype. I then invited the then spokesperson or he is still the spokesperson of DIRCO – Clayson Monyela – around 1 o’ clock to come and brief me because I wanted to make sure what is happening and what has happened and then also I called His Excellency Ambassador Koloane to come and join  
20 us at NICOC because so much was said about him in the media space.

So I, Ambassador Koloane and Didi (indistinct) went to the NICOC principal – it was extended. Extended means other people who do not normally attend – are attending. Normally I do not take anybody there but on this case it was extended especially from those department that had people like implicated like defence, police all

those people were brought to NICOC.

So we met them at the NICOC Headquarters until time indicated in the – until 21:00.

**ADV THANDI NORMAN SC:** From 4 o' clock until 21:00?

**AMBASSADOR JERRY MATTHEWS MATJILA:** Nonstop.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR JERRY MATTHEWS MATJILA:** And then part of the recommendation was to immediately brief our principals. If you see on 20(I).

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

**AMBASSADOR JERRY MATTHEWS MATJILA:** “Every General (indistinct) with their Ministers and advised against attending the wedding”.

You recall we all – like myself I received an invitation. We all received invitations. Most of the DGs and it was going to be I think that. So I had to call the Minister Nkoana-Mashabane to say Minister I want to see you to brief you about the outcome of the NICOC Meeting and indeed the Minister consented and I think 21:30 or 10:00 pm I went to meet the Minister but for the sake of transparency I also invited  
20 Ambassador Koloane and Mr Munyela who were with me at NICOC to go and see the Minister at her residence to give her a briefing of the discussions so that in her mind she really understands the issue very, very well not only from social media. But that the department have reported, Home Affairs have reported, State Security reported, all relevant departments. So we met the Minister until the early hours of

the 2<sup>nd</sup> of May. When we left home, her and we briefed her and acquaint her some of the recommendations especially Roman 10 that immediately brief their Ministers. And so that was the time that I heard about and the more the details about this, first time. Second time, the Ministers of the JCS cluster were called to a meeting. The Minister went there and I accompanied her to go to the cluster meeting where the NICOC principal presented the report to the Ministers for the Minister's processing and Minister's advice. It was in that meeting that the Ministers decided to establish the DJG committee.

10 **CHAIRPERSON**: Investigation team?

**AMBASSADOR JERRY MATJILA**: To investigate the whole thing.

**ADV THANDI NORMAN**: So after then all these meetings which are interdepartmental, inter-Ministerial then you deal in paragraph C with your call to the High Commission of India.

**AMBASSADOR JERRY MATJILA**: Now Chair, we are coming to the details now and part of... (intervention).

**CHAIRPERSON**: Yes, and the C you are talking about Ms Norman is, have you gone, have you changed lever files to another one?

**ADV THANDI NORMAN**: I beg your pardon Chair.

20 **CHAIRPERSON**: I am still at page 20.

**ADV THANDI NORMAN**: Oh, I am sorry. I have gone back to the statement of Mr Matjila.

**CHAIRPERSON**: Oh.

**ADV THANDI NORMAN**: I beg your pardon.

**CHAIRPERSON**: Okay.

**ADV THANDI NORMAN:** Yes.

**CHAIRPERSON:** Alright. Okay are you, in what page are you?

**ADV THANDI NORMAN:** Page 4.

**CHAIRPERSON:** Page 4?

**ADV THANDI NORMAN:** Yes, thank you. Sorry, that is FF111. Or is there something that you wanted to refer to in Ms Sindane's report, Ambassador?

**AMBASSADOR JERRY MATJILA:** No, I am following you.

**ADV THANDI NORMAN:** Oh, you are following me? Oh, thank you.

10 **ADV THANDI NORMAN:** Could you go back your statement then, page 4 of your statement?

**AMBASSADOR JERRY MATJILA:** Yes, where are we?

**ADV THANDI NORMAN:** Yes.

**CHAIRPERSON:** Yes.

**ADV THANDI NORMAN:** Yes. Then you mentioned and after having these meetings with your principals then you made a call to the High Commission of India. Could you tell Chairperson about that call?

**AMBASSADOR JERRY MATJILA:** Chair, part of our role all department was to verify.

**CHAIRPERSON:** Hm.

20 **AMBASSADOR JERRY MATJILA:** There was an issue of note verbal. Now as a NICOC now I took over. Then I called, I telephoned the High Commissioner, excellency the High Commissioner of India to establish his we are not sure who were the guests, who were the people in the aircraft.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATJILA:** We heard there were Ministers.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATJILA:** There were officials, they were the family.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATJILA:** Because as I said earlier on, if it was Ministers and issue of protocol preparation kicks in.

**CHAIRPERSON:** Ja, would have kicked in much earlier.

**AMBASSADOR JERRY MATJILA:** Yes. Then I called the High  
10 Commissioner, Mr Gupta who is very different from the Gupta. He is another Gupta. Like you heard Matjila here who is another Matjila. So Chair, do not say that Matjila's. It is a different Matjila. So it is a different Gupta. So indeed, His Excellency Gupta took my call. I think you may had been to Sun City already at that time. So I asked precisely, High Commissioner were there Ministers in the flight? He says no they were not Ministers. They were State Ministers. Now Chair, I was Ambassador... (indistinct) to India.

**CHAIRPERSON:** So you knew?

**AMBASSADOR JERRY MATJILA:** State Ministers is the equivalent of  
20 our.

**CHAIRPERSON:** MEC?

**AMBASSADOR JERRY MATJILA:** MECs here.

**CHAIRPERSON:** Yes, yes.

**AMBASSADOR JERRY MATJILA:** Right now MECs have a different category.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: In terms of visits.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: So I then established and informed the NICOC that there was no union Minister, they call them union Minister.

**CHAIRPERSON**: National Minister?

**AMBASSADOR JERRY MATJILA**: National Ministers.

**CHAIRPERSON**: Yes.

10 **AMBASSADOR JERRY MATJILA**: It was provincial or State Ministers.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: So that was very, very important because then it goes to the content of the note verbal that was supposed to have been sent. So that is the first call I did to the but also.

**CHAIRPERSON**: I am sorry. I am sorry but still in note verbal was to have been required even if it was State Ministers or is there something you are coming to deal with?

20 **AMBASSADOR JERRY MATJILA**: I am not sure whether State Ministers needs a note verbal.

**CHAIRPERSON**: Yes, because that, ja.

**AMBASSADOR JERRY MATJILA**: Ja, it is not a national.

**CHAIRPERSON**: Ja, okay.

**AMBASSADOR JERRY MATJILA**: Of course they might be very, very important but they still, we mind our security to.



**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: To know their visit.

**CHAIRPERSON**: Yes, yes.

**AMBASSADOR JERRY MATJILA**: The second thing that I asked him was, were you asked by the Gupta family to facilitate. He says no I was never asked to facilitate. So two issues I wanted to get from him. Were these union Ministers, national Ministers or not. Secondly, you as the High Commissioner responsible, the eyes of the Prime Minister of India were you approached by the Gupta family to help, he says no I was not  
10 approached. So I conveyed that, Chair, to the NICOC principals to satisfy are so that they were not. He was not approached and then he did not set the note verbal. No, there were no union Ministers. The second time, if I continue.

**ADV THANDI NORMAN**: Yes.

**AMBASSADOR JERRY MATJILA**: Then I said to him, can you come to my office. I think it was on the 3<sup>rd</sup> of May. Can you please wherever you are, can you come to my office.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: For in-depth discussion because this  
20 was telephonically. So he came to my office.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: And at that time could appreciate the gravity of what has happened and I thought as a responsible person and as a fellow diplomat but also to maintain relations because you do not want this thing to sour everything. You want to continue to make

sure that the warm relations between... (indistinct) and India continues so that this incident is not a cause of the rupture of something that has been built over a period of time especially the special relations between South Africa and India. Chair, it does not need to do with because I was High Commissioner to India. It is a historic relations that Mahadi Magandi was here. He is a founder of India. You know that historic issues. So he came to my office High Commissioner Gupta and again I made him aware of what have they followed, the procedures in the Indian High Commission they have followed especially around the  
 10 note verbal. That we, it is unacceptable for us something like this has happened under his watch. I did not ask whether he was aware or not but I am sure you may be aware. So the idea of the second meeting was for him to know the issue of note verbal of no note verbal has caused a major problem and is something South African diplomacy or government that we take very, very serious. Of course, he apologized. He knew there is a very, very serious oversight from his. Now oversight is a diplomatic term. They cannot say we failed. So Chair should de-  
 quote what I say from time to time.

**CHAIRPERSON**: Ja.

20 **AMBASSADOR JERRY MATJILA**: I have to stick to my, this is my... (indistinct). This is where I earn my living. So, no can he say I did a mistake. He said it was an oversight but I can de-quote to say it was a very, very serious; very serious.

**CHAIRPERSON**: Error or mistake.

**AMBASSADOR JERRY MATJILA**: Error from their part.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: But also... (intervention).

**CHAIRPERSON**: But at that stage, I am sorry. At that stage I go back to the question that I asked earlier. Now at that stage when you were speaking to him in the meeting, you knew that there were no national Ministers.

**AMBASSADOR JERRY MATJILA**: He clarified that.

**CHAIRPERSON**: Now if there were no national Ministers and there were and I am assuming and I know that you said you were not sure; 10 assuming that there was no need for, was there a need for a note verbal if it was just State Ministers? Because there might be no oversight or mistake to send a note verbal if no note verbal was required. Have you determined that at that stage?

**AMBASSADOR JERRY MATJILA**: Chair, if this was a real wording party it ought to... (intervention).

**CHAIRPERSON**: Which it was? Is not it?

**AMBASSADOR JERRY MATJILA**: It would have landed in a civilian airport.

**CHAIRPERSON**: Yes.

20 **AMBASSADOR JERRY MATJILA**: In that case, is just a wording party.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: No need for note verbal. They are coming here to have a nice time.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: They are guest.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: They go to where they go, enjoy and go back.

**CHAIRPERSON**: Yes, yes.

**AMBASSADOR JERRY MATJILA**: But once you go to a military base.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: The civilian part goes away because now you are coming to a very exclusive area, a sensitive security area. So you need to provide documentation why you come to a highly secured area in this way. But we do have a lot of high-profile wordings which are not were South Africans because they... (indistinct). We have a lot of people who come and marry here, who come and below the radar. It is a lot of high-profile people coming here but they do not attract attention because is low-profile. So it could have... (intervention).

**CHAIRPERSON**: But do they go to Waterkloof?

**AMBASSADOR JERRY MATJILA**: No, no, no.

**CHAIRPERSON**: They do not?

**AMBASSADOR JERRY MATJILA**: They do not go to Waterkloof.

20 **CHAIRPERSON**: Yes, yes.

**AMBASSADOR JERRY MATJILA**: Waterkloof they can go if it is a requirement.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: By special arrangements.

**CHAIRPERSON**: Yes, yes.

**AMBASSADOR JERRY MATJILA**: But it will be such and is very few and far apart.

**CHAIRPERSON**: Yes, I think we will take the short tea adjournment.

**ADV THANDI NORMAN**: Thank you Mr Chair.

**AMBASSADOR JERRY MATJILA**: Chair, maybe can I finish last one?

**CHAIRPERSON**: You want to make the last one before we take adjournment?

**AMBASSADOR JERRY MATJILA**: Yes, because in the same meeting with the High Commissioner because there were.

10 **CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: It was those; the second issue was the.

**CHAIRPERSON**: Ja.

**AMBASSADOR JERRY MATJILA**: The whereabouts of the party. We agreed.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: That the aircraft on the 2<sup>nd</sup> must go to OTIA.

**CHAIRPERSON**: To OR Tambo?

20 **AMBASSADOR JERRY MATJILA**: OR Tambo.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: Everybody must leave from there.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: But then we got the reconciliation from Home Affairs.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATJILA:** That some people are missing.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATJILA:** The State Ministers

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATJILA:** So I said, how Commissioner, where are these people?

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATJILA:** He said, oh Ambassador Matjila they  
10 chartered a private aircraft to Cape Town.

**CHAIRPERSON:** After landing at Waterkloof?

**AMBASSADOR JERRY MATJILA:** After enjoying in Sun City

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATJILA:** They chartered an aircraft.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATJILA:** To Cape Town.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATJILA:** And I got even more worried.

**CHAIRPERSON:** Yes.

20 **AMBASSADOR JERRY MATJILA:** Even if they are State Ministers if something happens in Cape Town, we may be blamed as South Africa.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATJILA:** We are not notified that they would fly differently.

**CHAIRPERSON:** Hm.

**AMBASSADOR JERRY MATJILA**: We thought they will come to chartered aircraft and leave the chartered aircraft.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: At Jet Airways. So they went to India. Then I said but also somebody is missing in reconciliation.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: Where is the somebody?

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: So we managed to identify the State  
10 Ministers in Cape Town.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: And were informed and what happened which is true, they left through Emirates via Dubai back to India. So I just want to finish that part before break.

**CHAIRPERSON**: Yes, yes. No, that is fine. Before we take the adjournment, I just want to ask this question. This was as I understand the position an aircraft that was coming to South Africa to bring guests who were going to a private wedding and some of the people who were said to be included in the aircraft to be in the aircraft were State  
20 Ministers of India. Did and as I understand it, even day were not going to have any meetings with any government officials as I understand the position. So their trip had nothing to do with any; there are coming to South Africa had nothing to do with any government official. If my understanding in regard to those issues is correct then it just seems to me that this was a completely private visit for everybody. You could

have a situation where maybe I do not know, State Ministers from India are coming to South Africa. They are going to meet some MECs maybe, I make an example. There is going to be some government business to do and maybe as while they are in South Africa, there will also attend a private wedding. Something suggests to me that under those circumstances it may be that it might be viewed in a certain way, I am not sure but it seems that this was just completely private. They were not going to meet anybody from government and have official government business and that for that reason for all intents and purposes, this was private. Is my understanding correct?

**AMBASSADOR JERRY MATJILA:** Chair, as we deep deeper and deeper.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATJILA:** It came to transpire that some of them privately also went to I think Free State to meet MECs there.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATJILA:** But we are not sure because this was a cloak in secrecy.

**CHAIRPERSON:** Yes, yes.

20 **AMBASSADOR JERRY MATJILA:** We are not privy to their progress.

**CHAIRPERSON:** Yes, yes.

**AMBASSADOR JERRY MATJILA:** We just understood that it seems some of them in Cape Town did meet some people in private capacities.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATJILA:** Some were to Free State to meet



MECs there.

**CHAIRPERSON**: Yes, yes.

**AMBASSADOR JERRY MATJILA**: But we did not have any official documentation.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: Is what we had to say, where is so-and-so, what happened to so-and-so; that actually some of them did meet.

**CHAIRPERSON**: Yes.

10 **AMBASSADOR JERRY MATJILA**: Their counterparts.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: In some provinces.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: But as DIRCO.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: As DG, I was not privy to that.

20 **CHAIRPERSON**: Yes. So in terms of official documents to which DIRCO had access or with which DIRCO had been furnished, there was no intimation that any of those State Ministers were going to meet any official from government. Anybody that might have known anything might have known it on the basis of unofficial sources.

**AMBASSADOR JERRY MATJILA**: Chair, we are normally guided by the noted verbal.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: On the purpose.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: Of the visit, what the guest want to achieve and the facilitation that we do and then the program is developed.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: I said it triggered two things... (indistinct] program and protocol ceremonial.

**ADV THANDI NORMAN**: Yes, yes.

**AMBASSADOR JERRY MATJILA**: So we could have been aware even  
10 if it was private but then is a request that during the privacy.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: There will be a dinner with so-and-so MEC to discuss this.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: So and actually in some private visit this do happen Head of State meets some you, know companies, meets some but you are aware although it is private. But in this case as a DG I had no hint.

**CHAIRPERSON**: Yes.

20 **AMBASSADOR JERRY MATJILA**: Of their actual purpose.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: Who to meet and not to meet.

**CHAIRPERSON**: And I take it that around the time when you were dealing with this issue immediately after the landing, you would have been furnished with all relevant documentation that anybody at DIRCO

had access to.

**AMBASSADOR JERRY MATJILA**: Precisely.

**CHAIRPERSON**: And therefore, you would know. You would have known if there was some document that had been given to DIRCO that indicated that there was a plan for them to meet some MECs.

**AMBASSADOR JERRY MATJILA**: Yes, Chair.

**CHAIRPERSON**: Yes, thank you. We will take the short adjournment and we will resume. It is 25 past. We will resume at 20 to 12.

**ADV THANDI NORMAN**: Thank you, Chair.

10 **CHAIRPERSON**: We adjourn.

**INQUIRY ADJOURNS FOR TEA**

**CHAIRPERSON**: Urgent meetings that sometimes take place during the tea break about Commission work. Thank you. Let us proceed, yes

**ADV THANDI NORMAN**: Thank you Mr Chairman. Thank you, Ambassador we were still at page 5. You had finished the part about these guests and the questions that you had put to the High Commission of India. And then you deal in that same paragraph where the meeting HC, you deal with deviations from normal DIRCO processes. Could you just highlight those?

20 **AMBASSADOR JERRY MATJILA**: Chair, the deviation was as I said after we have gone through, we trigger the issue of interdepartmental meetings. It is that forum that looks into the whole visit and make recommendation in terms of content to be achieved and State protocol services. So that is the one thing. But also the bilateral test needs to assess and says we agree that this visit takes place. So those were

some of the deviation that some of us see in this process. That the bilateral test concerned was not engaged fully in the whole process and so you could not advise the executive or the top management of the department to go or not nor was any interdepartmental meeting convened. So those were some of the deviation that.

**ADV THANDI NORMAN**: Yes.

**AMBASSADOR JERRY MATJILA**: Identified.

**ADV THANDI NORMAN**: Thank you. And then having now regard that the information and having interviewed the High Commissioner of India,  
10 what was the recommendation at the end of it all as to what were the steps that had to be taken and could you just highlight what those recommendations were going to be?

**AMBASSADOR JERRY MATJILA**: Well, Chair following the procedures and the outcome of the investigation on this Waterkloof airbase then there was an issue of department concern establishing teams to go further. Chair you will recall that DIRCO belongs to the public service. So Public Service Act guides us and defence they belong to a different dispensation. So once they were going through this process and then we were requested that each department carries out. So in DIRCO part  
20 we have to see the provision of the public service SMS handbook, disciplinary procedures in the department. I am sure the Secret Service is did their own work, given their own prescript, their own guideline, their own... (indistinct) provision but we were, had to deal with our own colleagues within the Public Service Act.

**ADV THANDI NORMAN**: Yes. And then which officials did you then

decide to implement those disciplinary charges against?

**AMBASSADOR JERRY MATJILA:** In the DIRCO, the DDG of human resources as in his portfolio the disciplinary hearing is part of his responsibility. And so I wanted to sort of distance myself because I was engaged through. So I did not want to prejudice the college implicated. So I said to the DDG HR who is now happened to be the DG of DIRCO, please trigger in the disciplinary procedures. Make sure that you follow the prescripts, you follow everything and to make sure that the colleague implicated is given the chance to come and appear before the  
10 panel. In that context therefore, Chair, the DDG HR even this thing as his own portfolio triggered in disciplinary hearing. Now in the DIRCO disciplinary hearing is about, is a corrective process identify, we correct and rehabilitate. It is meant to be humane orientated process especially if the person cannot have a final say. For instance, we do not own any military base. So we look at that that we are not the one who have a final say as DIRCO. So it is the defence. So we then trigger that process. Then the DDG HR followed his procedures, prescripts, came with a submission to me identify the relevant people to form the hearing in DIRCO. I think in this case it was Advocate NB Motlajwane  
20 from the Pretoria bar to lead this because we needed somebody from the legal fraternity.

**ADV THANDI NORMAN:** Yes, who was going to be disciplined? The person that was going to be disciplined.

**AMBASSADOR JERRY MATJILA:** In this case Ambassador Koloane was identified from the hearing as person to which I should make some

disciplinary procedures. And therefore, I then invited the DDG HR to trigger to say, look this application from the hearing. Ambassador Koloane has been implicated. Can you carry this thing over within the prescripts of the Public Service Act and relevant prescripts, procedures of a disciplinary hearing?

**ADV THANDI NORMAN**: Yes. And maybe just to refer you. There would be a bundle Exhibit FF3 which contains. It is in a very, in a smallish lever arch file FF3. It contains Ambassador Koloane's disciplinary proceedings. There is a letter which bears your name in the FF3 at  
10 page 3. That will be under the divider marked one.

**CHAIRPERSON**: Okay Ms Norman?

**ADV THANDI NORMAN**: Yes, Mr Chairman?

**CHAIRPERSON**: On which Exhibit are we now?

**ADV THANDI NORMAN**: We are on Exhibit FF3 Mr Chairman. I just want to... (intervention).

**CHAIRPERSON**: I do not seem to get Exhibit FF3 here.

**ADV THANDI NORMAN**: Maybe to put it behind you, Chair. It is just a letter of suspension. If the witness may just be allowed to identify.

**CHAIRPERSON**: I have got Exhibits 2A and B.

20 **ADV THANDI NORMAN**: Yes.

**CHAIRPERSON**: 4, 5, 7,8.

**ADV THANDI NORMAN**: Yes.

**CHAIRPERSON**: 6, 9 and 10.

**AMBASSADOR JERRY MATJILA**: 3 you said.

**ADV THANDI NORMAN**: Chair, I do not know what happened to it but

the Chairperson had it last week and I had asked that all of your bundles be returned this morning. I just wanted the witness to just simply identify if you.

**CHAIRPERSON**: Just continue.

**ADV THANDI NORMAN**: Thank you.

**CHAIRPERSON**: I may be able to.

**ADV THANDI NORMAN**: To find it.

**CHAIRPERSON**: Do without.

**ADV THANDI NORMAN**: Yes, I apologize for that. Could you please  
10 that letter... (intervention).

**CHAIRPERSON**: I think what should be done is every morning somebody must check from the legal team that everything that I should have is here.

**ADV THANDI NORMAN**: Yes, Mr Chairman. Thank you. Page 3, are you there, Ambassador?

**AMBASSADOR JERRY MATJILA**: Page?

**ADV THANDI NORMAN**: 3 on top it will be VBK003.

**AMBASSADOR JERRY MATJILA**: Is it this file?

**ADV THANDI NORMAN**: Look at the spine it will be FF3.

20 **AMBASSADOR JERRY MATJILA**: FF3.

**CHAIRPERSON**: Look at the spine of the lever arch file and see whether it is written FF3. Okay she will help you.

**ADV THANDI NORMAN**: Chair, may I in the meantime just hand up a spare copy for your?

**CHAIRPERSON**: Okay.

**ADV THANDI NORMAN**: Just so that you can be able to follow.

**CHAIRPERSON**: Okay.

**ADV THANDI NORMAN**: Thank you.

**CHAIRPERSON**: What is the page number that you want?

**ADV THANDI NORMAN**: Page 3 Mr Chairman.

**CHAIRPERSON**: Page 3 of Exhibit FF3?

**ADV THANDI NORMAN**: That is correct.

**AMBASSADOR JERRY MATJILA**: Okay, I saw it ja.

**ADV THANDI NORMAN**: Thank you. Did you suspend Ambassador  
10 Koloane?

**AMBASSADOR JERRY MATJILA**: Yes, in the morning of the 2<sup>nd</sup> we  
did.

**CHAIRPERSON**: 2<sup>nd</sup> of May?

**AMBASSADOR JERRY MATJILA**: Of May. Recall in the evening when  
we briefed the Minister, she said Ambassador Koloane should be  
suspended. But you see bureaucrats are there to assist the executive  
to do things.

**CHAIRPERSON**: The right way.

**AMBASSADOR JERRY MATJILA**: That is your say. Is to help to guide.

20 **CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: We can understand the sentiment of  
the Minister.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: But our role is to make sure that  
things are done appropriately without victimizing anyone. That is why



after we had a short sleep, we came back and drafted this.

**CHAIRPERSON**: But you say at that meeting the Minister took this position that Ambassador Koloane should be suspended.

**AMBASSADOR JERRY MATJILA**: That was early hours of the 2<sup>nd</sup>.

**CHAIRPERSON**: Yes, okay.

**AMBASSADOR JERRY MATJILA**: But as an accounting officer I am directed by the certain procedures.

**CHAIRPERSON**: And legislation?

**AMBASSADOR JERRY MATJILA**: Legislation.

10 **CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: And then also I am advised by the DDG HR.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: Who actually happened, came from public service commission.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: On the legality of doing things.

**CHAIRPERSON**: Yes.

20 **AMBASSADOR JERRY MATJILA**: So that the colleague is not unduly compromised or his human rights are undermined because he has a right; recall is an allegation. So with the advice of the DDG HR I drafted this letter... (indistinct) and then called in Ambassador Koloane. To say, by the way he was also in the meeting with the Minister but you know we said we will follow the procedures. So after I drafted it, I called Ambassador Koloane to my office and said, Ambassador, we are

going to have these procedures followed. I think it triggered the same with other departments. Then he looked at the letter and I said, Ambassador you can take it home, consult your lawyers because he has a right that after certain date he can say, Ambassador I am going to question. I am going to question this or but after he read it, he applied his mind. Ambassador Koloane countersigned. But Chair, I understand at that time I think the media was just too much on him and I cannot understand his feeling and his family and everybody. I think there was an overexposure which I thought was not appropriate at that time because

10 we had no facts. So Ambassador read it. I gave him a chance to do because I am by the law to give him to him, study it, have any legal advice, then sign. So indeed Ambassador Koloane after the discussions, he read it by himself in the premises. Then he signed. Then I said, Ambassador you will be contacted by the HR. So we are going to trigger this process.

**ADV THANDI NORMAN:** Yes, thank you. Thank you. You may then put aside FF3 aside Ambassador. Then a disciplinary process then as you have already indicated was embarked upon which led to Ambassador Koloane pleading guilty to three of the charges without facts and

20 evidence as we read the record of the proceedings.

**AMBASSADOR JERRY MATJILA:** Yes, Chair. Then the DDG HR took over and I stood back.

**CHAIRPERSON:** Yes.

**AMBASSADOR JERRY MATJILA:** And allowed him to do his job per his profile and scope. So DDG HR, DDG Marhwayi then went to consult,

identify the appropriate people to deal with the inquiry. As I say in this case, Advocate MB Matlejwane from Pretoria bar was identified and Chair. And then we identified Doctor HN Manzini from Independent Development Trust to represent the department and Ambassador Koloane chose to represent himself. No legal... (indistinct). So the charges I want to presume were read to Ambassador Koloane. He went to see them and on the 27<sup>th</sup> of May, Ambassador Koloane was served with notice of disciplinary hearing and he actually received thereof. And then there was three charges that were laid. And after the processes by

10 both, I think they met on the 11<sup>th</sup>, hearing on the 11<sup>th</sup> and 22 July. Then the employee in this case Ambassador Koloane had pleaded guilty to the charges. And again, the parties were given an ample opportunity to present mitigating factors before the Chair could issue the sanctions. I think thereafter then on the 29<sup>th</sup> of July the sanctions were issued and pronounced. Suspension without pay for a period of two months as an alternative to dismissal in terms of Clause 2.74 of the, Chapter 7 of SMS handbook; that is the Chairperson and a final written warning which shall be placed in the employee's personal file and shall remain valid for six months. So this is the submission that I finally at the end

20 again through the DDG HR. To say I have finished my work DG and this is the outcome. So my role was to implement the sanctions as such.

**ADV THANDI NORMAN:** And it was indeed implemented?

**AMBASSADOR JERRY MATJILA:** And they were duly implemented, Chair.

**CHAIRPERSON:** Your role there is important. It was to just implement

the, irrespective of what you may have thought about the sanction?

**AMBASSADOR JERRY MATJILA**: Yes, Chair because I presumed that they had all the facts at their disposal.

**CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: Both the Chair.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: And the like their mind thoroughly.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: And the HR who, DDG HR who  
10 advised me also knowing the system and SMS handbook and disciplinary code. They all satisfy themselves that is appropriate sanction given what has transpired.

**CHAIRPERSON**: Hm.

**AMBASSADOR JERRY MATJILA**: And Chair, mine was to implement that.

**CHAIRPERSON**: Hm. You might not have anything to say about this because your role as you say was to implement.

**AMBASSADOR JERRY MATJILA**: Chair, let me tell you why I implemented.

20 **CHAIRPERSON**: Yes.

**AMBASSADOR JERRY MATJILA**: When we started in 1994, and we came few of us in government he went to DIRCO. I think Ambassador Koloane went to DTI. Very few skilful knowledgeable people who were not in government came in to try to drive the new government, new policies. Remember this was 99.9% white establishment in everything.

So we needed a highly intelligent, highly knowledgeable, highly skilful and confident and qualified people to go into government to issue transformation. Ambassador Koloane was one of them. Ambassador Koloane was sent by the DTI I think in Tokyo. Then I met him there. Recall I spent six years in my previous years in Japan. It is a very difficult environment because they do not know South Africans. It is very far. They do not even understand English, let alone their culture. So for a diplomat to penetrate the market in Japan to attract investment between South Africa you need an extraordinary capable person to do

10 that. Ambassador Koloane came from that stock. We were young people. And I am saying this thing because I have been around in this for a long time and I understand the need, the knowledge of a person. And I am sure I was the only few South African at that time when I was with the Japanese. Actually Asia, I do not think there was any other South African who understands Asia like I did. So when I went to Japan because part of my work, Chair, was to try to transform DIRCO into new concept of strategic planning because we found that they were just working. So we were adopting some concepts from private sector to make sure that government functions efficiently. So we borrow from

20 private sector that these functions like strategic planning, annual performance basis. So that was my role, so I used to go all over to train diplomats on the spot about these new concepts. That is when I met some of my old friends in Japan in business bureaucracy. And I found that Ambassador Koloane then he was official in DTI not in DIRCO was equal to that task. So when we expanding our footprint in

Asia especially in China and we were opening up a diplomatic post in Shanghai; is a heart of Chinese economy. I said to the then President, that we need somebody to understand business. Shanghai is business. So Ambassador Koloane was identified from DTI as the head... (indistinct) General in Shanghai, the one who can effect this because he had the knowledge of Asia. So and I must confess, he did an excellent job, excellent job. New mission but you could see the investments. You could see the procurement from South Africa. As a result, then Ambassador Koloane was asked to go to Beijing as a  
10 number two in Beijing for Greater China. But because of his performance, the President promoted him to be an Ambassador and sent him to Spain. Spain is part of the EU and as a barrier area, we are trying to reinforce our relationship. So then Ambassador Koloane was not promoted from (indistinct) General deputy to an Ambassador in Spain. Now some of us who see these young people growing over a period of time, of course you do stumble in life. You know all of us we make mistakes. So that is why when I got this report from the Commission and I understand the totality of the Ambassador Koloane is and I saw this, you know has a mishap. He could not you raise the total  
20 picture of his contribution to South African diplomacy and economy. That is what, Chair I implemented as a corrective way.

**CHAIRPERSON:** The question that I was thinking of asking you, I am not going to ask you because I think I should reserve it for somebody else other than you. But you do accept, do you not and as a general principle that there are certain things that if you have done it does not

matter how good you are, you may have to go? I am not talking about this specific matter. I am just in general; you accept that? In general, not about.

**AMBASSADOR JERRY MATJILA**: In some specific things, yes.

**CHAIRPERSON**: Sorry?

**AMBASSADOR JERRY MATJILA**: In some areas, yes.

**CHAIRPERSON**: In some areas, yes.

**AMBASSADOR JERRY MATJILA**: Yes.

**CHAIRPERSON**: Ja, no that is fine. Thank you. Ms Norman?

10 **ADV THANDI NORMAN**: Yes, thank you. Thank you Mr Chairman. Then Ambassador there is a report which appears at page 10 of the same, if you go back sorry to Exhibit FF11. There is a, no that is the one that has your affidavit. FF11.

**AMBASSADOR JERRY MATJILA**: This one?

**ADV THANDI NORMAN**: That one.

**AMBASSADOR JERRY MATJILA**: Yes,

**ADV THANDI NORMAN**: Yes. This is a report which you forwarded to NICOC but you have already summarized everything that is your interactions with the High Commission of India and the meetings of the  
20 DG's and the Ministers, all of that you have summarized that report.

**AMBASSADOR JERRY MATJILA**: Yes.

**ADV THANDI NORMAN**: Yes. I just want you to identify it and a letter which you wrote forwarding it, appears at page 9. Is that correct?

**AMBASSADOR JERRY MATJILA**: No, it is in the file that is.

**ADV THANDI NORMAN**: FF11.

**AMBASSADOR JERRY MATJILA**: FF11 Exhibit.

**ADV THANDI NORMAN**: Exhibit FF11 at page 9.

**AMBASSADOR JERRY MATJILA**: I need technical help from the Commission.

**ADV THANDI NORMAN**: Thank you.

**AMBASSADOR JERRY MATJILA**: Is there some assistance from the Commission?

**ADV THANDI NORMAN**: Thank you.

**AMBASSADOR JERRY MATJILA**: This one does not have FF11.

10 **ADV THANDI NORMAN**: Page 9.

**AMBASSADOR JERRY MATJILA**: Page 9. I have seen it.

**ADV THANDI NORMAN**: Have you seen it? Yes, that is the letter where you forwarded the report to NICOC.

**AMBASSADOR JERRY MATJILA**: Indeed, Chair.

**ADV THANDI NORMAN**: Thank you. Thank you very much, Chair. That is the evidence.

**CHAIRPERSON**: Are you done?

**ADV THANDI NORMAN**: Of the Ambassador. Thank you.

20 **CHAIRPERSON**: Thank you very much Ambassador for coming to give evidence and help the Commission. Thank you very much.

**AMBASSADOR JERRY MATJILA**: So, Chair, can I go back to New York? Is that I am released?

**CHAIRPERSON**: If I refuse your request, what will happen to South Africa in the family of the nations?

**AMBASSADOR JERRY MATJILA**: Thank you very much.



**CHAIRPERSON**: You are excused. You can go back to New York.

**AMBASSADOR JERRY MATJILA**: Thank you so much.

**ADV THANDI NORMAN**: Thank you

**CHAIRPERSON**: Thank you, thank you.

**ADV THANDI NORMAN**: Thank you, Chair. Chair.

**CHAIRPERSON**: Do you want a short adjournment?

**ADV THANDI NORMAN**: Yes, please.

**CHAIRPERSON**: Yes.

**ADV THANDI NORMAN**: Thank you, Chair.

10 **CHAIRPERSON**: Okay. We would take a short adjournment before the next witness.

**ADV THANDI NORMAN**: Thank you.

**CHAIRPERSON**: Thank you.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON**: Are you ready?

20 **ADV THANDI NORMAN SC**: Yes thank you Mr Chairperson is Ambassador Koloane but before I lead Ambassador Koloane his legal representatives would like to place certain matters before you, thank you.

**CHAIRPERSON**: Ja, okay.

**ADV MAHAN**: Thank you Chair, just for purposes of formality to place ourselves on record, I represent Ambassador Koloane, it is Advocate Mahan assisted by Advocate Chavalalah. Ambassador Koloane was not formally subpoenaed but was requested to appear by the Commission's

Legal Team on the 27<sup>th</sup> of June, he has made arrangements to be here at their request. We – the impression that we got from the letter was obviously that the Commission's Legal Team intended to lead the evidence of Mr Koloane and I understand that that is what they intend to do.

**CHAIRPERSON:** Yes, yes.

**ADV MAHAN:** We will if so advised we may re-examine.

**CHAIRPERSON:** Ja, no that is fine.

**ADV MAHAN:** As it please you.

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

**ADV THANDI NORMAN SC:** Thank you Mr Chairman. Mr Chairman Ambassador Koloane does not have a formal statement that has been placed before you. There has been some misunderstanding as to what is it – the break, the period that was requested on Tuesday but be that as it may he is willing to testify and I would beg leave to lead him. Thank you. May he be sworn in.

**CHAIRPERSON:** Administer the oath or affirmation to him.

**REGISTRAR:** Please state your full names for the record.

**AMBASSADOR VUSI BRUCE KOLOANE:** Vusi Bruce Koloane.

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

**AMBASSADOR VUSI BRUCE KOLOANE:** Definitely not.

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

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes I do.

**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?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes.

**REGISTRAR:** If so please raise your right hand and say so help me God.

**AMBASSADOR VUSI BRUCE KOLOANE:** So help me God.

**REGISTRAR:** Thank you.

**AMBASSADOR VUSI BRUCE KOLOANE:** (duly sworn, states)

**CHAIRPERSON:** Thank you very much. Ambassador as Ms Norman has indicated we do not have a statement from you, but because of  
10 what she says was a misunderstanding but we do have material where your name is mentioned in regard to the incident that we want you to share your knowledge about. I just want to indicate to you that you will be asked questions by Ms Norman, I may also ask questions, just feel free, answer to the best of your ability, and if you do not understand a question feel free to ask for it to be repeated, and it will be repeated, and give your answers to the best of your ability and as honestly as required when anybody is under oath.

The whole purpose is to understand what happened, what role everyone who is mentioned played, had played and since you are  
20 mentioned we also want to understand what role you played and it is important that I should understand as much as possible because in the end I will make findings. I must understand your own perspective as well as to what your role was, what may have been in your mind in dealing with matters in a particular manner, so this is an opportunity where you can just share with the Commission exactly what you know

and your perspective so that when you are done we have – I have a full picture of what your role may have been, you understand?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes I do Mr Chairperson.

**CHAIRPERSON:** Yes thank you, you may proceed Ms Norman.

**ADV THANDI NORMAN SC:** Yes thank you Mr Chairman. Ambassador is it correct that you are currently serving as an Ambassador in the Netherlands?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes it is.

10 **ADV THANDI NORMAN SC:** Yes, and as you have indicated you have been invited then to tell your version of what – the persons that you listened to last week, the evidence of Ms Sindane, the former Director General of Justice and Constitutional Development and the evidence of Major Ntshisi, you were present when those persons testified, is that correct?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes I was.

**ADV THANDI NORMAN SC:** Yes, now shall we then just deal briefly with how you got to know about the landing of the Jet Airways at the Waterkloof, the very first time that you were told about it, who told you and ...(intervention)

20 **CHAIRPERSON:** The request ...(intervention)

**ADV THANDI NORMAN SC:** ...and the request ...(intervention)

**CHAIRPERSON:** The request for the landing.

**ADV THANDI NORMAN SC:** The request for the landing yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** Well I got the request for the landing for the – to know about the request for the landing was

when I got a telephone call from the former High Commissioner of Indian, Ambassador Gupta, who called me and informed me that they had applied for a flight clearance for landing at Waterkloof and it has been over six days but they have not had a response whilst not a few months earlier they had heard the President of India visiting South Africa on a State visit and it took less than three days to get the flight clearance, so he wanted to say to me Ambassador can you check for me and follow up to find out what is keeping it for this long, that is the first time that I heard about it.

10 **ADV THANDI NORMAN SC:** Yes, now ...(intervention)

**CHAIRPERSON:** Maybe before we proceed there, maybe let us just hear what your usual role is in regard to requests for visits for Heads of State, Ministers, or private visits in terms of what your function was, your job was at that time.

**AMBASSADOR VUSI BRUCE KOLOANE:** Okay. Thank you Chair. As the Chief of State Protocol and I am talking about the portfolio, not the individual, one of the things that is principally your responsibility is the maintenance of cordial relations with all the diplomatic missions which are resident in South Africa. You become the first point of call to South  
20 Africa because any person coming to South Africa first interacts with Protocol before they can even meet with the political principals, and therefore in servicing all the diplomatic missions I get requests of – that are wide-ranging, ranging from saying Ambassador assist us, there are people who park right in front of our Embassies and therefore I have to engage the Diplomatic Police and say can you please go and

assist the Embassy of Singapore is complaining, and they will go and check and they will see that maybe they may need to demarcate the area so that it is clearly mark that it is only diplomatic parking or it may also go to the extent of a request for flight clearances coming into the Republic of South Africa, and I think as was also indicated between Wednesday and Thursday when we heard the testimonies of the people that you have mentioned earlier there are three ways, I think it was stated under oath there as well that such requests may come, they may go directly to the Department of Defence or they may come through  
10 DIRCO, I have forgotten the third one that they mentioned. In this if they come through DIRCO what normally happens is that I will say, I will anyway normally as the DG said earlier I would have known about it because if it is a State visit during the meeting that is convened by the DIRCO General called the DGF where all the DDG's sit we share the programs of work in terms of what is going to be happening. If it is somebody, a Head of State from Europe who is coming, for example they will say to me in the meeting the DDG in charge of Europe will then report to the DGF and say by the way we have a State visit coming from Spain and the Presidency has confirmed availability and so has  
20 the Minister, so we have just received the correspondence from them through the note verbale and we are now going to be sending it to the Chief of Protocol so that we can start triggering the actions.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** So the initial note verbale does not come to me, it goes directly to the DDG dealing with the

program area and then that is actually what happens and then all we do on our side without then interacting with that mission because once they receive the response from the responsible Deputy Director General dealing with the branch then they will start writing directly to me because the response will say to them the Minister has confirmed the availability of the President for the dates that have been requested, please start liaising with the Chief of Protocol on Logistical matters and they will put my contact details and accordingly the mission then will start liaising with us in sending the note verbale request and the flight

10 clearance, and I would like to also clarify something, maybe to demystify one minor issue about the note verbale, the note verbale they will send to us will contain all the details as was earlier indicated by both the official from DTI, Matjila, not the one who was testifying today but the one on Thursday, as well as General Ntshisi from Defence. The details of what size of a flight is that, how many people on board, who is head of the delegation etcetera, so we do not ourselves in Protocol draw up the note verbale, we forward that note verbale that we will have received and say please find attached a note verbale that has been sent etcetera, etcetera.

20 **ADV THANDI NORMAN SC:** Yes, no I do not recall anyone saying that DIRCO does draw it, our understanding is exactly the way you put it, DIRCO does not draw it but it receives it.

**AMBASSADOR VUSI BRUCE KOLOANE:** Ja, I was just clarifying because when I was sitting on Wednesday in the responses I heard a response saying there will be a note verbale coming from DIRCO so I

was trying to clarify it that yes there will be a note verbale forwarded by DIRCO but not emanating from DIRCO as the writer of the note verbale.

**ADV THANDI NORMAN SC:** Alright, now let us just take this one step at a time. You have just given an answer that the DG would know that there is a request coming from a foreign country and then the DG then will bring that particular DG will bring that to your attention?

**AMBASSADOR VUSI BRUCE KOLOANE:** No I said the DDG.

**ADV THANDI NORMAN SC:** The DDG.

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Who deals with the particular branch, say in this instance it will be Asia and the Middle East so the DDG will then report in the meeting of the DGF that there is going to be this State visit. Even if the DDG for whatever reason either is not able to attend the DGF but his office will at least convey to the office of the the Chief of State Protocol that please note that the DDG asked us to inform you that the President has agreed to the following days etcetera, etcetera.

**ADV THANDI NORMAN SC:** Alright, okay let us talk about this incident then. We know that there was no Head of State coming, is that  
20 correct?

**AMBASSADOR VUSI BRUCE KOLOANE:** I would – now yes I do.

**ADV THANDI NORMAN SC:** Now you know.

**AMBASSADOR VUSI BRUCE KOLOANE:** Ja.

**ADV THANDI NORMAN SC:** Okay now at the time what was your understanding of in respect of whom was the request being made?



**AMBASSADOR VUSI BRUCE KOLOANE:** When the High Commissioner, as I indicated earlier that my first time to hear about it was when the High Commissioner of India called me and I was not in the office when he called. He said to me we have submitted a flight clearance request for a Ministerial delegation coming from India but we have not had a response, so that was for me, that is why I took it that it is a Ministerial response.

**ADV THANDI NORMAN SC:** Yes, no, no but then there is no mention of a Head of State there is it?

10 **AMBASSADOR VUSI BRUCE KOLOANE:** No in our discussion he did not mention anything about the Head of State.

**ADV THANDI NORMAN SC:** Yes, so at that time when then the request, when this was brought to your attention by the Head of State you knew that there was no Head of State ...(intervention)

**CHAIRPERSON:** By the High Commissioner.

**ADV THANDI NORMAN SC:** By the Commissioner, I beg your pardon, thank you Mr Chair. Okay, may I just repeat that, when the High Commissioner of India called you he did not mention that there would be a Head of State in respect of the request that he was following up  
20 on.

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct.

**ADV THANDI NORMAN SC:** Yes. So at what point, if any point at all, did you then get to understand that there would have been a Head of State?

**AMBASSADOR VUSI BRUCE KOLOANE:** I think during the meeting I

had with NICOC they indicated that it was first the Head of State and then it was downgraded to a Minister and then further to an MEC equivalent, but that is information I had not been privy to because the request for such a flight clearance was sent directly to Defence and not to DIRCO, hence I would not have been privy to that information.

**ADV THANDI NORMAN SC:** Yes, so then the High Commissioner called you and says look there has been some delays and we know that usually these things are done quickly, so what was the first thing that you did?

10 **AMBASSADOR VUSI BRUCE KOLOANE:** The first thing I did was to call my personal assistant and I said to her my dear I have a challenge, I just got a call from the Head Commissioner of India complaining, because that is what he was doing, can you please follow up with our official who deals with these issues to find out what is the bottleneck. At that time I was under the assumption that the Indian High Commission had submitted all the documents through DIRCO, hence my recommendation to my PA to contact the gentleman by the name of Mr Matjila, who works for DIRCO.

**ADV THANDI NORMAN SC:** Yes, so then you said look into this, you  
20 say to your PA look into this, that is Ms Morris, is that correct?

**AMBASSADOR VUSI BRUCE KOLOANE:** That is correct, it is Ms Morris.

**ADV THANDI NORMAN SC:** Is that Ms Morris?

**AMBASSADOR VUSI BRUCE KOLOANE:** Ja.

**ADV THANDI NORMAN SC:** So you say to her look into this thing,

there is a complaint from the High Commissioner, India, they say there is a bottleneck.

**AMBASSADOR VUSI BRUCE KOLOANE:** I did not say bottleneck I just said ...(intervention)

**ADV THANDI NORMAN SC:** Find out where the bottleneck is?

**AMBASSADOR VUSI BRUCE KOLOANE:** Maybe can I rephrase and state it as I am trying to express it?

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** I said to her I received a  
10 call from the Indian High Commissioner complaining that they have filed an application for flight clearance, which on average takes two to three days because a few months earlier they had had a visit, a State visit, but this has taken over six days and hence he is edgy and wants to find out what is the cause of the delay with the processing of the application.

**ADV THANDI NORMAN SC:** Yes, so at that point then when High Commissioner called you, you also had no idea of what he was talking about?

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct, I did not have any  
20 idea, that was the first time that I heard about the visit.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** Okay before we proceed, the information you got from the High Commissioner was that it was a Ministerial visit or there were going to be Ministers on the aircraft?

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct Mr Chairperson, he

just said to me there are Ministers who are coming, I think he said six or eight and that they submitted an application, it is more than six days but they have not had a response.

**CHAIRPERSON:** Yes, on your understanding would your office or DIRCO be involved in anything relating to flight clearances in circumstances where an aircraft might have ministers from another country who are not coming into the country on official business, would DIRCO or your office be involved normally in such a case?

**AMBASSADOR VUSI BRUCE KOLOANE:** I think that will depend on  
10 the what they call the threat assessment that would be conducted by the security, because sometimes the ministers come for purely private visits.

**CHAIRPERSON:** Yes

**AMBASSADOR VUSI BRUCE KOLOANE:** But because of the threat levels it may be deemed to be too high then DIRCO may get involved in facilitating that they get protectors and things like that.

**CHAIRPERSON:** Yes, yes, but if there is no suggestion of any threats and it is just they are not going to meet any government official or ministers or anybody, it is really a private visit would your office being  
20 DIRCO be involved, would DIRCO be involved at all?

**AMBASSADOR VUSI BRUCE KOLOANE:** At the request stage Mr Chair yes because if they send the request, if for example the Indian High Commission sends a request and says – and they are applying for in the note verbale format complying with the procedure but stipulating in the note verbale that this is a private visit, people coming for a

private visit but it is ministers can you request defence that you can land at Waterkloof. We do not have the legal mandate as DIRCO to say sorry you cannot land, yes you can, that is the principal domain of Defence, so we as DIRCO would be like a post office that will take and pass it on to Defence and then if Defence says yes they say yes if they say no they no, and that is how – that is the nature and the limit of our involvement.

**CHAIRPERSON:** Yes, so to some extent whether the embassy office of the relevant country makes such a request is a factor to be taken into  
10 account but if it does make such a request even with a private visit yours is just to pass on the request to the Department of Defence?

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct Chair, I can actually provide an example to that effect which maybe the Chair may also want to verify, the mother of the King of the e-Swatini has landed on a few occasions at Waterkloof on a private medial visit, coming for private medical reasons, so all we do is just process as to what criteria they use to allow her to land or not to land is fundamentally the responsibility of Defence, so ours is just to process and we are like a post office, a conduit, if one may use the word of interaction between  
20 diplomatic missions and Defence when it comes to requests of landing at Waterkloof and I mean as you – I am sure the Chair will agree that the mother of the King of the e-Swatini is neither a public office bearer, a politician or Head of State but I am saying she has landed, not once, at Waterkloof, but again if you were to ask me Chair sitting here what criteria was utilised to decide that she can land I would not be able to

answer it because like I said earlier that is the principal domain of the Department of Defence.

**CHAIRPERSON:** And is that the case whether it is a State visit, official visit or private visit, namely the people who must decide in the end whether they allow the landing of an aircraft falling under those categories is the Defence Force?

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct, if the request is to land at Waterkloof Chairperson, because it may be that they are doing renovation of a runway, so I will not have that knowledge sitting in  
10 DIRCO so they are only people who can know whether all their systems up to date, everything is good for them to accept the size of the aircraft etcetera, so whilst DIRCO and the Presidency may agree to receive a particular Head of State on a particular date but the decision to land in Waterkloof will not reside with the President or the Minister of DIRCO either it will depend on the availability of Waterkloof and the only people who will know about the availability, the size of the aircraft etcetera will be the people who are given that mandate constitutionally, which is the Department of Defence.

**CHAIRPERSON:** Would the difference be that if it is a State visit or  
20 official visit DIRCO and your office would have had certain roles to play in order to make sure that South Africa played its role if that visit happens?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes Mr Chairperson as was earlier also indicated, if it is a State visit I will then also coordinate an inter-departmental meeting where it just ...(intervention)

**CHAIRPERSON:** And the State visit is only one which involves Heads of States?

**AMBASSADOR VUSI BRUCE KOLOANE:** It can be the head of State or the Deputy Head of State as well.

**CHAIRPERSON:** Yes okay.

**AMBASSADOR VUSI BRUCE KOLOANE:** In some – whether it is the President or the Prime Minister or the King depending on the form of governance in a particular country. In that instance I personally will call a meeting, an inter-departmental meeting, which will include  
10 amongst others SAPS, particularly the presidential protection services team, I will call people from maybe DTI if the (indistinct) was coming we will call them, but normally we will call people from Home Affairs, we will get people who are dealing from the Intelligence Sector as well who deals with the issues of accreditation to make sure that they will address issues related to accreditation, that they will also make sure that they put together a security strategy and plan identifying the routes because as you work on the program and we know which meetings are going to be taking place and where we need to decide on the best logical route to take given the traffic, we then get also people  
20 from the Metro Police to come in because we will also request some escorts so yes we get extremely involved because it is the – it is a Head of State meeting that is going to be happening but only in as far as dealing with and organising the logistics and not the substantive component of the visit by the Head of State.

**CHAIRPERSON:** Okay. Yes.

**ADV THANDI NORMAN SC:** Thank you Mr Chairman. So then let us talk about then your secretary would have made enquiries, what did you discover, did she report back to you as to what she discovered?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes she called me and said the gentleman from DTI does not seem to know anything because they have not sent anything to him, he has not received anything, and I called the Ambassador, the Head Commissioner of India I said there does not seem to be anything and he said oh but we we sent it directly to Defence, and again I assumed like I said earlier that a few months  
10 earlier they had had a State visit that they had submitted all documentation as per the previous exercise, and I then asked, because I did not have the number, I did not even know the name of the person, I then asked to be given the number and the name so that I could call, like I do also call other government departments when there are issues to make enquiries.

**ADV THANDI NORMAN SC:** Yes and then who did you then call?

**AMBASSADOR VUSI BRUCE KOLOANE:** I called is it Ntshisi?

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes.

20 **ADV THANDI NORMAN SC:** Yes, so at that point when you were calling Mr Ntshisi you had not had sight of any documentation?

**AMBASSADOR VUSI BRUCE KOLOANE:** I had not, I was just acting purely under the assumption that there has been total compliance with the administrative requirements in terms of documentation that must be submitted etcetera, because a few months earlier they had had a visit



of their Head of State and they had complied fully to the extent that they had been granted the flight clearance to land at Waterkloof.

**ADV THANDI NORMAN SC:** Yes, so then what did you convey to Warrant Officer Nshisi, at the time he was a warrant officer.

**AMBASSADOR VUSI BRUCE KOLOANE:** I the said to him please sir can you held because this High Commissioner is on my case, can you please process this application.

**ADV THANDI NORMAN SC:** At that point you had not had any documentation with you, you had not had sight of any application?

10 **AMBASSADOR VUSI BRUCE KOLOANE:** I was out of my office, although I cannot, as you will imagine it was more than six years ago, I cannot recall exactly where I was but I was not in the office so I was only dealing with this by phone, I had not seen any documentation whatsoever.

**ADV THANDI NORMAN SC:** Yes, you have already told the Chairperson that you have no powers over defence, I am just trying to understand the basis upon which then without any documentation at your disposal at the time would you then have to ask Warrant Office Ntshisi to process the application, I just want to understand the basis  
20 upon which you did that?

**AMBASSADOR VUSI BRUCE KOLOANE:** Okay, as I indicated earlier if an Embassy of Singapore complains that there are people who are parking right in front of their embassy where they are supposed to be parking because according to the Vienna Convention provisions we need to give them at least two bays where they can park their officials

cars. If they complain that there are people parking all the time because they are not demarcated I call the Diplomatic Police, although I do not have power for decision making but I call them and I say please can you attend to this problem because it is going to create unnecessary diplomatic tensions since my responsibility is to ensure that we have cordial relations and I am the conduit, and in fact when they arrive and I receive them before they get their credentials I explain that if you have any problem whatsoever, irrespective of which department protocol dictates that you come through me and I will  
10 facilitate that you have somebody attending to the matter. Equally with calling Defence I understand fully that I do not have authority over officials working for Defence but to request that the process should not be an issue because all I am saying is process, I am not saying issue or not, processing is can you address or attend to this business because it is creating unnecessary problems.

**ADV THANDI NORMAN SC:** Yes, what did Warrant Office Ntshisi say to you when you said to him please process this application?

**AMBASSADOR VUSI BRUCE KOLOANE:** I think when ...(intervention)

**CHAIRPERSON:** I am sorry, maybe let us start with the question  
20 whether when you phoned him he was aware of the application as at that time as far as you recall? Or was he hearing about it for the first time from you?

**AMBASSADOR VUSI BRUCE KOLOANE:** No I think he already was aware of the application.

**CHAIRPERSON:** Okay.

**AMBASSADOR VUSI BRUCE KOLOANE:** That is the impression that I get.

**CHAIRPERSON:** Yes, okay, alright.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** So, yes.

**ADV THANDI NORMAN SC:** Thank you Mr Chairman, so then what did he say to you then, if he was aware or the impression you got was that he was aware of the application, and you said to him please process it, what was his response?

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Although I cannot accurately recount the words verbatim but I think he said something to the effect that I think there was note verbale attached or something like that for him to be able to enquire into all the necessary processing that is necessary.

**ADV THANDI NORMAN SC:** Yes and then what was the discussion among the two of you?

**AMBASSADOR VUSI BRUCE KOLOANE:** Although I do not recall like I said every single thing we discussed but all I remember saying, because it was standard approach I used with everybody, irrespective  
20 of government department, I would say to them if there is an issue with the application revert back to the embassy, the High Commission, so they know what the issue is because keep quiet for six days is just not you know healthy for our standing in terms of these countries must look at us.

**ADV THANDI NORMAN SC:** Yes. In the end what was the

understanding between you now and Major Ntshisi?

**AMBASSADOR VUSI BRUCE KOLOANE:** I am not sure I understand what you mean.

**ADV THANDI NORMAN SC:** In the understanding you had made the call to him to process it, did he report back to you that now we have processed it?

**CHAIRPERSON:** Or maybe before that.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** Maybe you can just tell me the full conversation that  
10 was – that the two of you had accepting that it is quite some time back that this happened but also accepting that you have had access to documents and reports I think of what different people may be saying happened and I assume even with regard to Mr Ntshisi's own version if you can just tell me this is my recollection of what transpired during that conversation?

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct. According to my recollection Chair as I indicated earlier mine was to say to him please can you make sure you process – expedite processing the Flight Clearance Application you have received from the Indian High  
20 Commission. And again I want to stress the word processing the application. And he indicated that there were documents missing and I asked which ones. He said I think one of them is a note verbale. And I said please just check everything that is not in order and revert back to the embassy rather than sitting for 6 days and not going back to them so that you can – you can address the matter. I think in essence that

was actually what transpired and I had also – I think he called my PA or my PA called him thereafter I am not sure but my PA – and also I had asked my PA to convey the same thing that I actually want to see that this matter is processed. And I take note of the email that my PA sent which I think was either a misunderstanding on her side or maybe a failure on my side to present it the way that she put it understand it properly because the email she sent subsequently said, Ambassador Koloane approves the issuing of the flight clearance. Obviously I have got no authority Chairperson because I think if you think about this

10 there are certain things that must be met to be able to issue a flight clearance. One of them is that you must be able to have access to civil aviation information otherwise if anybody can just issue that bodies would be falling from the skies because planes will be crashing. So I do not have access to that. So I cannot issue it because when you issue you have to issue coordinates, etcetera that people must utilise when they take off or when they arrive for landing or even en route coming to South Africa. I do not have access to that information. I do not know if the Department of Defence would be having a ceremony or an event on that particular day. I cannot know that so that is why I say

20 it is either a misunderstanding on her side or maybe my failure to explain it properly to her because [indistinctly] discussion with her that all I want is to see this matter being processed which is my responsibility to make sure that it is processed. As to whether the answer is yes we issue or no I will convey whatever answer comes because I cannot and also particularly given that one of the most

notorious government departments for following protocols stringently is the Department of Defence. So I would not. I mean I had been doing this – this work of facilitating flight clearance through my team of course not directly myself for over two and half years and therefore I was alive to the realities in terms of procedures and processes that I had no legal mandate whatsoever to dictate to any government department. Even when we had an inter-departmental meeting I could not dictate to the police although I was the Chair of the meeting I will say to them, you know you have a role to play to provide security, what  
10 is your plan? Have you identified people? Who are the names so we can put them on the list? But I did not ever give myself power that I never have because I knew my limitations in terms of the statutes and there is no way I will have actually given instruction that I order an official from another department to issue when also there are – there are processes horizontal processes in that department that must be followed. So – and furthermore I would just like to state for the record as well Chair that I even further said to my PA, please make sure that the following people are also copied so that because I am in a meeting they can also follow up. And the Director of State visits that was  
20 referred to earlier on Wednesday Ms – or Thursday Ms Grace Mason you will note is copied on that email and somebody as well I think Ms Sally. There are two people copies who was senior managers. So if I was of an agenda to do something dubious why will I say let us copy some senior managers within protocol who know exactly processes must be followed. I think for me there was purely an issue of either I

fail to get across to her properly or it was either an issue of pure misunderstanding.

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

**CHAIRPERSON:** Hm.

**ADV THANDI NORMAN SC:** Then in your interactions with Warrant Officer Ntishisi did he ask you for anything in writing or something in writing?

**AMBASSADOR VUSI BRUCE KOLOANE:** No. He did not and then I got a call from ...

10 **CHAIRPERSON:** I am sorry should we not go to that letter from the PA?

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** Or do you want to deal with that later?

**ADV THANDI NORMAN SC:** No I wanted – I can go to it Chair it is at page 199 of Exhibit FF – at page 199 Exhibit FF4. Ambassador you will find it is that big lever arch file next to you.

**AMBASSADOR VUSI BRUCE KOLOANE:** FF4?

**ADV THANDI NORMAN SC:** Yes. Could you just look at the spine of that – is that FF4?

20 **AMBASSADOR VUSI BRUCE KOLOANE:** ja.

**ADV THANDI NORMAN SC:** Thank you. Okay.

**CHAIRPERSON:** Did you say page 199?

**ADV THANDI NORMAN SC:** Page 199 yes. Thank you. It will start from – we have on line 8 – okay. Yes this is from – you have already identified Ms Morris is your secretary at page 199 and that is dated the

9 April 2013.

**AMBASSADOR VUSI BRUCE KOLOANE:** Ja.

**ADV THANDI NORMAN SC:** Yes and you mentioned somebody who had been copied there?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes cc Ms Mason.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** Ms Mason was the Director of State Visit who would be the person in the event of a Minister coming who will then appoint protocol officers that will take care of that  
10 business. Ms Sally Ramokgopa was my Deputy Chief of State Protocol at the time.

**ADV THANDI NORMAN SC:** Yes. And then what does Ms Morris convey to these people?

**AMBASSADOR VUSI BRUCE KOLOANE:** As I stated earlier she says:

**CHAIRPERSON:** You can read the letter.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** The email.

**AMBASSADOR VUSI BRUCE KOLOANE:** It says:

20 “Ambassador Koloane has telephonically approved  
the request.”

**ADV THANDI NORMAN SC:** He is writing to:

**AMBASSADOR VUSI BRUCE KOLOANE:** He is writing to William.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** That is Mr William Matjila?

**AMBASSADOR VUSI BRUCE KOLOANE:** William Matjila.



**ADV THANDI NORMAN SC:** Yes. What does he say in the email?

**AMBASSADOR VUSI BRUCE KOLOANE:** I repeat she says:

“Ambassador Koloane has telephonically approved the request.”

**ADV THANDI NORMAN SC:** No, no, no there is something else there.

Could you just read the entire email please?

**AMBASSADOR VUSI BRUCE KOLOANE:** Oh.

10 “As per your discussion with Ambassador Koloane with regard to the request for flight clearance and landing at Waterkloof AFB for the Indian delegation. Kindly note that Ambassador Koloane telephonically approves the request.”

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** Hm.

**ADV THANDI NORMAN SC:** Now if he – if she says Ambassador Koloane has telephonically approved the request, what request would that be?

20 **AMBASSADOR VUSI BRUCE KOLOANE:** Again like I stated I only said that I want – I authorise that they follow up to make sure that this whole application is processed but that is why I am saying it either must have been a misunderstanding on her side because I am not the one who drafted the email but the orders or the instructions I could only give – give them a mandate is to say to them can you please follow up and check is happening or can you push that they process this thing so we can give the response irrespective of what the outcome of the

person will be.

**ADV THANDI NORMAN SC:** Yes. Now let us take a situation where let us say it is a head of state from another country who has applied or requested to land alright.

**AMBASSADOR VUSI BRUCE KOLOANE:** Hm.

**ADV THANDI NORMAN SC:** And that request is sent to DIRCO.

**AMBASSADOR VUSI BRUCE KOLOANE:** Hm.

**ADV THANDI NORMAN SC:** There is nothing wrong about it and you as DIRCO all the processes that you said you follow you would have  
10 followed and you quite comfortable. You have checked with the Presidency as you would say, you checked with the Minister and you comfortable that that aircraft should be allowed by defence if it is defence to land, would you in those circumstances say, DIRCO is comfortable and DIRCO approves the – or – approves the landing?

**AMBASSADOR VUSI BRUCE KOLOANE:** The answer is no Ma'am. Like I said earlier DIRCO does not have any legal mandate whatsoever to determine whether any flight can land in Waterkloof or not. All we do we are like a conduit, a facilitator for passing applications to defence and then defence will decide like I said. Because they could be  
20 renovating the runway or anything like that so DIRCO cannot including the Minister of DIRCO cannot authorise that the let – the plane land in Waterkloof. All we do we really facilitate that information be moved from the diplomatic mission to defence.

**ADV THANDI NORMAN SC:** Yes. When did you discover for the first time that your secretary had sent this letter – or this email to Mr

Matjila?

**AMBASSADOR VUSI BRUCE KOLOANE:** I do not remember but it must have been quite some time later. I do not recall. I think in fact I might have only learnt of it when the NICOC investigation had started if I remember well.

**ADV THANDI NORMAN SC:** Yes. And then when you then discovered that there was this investigation and yoh now you secretary had issued something like this what steps did you take?

**AMBASSADOR VUSI BRUCE KOLOANE:** I did not Ma'am because it  
10 was post the landing phase and also as I was earlier indicated by  
Ambassador Matjila on that same following day the Minister had taken a  
decision that I be suspended from the department so that I will not  
interfere or tamper with potential witnesses. So any direct engagement  
with her would have constituted if you like tampering with evidence.  
Albeit I was not happy with the manner in which I was suspended  
because in terms of the Public Service Prescripts I should have been  
given seven days to write back to tell her why I do not think I should be  
suspended and that was not done. As you can see from the letter that  
Ambassador Matjila showed earlier of the 2 May it was exactly a day  
20 after and the letter was given just like that. And I did indicate when I  
accepted the letter that only because I want to cooperate I will accept it  
but I believe that my rights have been violated again.

**ADV THANDI NORMAN SC:** Yes. Now let us deal with that – before we  
deal with the rights insofar as your suspension is concerned I just want  
to understand – because from – what you have told the Chairperson the

very first time you got to hear about it is – it is when this high commissioner called you about it and you would not have been involved in anything else that was intended to either facilitate this landing or in any way that would be seen to be you having tried to assist other than the call that you made to Warrant Officer Ntshisi?

**AMBASSADOR VUSI BRUCE KOLOANE:** I assume we are talking about the request for the Ministerial plane for the alleged plane carrying Ministers that was requested to land at Waterkloof?

**ADV THANDI NORMAN SC:** Yes.

10 **AMBASSADOR VUSI BRUCE KOLOANE:** No nothing else.

**ADV THANDI NORMAN SC:** Nothing else? Okay. What else would I be talking about?

**AMBASSADOR VUSI BRUCE KOLOANE:** I think it is from the reports it is common knowledge that I was invited to a meeting at OR Tambo International Airport wherein there was then former Minister Ben Dikobe Martins.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** And there was the CEO of ACSA and myself and there was a Mr Gupta there and they wanted to  
20 request landing at OR Tambo International Airport. So the Minister wanted to get an advisory opinion from both the CEO of ACSA and myself because they had also requested the use of the diplomatic lounge at OR Tambo and the OR Tambo falls under the management under the Chief of Protocol in – I mean the – the protocol lounge also falls under the management of the Chief of State Protocol so I had to

come on [indistinct] advisory. And I did advise in that meeting that I do not think it is going to be viable, I do not think it will work because it is also used by our own protocol leadership, our executives as well as diplomatic missions so therefore I advised against that and so did the CEO of ACSA who also equally advised against arguing if I remember well although again it is some time back but I think his argument gravitated towards saying we have got regular clients that keep our business going we cannot chase them away only to accommodate you for a one or two day event.

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

**AMBASSADOR VUSI BRUCE KOLOANE:** And the Minister of Transport said I take your advice and he advised them accordingly that sorry on the basis of this advice you cannot land at Waterkloof and we then further went beyond that during that meeting then recommended that they may want to contemplate approaching private airports like Pilanesberg and what is the other one called?

**ADV THANDI NORMAN SC:** Lanseria?

**AMBASSADOR VUSI BRUCE KOLOANE:** Lanseria airport. And with that the matter was dead.

20 **ADV THANDI NORMAN SC:** Yes. So then when...

**CHAIRPERSON:** I am sorry.

**ADV THANDI NORMAN SC:** Okay yes Sir.

**CHAIRPERSON:** In relation to the call you received from the high commissioner.

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes Sir.

**CHAIRPERSON:** And the meeting that you have just talked about. Which happened first?

**AMBASSADOR VUSI BRUCE KOLOANE:** The first meeting was the meeting that was called by the Minister Ben Dikobe Martins who was then Minister of Transport.

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** And then it was like the matter died for some time.

**CHAIRPERSON:** Yes.

10 **AMBASSADOR VUSI BRUCE KOLOANE:** And I thought okay nobody followed up so the matter then must have been sorted out either at Pilansberg or Lanseria as per the recommendation that we had made in the meeting.

**CHAIRPERSON:** Yes. That happened before you got a call from the high commissioner of India?

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct. The call from the high commissioner of India Chair was made to me after they had already submitted the application to the Department of Defence.

**CHAIRPERSON:** Yes.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** And definitely long after the meeting that we had had at OR International Airport.

**CHAIRPERSON:** Oh okay, alright. Now at OR – at the OR Tambo meeting.

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes Sir.

**CHAIRPERSON:** We have been told about a number of people who

attended then Minister Ben Martins was there.

**AMBASSADOR VUSI BRUCE KOLOANE**: Correct.

**CHAIRPERSON**: You were there?

**AMBASSADOR VUSI BRUCE KOLOANE**: Correct.

**CHAIRPERSON**: I think ...

**AMBASSADOR VUSI BRUCE KOLOANE**: The CEO of ACSA.

**ADV THANDI NORMAN SC**: Yes.

**CHAIRPERSON**: The CEO of ACSA.

**AMBASSADOR VUSI BRUCE KOLOANE**: And Mr Gupta was also  
10 there.

**CHAIRPERSON**: Was it Mr Tony Gupta who was there or was it another  
brother of theirs?

**AMBASSADOR VUSI BRUCE KOLOANE**: I think it was Tony Gupta.

**CHAIRPERSON**: Tony Gupta.

**AMBASSADOR VUSI BRUCE KOLOANE**: Although – although I might  
be mistaken.

**CHAIRPERSON**: Yes, yes. I take it that at that meeting Mr Gupta gave  
full information of what this was all – this trip or this visit, this landing  
that they wanted at OR Tambo was about?

20 **AMBASSADOR VUSI BRUCE KOLOANE**: Chair I am not sure whether  
full information will be appropriate but he gave some information

**CHAIRPERSON**: Yes.

**AMBASSADOR VUSI BRUCE KOLOANE**: Which I think was critical.

**CHAIRPERSON**: Yes.

**AMBASSADOR VUSI BRUCE KOLOANE**: For the Minister to consume

in order to be able to make a decision.

**CHAIRPERSON**: Yes.

**AMBASSADOR VUSI BRUCE KOLOANE**: And one of the things he did say categorically is that there was going to be a wedding and that there were guests that he is expecting to come and some of those guests will be Ministers and there might even be one of the Vice Presidents coming and that is why he was requesting the use of the Protocol Lounge.

**CHAIRPERSON**: Okay.

10 **AMBASSADOR VUSI BRUCE KOLOANE**: And that is how that part came in.

**CHAIRPERSON**: Okay. Okay. So that is the information that was revealed.

1. It is a wedding – wedding.

2. There would be some Ministers or maybe some Ministers.

**AMBASSADOR VUSI BRUCE KOLOANE**: He actually said there will be some Ministers Chair.

**CHAIRPERSON**: Oh he said there will be some Ministers.

**AMBASSADOR VUSI BRUCE KOLOANE**: And there may be a Vice  
20 President.

**CHAIRPERSON**: There might be a Vice President.

**AMBASSADOR VUSI BRUCE KOLOANE**: Correct.

**CHAIRPERSON**: Yes.

**AMBASSADOR VUSI BRUCE KOLOANE**: And also that they would have liked to get an area where they could have a cultural performance



to welcome and receive these special – the special guests.

**CHAIRPERSON**: Yes.

**AMBASSADOR VUSI BRUCE KOLOANE**: As they were presented.

**CHAIRPERSON**: Yes. And as you understood the conversation at that meeting was this cultural reception or welcome ceremony was it supposed to happen on the tarmac of the airport near where the aircraft would have landed or is that a detail that you cannot remember?

**AMBASSADOR VUSI BRUCE KOLOANE**: I would not remember that level of detail because my principal focus was on the matters dealing  
10 with protocol but I do recall that the CEO of ACSA did say something and again I am not quoting him verbatim.

**CHAIRPERSON**: Yes.

**AMBASSADOR VUSI BRUCE KOLOANE**: I want to stress that but he did say something along the lines of – look that is a very busy time, we dealing with a lot of processing of immigration etcetera so we cannot just take our regular clients that come to us and use this airport every day and put them aside for you who are coming for a one day event so it is going to be disruptive and that is why you cannot support it.

**CHAIRPERSON**: Yes.

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

**CHAIRPERSON**: Okay. I see we are two minutes or so past one.

**ADV THANDI NORMAN SC**: Yes. Thank you Chair.

**CHAIRPERSON**: We are going to take the lunch adjournment. We would normally take an hours – an hour long lunch adjournment but there is some urgent commission business that I have to attend to.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** So I am going to adjourn until three o'clock to attend to that urgent commission business.

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

**CHAIRPERSON:** And then we will resume at three.

**ADV THANDI NORMAN SC:** Thank you Chair.

**CHAIRPERSON:** Yes. We adjourn.

**REGISTRAR:** All rise.

**INQUIRY ADJOURNS**

10 **INQUIRY RESUMES**

**CHAIRPERSON:** Okay let us proceed. Thank you.

**ADV THANDI NORMAN SC:** Thank you. Ambassador I would like to refer you to the Exhibit FF1 which is the Exhibit that contains the statement of Ms Sindane. It is a small presentation file. Yes thank you. And I would like to draw your attention to page 10. It would be under the second divider marked number 2. Are you there?

**AMBASSADOR VUSI BRUCE KOLOANE:** Ja.

20 **ADV THANDI NORMAN SC:** Yes thank you. The sequence of events are recorded there but what I would like to ask from you because that is also recorded in that paragraph is whether it is correct that at the meeting that you held at OR Tambo together with the Minister of Transport – former Minister of Transport and Mr Maseko from ACSA whether in – I beg your pardon Mr Tony Gupta whether it was mentioned that the request that they were making at that meeting would – they would – the aircraft or whoever would have Ministers on board and four or five

Ministers on board.

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes it was Ma'am.

**ADV THANDI NORMAN SC:** Yes. And then having received then the call from the High Commissioner did you link the two incidents that there was a talk by Mr Atul Gupta of five Ministers and now you have a call somebody is saying look our request is taking long for it to be processed?

**AMBASSADOR VUSI BRUCE KOLOANE:** It happened a few months apart and initially I did not put any link to the two but when the actual  
10 landing happened I was actually in a position to say probably this must be linked.

**ADV THANDI NORMAN SC:** Yes. So between the time of the landing which should have been on the 30 April and this meeting of February 2013 you yourself...

**CHAIRPERSON:** Ms Norman have you got your – do you not want to say between the time of that meeting in February and...

**ADV THANDI NORMAN SC:** Oh yes and the ...this is what happens.

**CHAIRPERSON:** And the landing.

**ADV THANDI NORMAN SC:** Thank you Mr Chairman this is what  
20 happens when I eat a lot during the lunch break. Sorry. Thank you. During – you got the call from the High Commissioner would you say when you got that call from the High Commissioner was it at the beginning of April or just a few days before the landing in April?

**AMBASSADOR VUSI BRUCE KOLOANE:** I do not fully recall but I know that in the records it is there but I think if I remember well it was

probably a week or two prior to the landing.

**ADV THANDI NORMAN SC:** Prior to the landing?

**AMBASSADOR VUSI BRUCE KOLOANE:** Ja.

**ADV THANDI NORMAN SC:** So...

**AMBASSADOR VUSI BRUCE KOLOANE:** But I mean the dates of course are somewhere in one of these documents.

**ADV THANDI NORMAN SC:** Yes, yes. Alright. So then when you then contacted Major Ntshisi at that time when you contacted Major Ntshisi did you at any stage give him certain details about who is it that was going to be landing in the request that you were asking them to process?

**AMBASSADOR VUSI BRUCE KOLOANE:** When I initially contacted my office to contact Mr Matjila then Mr Matjila spoke to Mr Ntshisi and then subsequently I spoke to Mr Ntshisi myself but I do not recall whether there was too much detail in terms of who was going to be in that because I would not have known the information, the details of who would be in the – in the plane because the request for the flight clearance went directly to defence.

**ADV THANDI NORMAN SC:** Yes.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** Whereas if it came through DIRCO then we will actually have – would be privy to the list of the people who will be on board.

**ADV THANDI NORMAN SC:** Yes. When you contacted Mr Matjila what did you talk to him about?

**AMBASSADOR VUSI BRUCE KOLOANE:** As I indicated earlier I was

worried about the fact that I had received a phone call from the High Commissioner of India who was complaining that they had applied for a flight clearance and normally whilst it takes two or three days it has taken longer can I assist. Then I called to say can they please process that that was what I really wanted them to do to process that and whether they were going to say we are granting or not granting was not in my hands.

**ADV THANDI NORMAN SC:** No but we talking about Mr Matjila now from your department.

- 10 **AMBASSADOR VUSI BRUCE KOLOANE:** I also asked Mr Matjila to from my department to actually follow up and find out what is the bottle neck that is delaying the issuing or not issuing of the flight clearance.

**ADV THANDI NORMAN SC:** Is it possible that in your conversation with Mr Ntshisi you might have mentioned that there would be Ministers on board?

**AMBASSADOR VUSI BRUCE KOLOANE:** I do not recall.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** I do not recall at all.

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

- 20 **AMBASSADOR VUSI BRUCE KOLOANE:** But...

**CHAIRPERSON:** Well would ...

**AMBASSADOR VUSI BRUCE KOLOANE:** Of course the High Commissioner himself had indicated that they have sent an application for a Minister – Ministers will be coming on board that plane so although I do not recall there is a remote possibility that I might have

mentioned it because the High Commissioner did mention it to me as I said earlier on in the morning session.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** Well why do you say remote possibility because that is what you had been told at least that there would be Ministers.

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes Chair I do agree that I had been told by the High Commissioner that there will be Ministers but in the discussions that I had with for example everybody else I am not – I do not recall that I mentioned the name Ministers but I might have  
10 mentioned...

**CHAIRPERSON:** No, no I accept that. I accept that.

**AMBASSADOR VUSI BRUCE KOLOANE:** That is why I am saying remotely – that is why I am saying there is a possibility that I might have said that Chair.

**CHAIRPERSON:** Ja no I accept that you say you do not remember whether you mentioned that or not but I was thinking that it must be just as possible as anything because that is the knowledge you had namely in terms of what you were told - you had been told unless your knowledge had changed. You had been told by the ...

20 **AMBASSADOR VUSI BRUCE KOLOANE:** High Commissioner.

**CHAIRPERSON:** High Commissioner.

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct.

**CHAIRPERSON:** Both – well you had been told by the High Commissioner in the telephone conversation with you.

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes Chair.

**CHAIRPERSON:** But you had also heard from one of the Gupta brothers in the meeting that you had at OR Tambo that there would be Ministers?

**AMBASSADOR VUSI BRUCE KOLOANE:** But Chair I am trying to delink this because in my view there are two delinked processes. The one of the Gupta's mentioning the Ministers.

**CHAIRPERSON:** Ja.

**AMBASSADOR VUSI BRUCE KOLOANE:** Was a request made in February to land at OR Tambo airport to a meeting that I was invited to  
10 by the Minister as well as the CEO of ACSA.

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** And we decisively advised the Minister not to approve that they use that.

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** And for me that was the chapter closed because we had done that and the Minister in our presence also informed the Gupta's that unfortunately we cannot help you.

**CHAIRPERSON:** Yes.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** So that is why the issue of the Ministers that they are talking about there was different to the notion. The only mention of the Ministers who were requested to land at the Waterkloof Air Force Base was mentioned to me by the High Commissioner Gupta.

**CHAIRPERSON:** Yes, no I think mentioning one is good enough. You

know the one what the High Commissioner said to you.

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes Sir.

**CHAIRPERSON:** The other one was just an extra and we can put that aside. So what I am saying is I am reacting to you saying there is a remote possibility that you may have said – mentioned Ministers but I am wondering why you say it was – it would be a remote possibility. I would have thought you would say it is possible because that is what I was told. You know it is not like necessarily remote but it could have – it is very – it is possible.

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Well maybe if it pleases the Chair for me to clarify like that. Yes there is a possibility that I might have said so.

**CHAIRPERSON:** Yes thank you. Because they – from – in your mind at that stage that is what you were talking about an aircraft that you had been told would have Ministers.

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct Chair.

**ADV THANDI NORMAN SC:** Yes. Thank you Mr Chairman.

**AMBASSADOR VUSI BRUCE KOLOANE:** Please Chair bear with me because English is not my first language. Sometimes I fail to express  
20 myself appropriately.

**CHAIRPERSON:** Well – well so far I have had somebody who speaks English very eloquently.

**AMBASSADOR VUSI BRUCE KOLOANE:** Thank you. I will take that as a compliment Sir.

**CHAIRPERSON:** Okay alright.



**ADV THANDI NORMAN SC:** Thank you Mr Chairman.

**CHAIRPERSON:** Continue.

**ADV THANDI NORMAN SC:** And in fact it would make sense to mention that to Major Ntshisi because you want the relations between South Africa and India as you have indicated not to be really spoilt by these delays. So it would make sense to say, look I am told that there is going to be Ministers coming please look into this process.

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes Ma'am but also I think remember I think also in the morning session it was explained that the  
10 person who is the real custodian of strategic relations between South Africa and their own countries is – will have been in this case the Indian High Commissioner. So he is the one that we really service the most but like I said now with the advice from the Chair there is a possibility that I might have mentioned the word – the further – that there were Ministers who were going to be coming on board.

**ADV THANDI NORMAN SC:** Yes. And other than Mr Matjila from DIRCO and Major Ntshisi from defence did you mention – did you speak to any other person from defence?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes I did.

20 **ADV THANDI NORMAN SC:** And who is that person?

**AMBASSADOR VUSI BRUCE KOLOANE:** The lady that Colonel Anderson who used to work at the Air Force Base.

**ADV THANDI NORMAN SC:** Yes. At what point did you speak to her?

**AMBASSADOR VUSI BRUCE KOLOANE:** I spoke to her when – I mean on a few occasions. First of all like I said I had been in the Portfolio for

more than two and a half years so as the Chief of Protocol and we have had regular interactions and we were regularly in contact with each other because of work related issues. Every time whenever we are going to receive is there anybody there she was on a point of call so there was regular interaction so I would not really – it is not like there will be quietness for months. So there were regularly engagement for all other related matters that applied to both our portfolios.

**ADV THANDI NORMAN SC:** Yes but about this incident. About the complaints that you had received from the High Commissioner did you  
10 speak to Colonel Anderson about it?

**AMBASSADOR VUSI BRUCE KOLOANE:** I did mention it to her I think I cannot remember in what context but I did mention that I am frustrated because this Ambassador is busy nagging me and I am not sure where the process is.

**ADV THANDI NORMAN SC:** Yes. Was this before you spoke to Major Ntshisi or was it after you had spoken to Major Ntshisi?

**AMBASSADOR VUSI BRUCE KOLOANE:** I think it was around that time whether after or before I cannot have the appropriate recollection but it was around that period when I was – I had received the call and I  
20 was trying to ensure what is it that is the challenge so that they will process the issue.

**ADV THANDI NORMAN SC:** And you would have also mentioned to her that look I am frustrated, Ambassador says there will be many stars but I do not know where the process is, would you have mentioned the Ministers to her?

**AMBASSADOR VUSI BRUCE KOLOANE:** Ja definitely I would have ja.

**ADV THANDI NORMAN SC:** You would have?

**AMBASSADOR VUSI BRUCE KOLOANE:** Hm.

**ADV THANDI NORMAN SC:** And what is it that you wanted her to do about – about that?

**AMBASSADOR VUSI BRUCE KOLOANE:** Like I said I cannot remember the context in which the discussion happened whether I called her or she called me but like I said we were regularly in contact with each other so I would not really recall what was the – like who  
10 initiated the contact whether it was me who called when I mentioned that or it was when I had called that I had mentioned that.

**ADV THANDI NORMAN SC:** Yes. But what I would like to know Ambassador is what is it that you wanted her to do? We know what you wanted Major Ntshisi to do? You said you wanted them to – to work on.

**CHAIRPERSON:** I think – I think you may be speaking at cross purposes.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** I think what he is saying – the point he is making is.

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

**CHAIRPERSON:** To the extent that it may have been Colonel Sanderson – Anderson.

**ADV THANDI NORMAN SC:** Anderson.

**CHAIRPERSON:** Who called.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON**: She would have been the one who wanted something from him and therefore he cannot remember. But he says he cannot remember whether he is the one who called. So I think that is the distinction he wants. Because your questions says, what did he want from her/

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

**CHAIRPERSON**: And I think what he is saying is I cannot remember whether ...

**ADV THANDI NORMAN SC**: Whether I wanted something from her.

10 **CHAIRPERSON**: I am the one who called in which case you are right to ask me what I wanted her to do.

**ADV THANDI NORMAN SC**: Yes.

**CHAIRPERSON**: Or whether she called me. In which case she would be the one who would have wanted something from me.

**ADV THANDI NORMAN SC**: Alright. Thank you.

**CHAIRPERSON**: Mr – Ambassador is that – is my understanding correct...

**AMBASSADOR VUSI BRUCE KOLOANE**: Yes Chair.

**CHAIRPERSON**: Of the point you wanted to make?

20 **AMBASSADOR VUSI BRUCE KOLOANE**: Correct Chair but also I think the point I am really trying to clarify is that I am aware that we spoke a lot with her around the period when I was also following up to establish what is the bottle neck regarding the issuing of the flight clearance. So I would not know whether it was before I spoke to Colonel Ntshisi or it was after but it was around that period because it has been quite a

long tim.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** That has elapsed.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** Well at least from what you say maybe it does clarify at least in part...

**ADV THANDI NORMAN SC:** Slightly.

**CHAIRPERSON:** You say at some stage when you were speaking to her you sought to establish what was holding back the processing of the application but what you cannot remember is whether it was before you spoke to Mr Ntshisi or after.

**AMBASSADOR VUSI BRUCE KOLOANE:** With her Chair I was expressing my frustration at the fact that I have been nagged by the High Commissioner of India regarding the non-issuance of the flight clearance and I was trying to establish if she knew at all what – you know where the process was in as far as the [indistinct] concerned. Whether I asked her before or after I had spoken to Ntshisi I do not really recall.

**CHAIRPERSON:** Is what you cannot remember.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** Yes Sir.

**CHAIRPERSON:** Okay alright.

**ADV THANDI NORMAN SC:** Thank you. How long did it take for this issue to be resolved? Did it take weeks, how long did it take?

**AMBASSADOR VUSI BRUCE KOLOANE:** I do not really remember Ma'am. But I think we can establish that by checking the date on the

flight clearance because it will guide us in terms of when it was issued.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** Let us go back before – let us go back to your conversation with Warrant Officer Ntshisi. You have already testified about that.

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes Sir.

**CHAIRPERSON:** And you said what the gist of the conversation was. As far as you are concerned did you capture everything important in regard to that conversation?

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Yes Sir I think I did Chair.

**CHAIRPERSON:** Yes, yes. yes. And you would have read what I think is recorded in the – in the report. I think Warrant Officer Ntshisi if I am not mistaken says that one of things you said was that Number 1 or the President was aware of the – this request for a visit and as I understand what is recorded and I for now I leave out what Major Ntshisi said when he was in the witness stand because it may be necessary to recall him to clarify certain things. Is there – is your understanding that that is – that reference to Number 1 or the President does relate to that conversation or is it a later conversation?

20 **AMBASSADOR VUSI BRUCE KOLOANE:** Chair as of course in attempting to respond to the question.

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** Since of course there has been a big leg of time between the incidents that happened in my recollection I doubt that I would have actually used that word at all.

**CHAIRPERSON**: No, no let us take it step by step. For now let me not deal with what your version is. I am saying did you see in the documents that have been made available including the report of the Directors General that there is a suggestion that the version that was told to them was that in a conversation with Warrant Officer Ntshisi you said Number – you referred to Number 1 either Number 1 or the President that he was aware of the visit and you said something to the effect that the – the application should be approved either approved or processed but you mentioned Number 1 or the President, are you aware  
10 that that is what is in the documentation and is attributed to you before we can talk about whether it correctly reflects what you said.

**UNKNOWN COUNSEL**: Chair I am sorry Chair I am – may I approach?

**CHAIRPERSON**: Yes come. Yes.

**UNKNOWN COUNSEL**: I beg your pardon Chair but I think in fairness.

**CHAIRPERSON**: Yes.

**UNKNOWN COUNSEL**: In fairness to the witness.

**CHAIRPERSON**: Yes.

**UNKNOWN COUNSEL**: We should identify

**CHAIRPERSON**: Yes.

20 **UNKNOWN COUNSEL**: The particular paragraphs of the report which you have in mind because to my recollection what the report suggests is not that that exchange took place in a conversation between Ambassador Koloane and Mr Ntshisi but rather between Mr Ntshisi and Colonel Anderson.

**CHAIRPERSON**: Yes. No but you should listen to my question. I

asked him what his understanding is of what the documentation says. So in other words I said is his understanding that that was a conversation with Mr Ntshisi then or later in which case if his understanding is that the documentation does refer to any such conversation with Ntshisi where he mentioned that he can say no, no, no I am not aware that the documents have such a reference. I am aware that the documents refer to which mention that are documents relating to a conversation I had with somebody else.

**UNKNOWN COUNSEL:** Right Chair.

10 **CHAIRPERSON:** Do you understand?

**UNKNOWN COUNSEL:** I understand.

**CHAIRPERSON:** Okay alright. Thank you.

**AMBASSADOR VUSI BRUCE KOLOANE:** I am not aware Chair.

**CHAIRPERSON:** You are not aware?

**AMBASSADOR VUSI BRUCE KOLOANE:** I am only aware as indicated of the – the reference to the discussion between Colonel Anderson and Mr Ntshisi.

**CHAIRPERSON:** Yes. Ms Norman do you...

20 **AMBASSADOR VUSI BRUCE KOLOANE:** And Chair must also indicate that maybe when the Chair deems it appropriate I would also like to raise some serious issues I have about the report itself because the bulk of the questions will be based on the report of the JPCS.

**CHAIRPERSON:** Yes, yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** And I think if it pleases the Chair I would just like to make some comments around that.



**CHAIRPERSON**: Yes. No, no, no definitely

**AMBASSADOR VUSI BRUCE KOLOANE**: That is of course when they...

**CHAIRPERSON**: We will give you the chance to do that.

**AMBASSADOR VUSI BRUCE KOLOANE**: Thank you Chair.

**ADV THANDI NORMAN SC**: Yes.

**CHAIRPERSON**: Ms Norman do you want to take that question forward?

10 **ADV THANDI NORMAN SC**: Thank you Chair. Maybe I should just direct...

**CHAIRPERSON**: I am under the impression I may be wrong...

**ADV THANDI NORMAN SC**: Yes.

**CHAIRPERSON**: I am under the impression that Ntshisi is reflected as having said that but I may be wrong.

**ADV THANDI NORMAN SC**: He does confirm certain paragraphs in the report and I will take the witness through those.

**CHAIRPERSON**: Ja okay alright.

**ADV THANDI NORMAN SC**: Thank you Chair. Could we – just a minute please.

20 **CHAIRPERSON**: Well to the extent that if you are going to go to the report it may be that this might be the time that we allow the witness to mention ...

**ADV THANDI NORMAN SC**: The areas of concern.

**CHAIRPERSON**: His concerns about the report.

**ADV THANDI NORMAN SC**: Yes thank you.

**CHAIRPERSON:** Before we can go into it.

**ADV THANDI NORMAN SC:** Thank you Chair.

**CHAIRPERSON:** Do you want to deal with that Ambassador?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes Chair thank you very much for according me the opportunity. Chair as we listened to the testimony of one of the witnesses by the name of Ms Sindane on Wednesday she under oath indicated that a cluster of ministers appointed for people to be – to form the JPCS that will then be tasked amongst other things with the – engagement the implicated people, getting reports from what has been done in the past etcetera. And she further indicated that under when – under cross – under examination she indicated that she tried to arrange and meet with Ms Anderson unsuccessfully so. I just want to go on record Chair that I as one of the people who was implicated was never ever invited by the committee of the four people so that they could sit with me and say to me there is some contradictory information we have received which conflicts with the statement that you had given. Never. So I was never subjected to that. Secondly I would just like to indicate Chair that one of the people in that committee it came out because all of this for me is new.

20 **CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** Is that Mr Tom Moyane was part of that committee but he never sat in the meetings where I was interrogated by a committee of about fourteen people which meant Ms Sindane will be the only people who will actually be influenced in that together with Ms Ndlomo but I want to go on record that I was never

given an opportunity to interact with the information not necessarily people, individuals but even to be told that you have said this but there is somebody who can collaborate you information they say the opposite what do you have to say? That exercise was never done. Lastly Chair I would like to state that I was called by the committee – the only committees I met with I think I must make the statement to the Chair allows. The first meeting is the one that was referred to earlier this morning a meeting of the NICOC extended NICOC meeting wherein the Deputy General in the Presidents recommended that a committee

10 comprising of DG's of all the affected departments be formed. I was invited by that committee through the DG to a meeting in one of the security houses in Eastern Pretoria. When I got there they asked me a lot of questions and I asked – I said to them, in the letter that I received I was told I am only going to meet Mr Ndlomo. Mr Ndlomo not the one put in the newspapers as Thulani Ndlomo but the other Ndlomo who actually his name is Dennis Ndlomo who was Ambassador in Algeria. He was the Chair of that meeting. But there must have been about thirteen or fourteen people I do not recollect. They asked me a lot of questions and I said to them, what is the legal status of this

20 gathering? And they said to me, it is a formal and legally constituted structure to conduct an investigation about the landing of the Gupta plane in Waterkloof. I then asked them I said, Do you not think it would have been appropriate for you to inform me accordingly so that I will have exercised my rights to legal representation if I so choose? They then said no it is fine can I be excused for a few minutes. I was. After

that they called me back after quite a long period and they said okay we are going to give you questions in writing so that you can have a chance to consult with your legal counsel. I did that. I responded to those questions within a very short period of time in less than three days and I sent it back to them. Number of weeks elapsed and then one day again through the DG they called me to the same guest house and they say I must come and clarify some of the answers I had given to them in writing. But that to me was just an exercise in futility because the same day that they called me they had already given the

10 report to the Minister Jeff Radebe who was already reading it. So the question is what was the purpose of calling me by all these committee members? It presupposes that some of these members did not know that there was a final report out there already because they will not have wasted their valuable time sitting and trying to establish that. So I actually have a number of concerns about the inaccuracies in my view what I see as inaccuracies expressed in the report. And again if it pleases the Chair I would request that the commission establishes from the lady who was here testifying if they ever made...

**CHAIRPERSON:** Ms Sindane.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** Ms Sindane thank you.

**ADV THANDI NORMAN SC:** I am sorry Chair I am just – the technicians are – they are saying that their system is a bit down. Whether you – yes if you could allow them just five minutes so that they can deal with that issue.

**CHAIRPERSON:** Oh. We are not being recorded we are not being

heard or something like that?

**ADV THANDI NORMAN SC:** Yes that is what ...

**CHAIRPERSON:** Okay let us – let us take a short adjournment to allow the technicians to attend to what they need to attend to and then we will continue. Hopefully five minutes will be enough.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** Okay we adjourn.

**ADV THANDI NORMAN SC:** Thank you Chair.

**REGISTRAR:** All rise.

10 **INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Figure out what it is that is a problem but we are going to proceed because I understand whatever the problem is has not affected our recording for the purposes of the transcript.

**ADV THANDI NORMAN SC:** Thank you Chair.

**CHAIRPERSON:** So ...

**ADV THANDI NORMAN SC:** We will proceed.

**CHAIRPERSON:** We will – we will continue. Let us continue.

**ADV THANDI NORMAN SC:** Thank you Mr Chairman.

20 Ambassador Koloane was still mentioning matters that you found to be matters of concern in the JCPS Report.

**AMBASSADOR VUSI BRUCE KOLOANE:** That is right. I just wanted to indicate Chair that on the very last meeting when I was called into clarify the answers that I had provided when I got onto my radio Minister Jeff Radebe was also reading on television the outcome of the

work of the JCPS Cluster ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Which to me was extremely worrisome that I would be called to come and account and to provide my own account of issues but already there is a pre-delivered report which has been presented. It – it raises questions to me over and above what I said earlier.

None the less having said that I am willing to cooperate with the Commission if they want to raise issues on I wanted to go on record  
10 that the manner in which the final report was compiled by the JCPS smells fishy and normally if it smells fishy it is fish and I am raising that because I have explained Chair that the people that interviewed me I would have expected that they are the people who are also associating with this document but now there are people who never said (indistinct) wrong but they are part of – they are the ones compiling the final report.

I just wanted to go on record on that and that I will be willing to cooperate fully ...

**CHAIRPERSON:** Hm.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** With the Commission but I just wanted that serious concern noted because ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** It raises a lot of questions in my head.

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Particularly given that the Chair of that Committee in our first interaction at NICOC she was the first one to pronounce that I must not be allowed to use State funds to – to defend myself legally and I was not sure where that came from either because I thought I was being if you like interviewed for what happened during the execution of my job as Chief of Protocol so I was not sure.

So I thought there was already a bias and then when the report comes in the way that it did. It definitely raises serious  
10 concerns on my side. I just want to go on record on that and then and whatever questions ...

**CHAIRPERSON:** *Ja.*

**AMBASSADOR VUSI BRUCE KOLOANE:** I can Chair, thank you.

**CHAIRPERSON:** Thank you.

**ADV THANDI NORMAN SC:** Thank you.

**CHAIRPERSON:** Yes proceed.

**ADV THANDI NORMAN SC:** Thank you. So what you attacking about the report is the process but you have not identified factual inaccuracies in the report?

20 **AMBASSADOR VUSI BRUCE KOLOANE:** There are.

**ADV THANDI NORMAN SC:** Could you please identify them?

**AMBASSADOR VUSI BRUCE KOLOANE:** One of them that for example Ms Sindane also made reference to is that I told her – I told somebody that the Minister of Transport has approved landing in Waterkloof. Surely – surely you will also appreciate that I will not be that naive to

expect a Minister from Transport to supersede the Minister of Defence when the - Waterkloof is the base falling under the authority of Minister of Defence.

So surely the only thing I wanted to – to go on record again on is that yes the Minister of Transport spoke to me about the landing in OR Tambo but never did I make reference to it landing in Waterkloof.

**ADV THANDI NORMAN SC:** Yes. What – what other inaccuracies are there?

**AMBASSADOR VUSI BRUCE KOLOANE:** I cannot recall all of them  
10 now because if maybe you ask a question I will be able to indicate because ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** There was a lot of information. Maybe I may also indicate that a lot of information was given to us extremely late Chair and maybe to correct also the impression created that we - we requested a postponement to Monday because we wanted to make an affidavit is inaccurate. It was because we got some of the documents actually on Friday. So ...

**CHAIRPERSON:** Hm.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** I could not prepare. I could not prepare ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Properly without access to that. So that was the only reason ...

**CHAIRPERSON:** Hm.



**AMBASSADOR VUSI BRUCE KOLOANE:** Primary reason ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Why we requested an extension. So clearly ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** With all the documents in your – in the possession of the Commission.

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** It has been a very difficult  
10 period for us.

**CHAIRPERSON:** *Ja, okay.*

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** Thank you.

**ADV THANDI NORMAN SC:** Thank you. I - I will just refer you to what I believe which is – which is something that Major Ntshisi has confirmed because as you – I think you would appreciate the fact that the conversations that you had with Colonel Anderson and with Major Ntshisi are critical conversations. So I would like you to comment on those.

20 So if you do not mind could you please look – have a look at EXHIBIT FF1 which is the report – where the report is contained and then you can just tell the Chairperson where you believe that ...

**AMBASSADOR VUSI BRUCE KOLOANE:** FF1 page?

**ADV THANDI NORMAN SC:** FF1 if you could please turn to page 11.

**AMBASSADOR VUSI BRUCE KOLOANE:** 11.

**ADV THANDI NORMAN SC:** And it will under or next to paragraph 2.1.12.

“On 2 April 2013 the Chief of State Protocol contacted the Political Advisor to the Minister of Defence and Military Veterans to inquire as to the progress with the request. The Ambassador stated that he was under pressure from number one on the matter. The Political Advisor stated that he was not in a position to respond at that point in time.”

10 Is that statement correct?

**AMBASSADOR VUSI BRUCE KOLOANE:** No it is not ma'am.

**ADV THANDI NORMAN SC:** Okay. All of it or certain parts?

**AMBASSADOR VUSI BRUCE KOLOANE:** I did ask – I did call the Advisor after the – the Ambassador of India said he is aware that the request has been elevated to the Minister. So I wanted to find out from him if – if the Minister had made or applied her mind to the – to the said request.

**ADV THANDI NORMAN SC:** Yes. So which part of that paragraph that I have read out is not accurate?

20 **AMBASSADOR VUSI BRUCE KOLOANE:** The reference that I was under pressure from number one.

**ADV THANDI NORMAN SC:** Yes. Only that part?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes.

**ADV THANDI NORMAN SC:** Thank you.

**AMBASSADOR VUSI BRUCE KOLOANE:** In fact – sorry.

**ADV THANDI NORMAN SC:** Oh, sorry.

**AMBASSADOR VUSI BRUCE KOLOANE:** *Ja, ja.* It is – that is basically it yes.

**ADV THANDI NORMAN SC:** Yes, thank you and then paragraph 2.1.15.

10           “On 9 April 2013 the Chief of State Protocol telephoned Sergeant Major Ntshisi at the Air Force Command Post to inquire as to the progress with the clearance request from the Indian High Commission. Ntshisi informed the Ambassador that the base could only receive flights transporting Heads of State and their Deputies.”

Is that paragraph so far correct or the contexts of that paragraph so far correct?

**AMBASSADOR VUSI BRUCE KOLOANE:** I do not have a proper recollection of the – the content of the discussion.

**ADV THANDI NORMAN SC:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** I accept that it was about following up on whether the flight clearance has been processed or not.

20           **ADV THANDI NORMAN SC:** Yes; but would you have – would – Major Ntshisi would have told you what – what would they normally allow?

**AMBASSADOR VUSI BRUCE KOLOANE:** I – I suppose so but as I indicated earlier ma'am I would have also asked him why they had allowed the – the mother of the King of Swaziland to land at Waterkloof if those are the only categories but I am just saying if – if that was my

objective but that was not. My objective was just to establish if they have issued and/or processed the flight clearance.

**ADV THANDI NORMAN SC:** Yes. So what do you say about that paragraph? You are not sure.

**AMBASSADOR VUSI BRUCE KOLOANE:** I do not – I do not remember that at all.

**ADV THANDI NORMAN SC:** Yes, thank you. Let us move.

**CHAIRPERSON:** Okay. Let us – let us put it this way according to this report Warrant Officer Ntshisi at the time according to the report told  
10 you in that conversation that the base could only receive flights transporting Heads of State and their Deputies. Do you remember him having said that to you or are you saying you do not remember he may have said so but you do not remember or you say he definitely did not say so?

**AMBASSADOR VUSI BRUCE KOLOANE:** Chairperson I doubt that he would have said so and I will give you reasons why.

**CHAIRPERSON:** Huh-uh.

**AMBASSADOR VUSI BRUCE KOLOANE:** Because when he was testifying sitting here ...

20 **CHAIRPERSON:** Hm.

**ADV THANDI NORMAN SC:**

**AMBASSADOR VUSI BRUCE KOLOANE:** He indicated that people who have utilised Waterkloof is the Head of State, the Deputy Head of State and Ministers if they are doing business – Government business. So he would not have restricted himself to only Heads of State and Deputies

because he knows the work. He is being working in that area for quite some time.

That is why I am saying I find difficulty in associating with a statement which is incomplete because I will have expected him to actually say even including special envoys for example which also land at Waterkloof. So that is why for me that statement makes me feel uncomfortable again.

**CHAIRPERSON:** Well I can imagine that he might have said Heads of State and their Deputies if he did not intend giving the whole list ...

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Chair ...

**CHAIRPERSON:** But if he was then asked are those the only people then if he said Heads of State and their Deputies only. Then he would have appreciated that he was now being asked to give the full list or what do you say?

**AMBASSADOR VUSI BRUCE KOLOANE:** I think Chair it would have been an anomaly for him to do – to say that ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Because the application for the landing was indicating that it is Ministers not Heads of State.

20 **CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** So he will have to responded to it

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** And said sorry these Ministers ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Because of this we are denying them the right to land.

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** So I would have understood that.

**CHAIRPERSON:** Is your recollection that at this stage he knew or he had seen the application or the papers that indicated details ...

**AMBASSADOR VUSI BRUCE KOLOANE:** Hm.

10 **CHAIRPERSON:** About the request?

**AMBASSADOR VUSI BRUCE KOLOANE:** I would not be able to tell Chair ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Because as I said unfortunately the request had been sent directly to ...

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** To the – to the Minister of Defence.

**CHAIRPERSON:** Yes.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** *Ja.*

**CHAIRPERSON:** Yes, okay.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** Thank you.

**ADV THANDI NORMAN SC:** Thank you Chair. May we then proceed Ambassador?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes.

**ADV THANDI NORMAN SC:** “Then the Ambassador responded that there would be four to five Ministers on board.”

Does that accord with your recollection?

**AMBASSADOR VUSI BRUCE KOLOANE:** As I indicated earlier I could have said that because the Minister – the High Commission of India had told me that there will be four - four. In fact I think I said six or eight Ministers will be on board.

10 **ADV THANDI NORMAN SC:** Yes. He added that ...

**CHAIRPERSON:** I am sorry.

**ADV THANDI NORMAN SC:** I am sorry.

**CHAIRPERSON:** Going to the point that you made in regard to the statement to say you would have been surprised if he gave an incomplete list. If indeed he did say landing at Waterkloof was for Heads of State and their Deputies then it would be understandable would it not if you then said you know the people who are coming include Ministers because you were aware that according to Commissioner – the High Commissioner it was Ministers who were  
20 going to be involved in the plane in terms of Government Officials and not other people.

**AMBASSADOR VUSI BRUCE KOLOANE:** Chair the way I read it ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Again subject to correction.

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Is that if he says to me it is only the Heads of State and their Deputies who land there and that is an understanding we have both established. I think it will make more sense than for me to say oh yes by the way there is a Deputy President in the plane.

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** So for me it does not suddenly follow that ...

**CHAIRPERSON:** Yes.

10 **AMBASSADOR VUSI BRUCE KOLOANE:** The mentioning that there will be Ministers is linked to the statement ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** That he might have made earlier.

**CHAIRPERSON:** I am sorry. Just repeat that last bit.

**AMBASSADOR VUSI BRUCE KOLOANE:** I am saying to – to Chair I am trying to indicate Chair that there is no direct link between the two. They may be or they may not be linked because if he said sorry we only allow people like when you go to some places they say sorry we only  
20 allow people who are 18 years and older. They say of course I am 18. You then show that.

You do not say I am 14. So even in this case when they say it is only Heads of State and their Deputies for me to make an – to continue engaging based on that. I will have had to say indeed also in this plane coming there is a Deputy President or a President.



**CHAIRPERSON:** Unless of course your understanding was that Ministers can also land there under certain circumstances despite what he was saying.

**AMBASSADOR VUSI BRUCE KOLOANE:** I agree Chair ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** And I am sure also that even in his understanding ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** He knows that Ministers land  
10 there and ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Earlier this morning ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Ambassador Matjila made reference for example to Hilary Clinton who has landed there many times.

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** So – do - Ministers do land there ...

20 **CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** And I am 100 percent sure that he knows that.

**CHAIRPERSON:** Yes. No what – what I mean is if he said to you Heads of State and their Deputies land here and you know that Ministers also land there under certain circumstances it appears to me

to be natural for you to say - to refer to Ministers because that might just remind him that do – Ministers do also actually land there or you do not think so?

**AMBASSADOR VUSI BRUCE KOLOANE:** I do not recall Chairperson ...

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** But of course I could have said that ...

**CHAIRPERSON:** Yes.

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Ministers but I do not recall or ...

**CHAIRPERSON:** You do not recall *ja* but it is possible but you do not – you are not sure?

**AMBASSADOR VUSI BRUCE KOLOANE:** I do not recall that one.

**CHAIRPERSON:** *Ja*, okay. Thank you.

**ADV THANDI NORMAN SC:** Thank you Mr Chairman. He added that:

20 “The Minister of Transport Mr Ben Martins had been given instructions by the President to assist the Gupta family. That the Minister of Defence and Military Veterans has no objection. That at a meeting of the Minister of Transport, the CEO of ACSA and the Guptas he had been told to assist and that this was a unique case.”

**AMBASSADOR VUSI BRUCE KOLOANE:** I deny categorically that statement. It sounds very much like the media statement I read after they discovered at meeting that Minister – of Ben Martins had had in

OR Tambo.

**ADV THANDI NORMAN SC:** Yes. So everything that I have read is – is inaccurate?

**AMBASSADOR VUSI BRUCE KOLOANE:** I – I do not recall that at all.

**ADV THANDI NORMAN SC:** Yes, thank you and then:

“Ntshisi requested a note or a letter from ...”

**CHAIRPERSON:** Hm.

**ADV THANDI NORMAN SC:** Sorry.

**CHAIRPERSON:** Well some of these are important pieces. So I just  
10 want to draw attention that if you do not recall - if you say you do not  
recall what it means is that it could be that you said it. It could be that  
you did not say it. So it is important that you make up your mind as to  
whether the position is that you do not recall. It could be that you said  
it.

It could be that you did not say it or you are quite clear that  
you did not say it. In which case if you are quite clear that you did not  
say it then you say I definitely did not say it. So I just want to explain  
that so that you – you understand what – what meaning I attach to a  
statement when you say I do not recall.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** Okay.

**CHAIRPERSON:** So that you can make sure I – I get exactly what you  
want to convey.

**AMBASSADOR VUSI BRUCE KOLOANE:** Chair, may I ask ...

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** For clarity on the question?

**CHAIRPERSON:** Yes, okay.

**AMBASSADOR VUSI BRUCE KOLOANE:** If you read the line that was just read to me for example it states that – it says:

10 “He added that the Minister of Transport had been given instructions by the President to assist the Gupta family. That the Minister of Defence and Minister of Veterans had no objection. That at a meeting of the Minister of Transport, the CEO of ACSA and the Guptas he had been told to assist and that this was a unique case.”

Who would have told the Minister of – I am just thinking aloud. I am not trying to ask – I am the ones answering questions but I am trying to highlight the other inaccuracies in this report. Who would have told Minister Martins when we had indicated that the people in the meeting was myself, the CEO of ACSA, Mr Gupta and Minister Martins and we already reported what transpired in that meeting but the way that reads it is like Mr Martins had been given an instruction to assist and that is what I am trying to say I am getting – you know – confused.

20 Who would – you know – inform Minister Martins to – to actually do so?

**ADV THANDI NORMAN SC:** Thank you.

**CHAIRPERSON:** Well where it says:

“He added ...”

**ADV THANDI NORMAN SC:** (Intervenes).

**CHAIRPERSON:** I take that to be a reference to you. Is that correct?

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** That – that you added. Same sentence that you are dealing with just now. At the beginning of it.

“He added that the Minister of Transport  
Minister Ben Martins had been given instructions  
...”

My understanding that the “he” is a reference to you. Is that your understanding as well?

**AMBASSADOR VUSI BRUCE KOLOANE:** If that is what is meant then I  
10 hear but ...

**CHAIRPERSON:** But I do not think that takes care of the point you have made. It maybe – maybe I might have misunderstood. My understanding is that because the previous sentence relates to you.

“The Ambassador responded to that there will be  
four to five Ministers on board.”

Then the next sentence.

“He added that the Minister of Transport  
Mr Ben Martins had been given instructions ...”

That “he” I understand to be a reference to the Ambassador.  
20 That would be your understanding of – of this as well or not really?

**AMBASSADOR VUSI BRUCE KOLOANE:** If you clarify it like that Chair but again like I said I do not recall Chair.

**CHAIRPERSON:** Yes. If it is read like that then you understand it but you do not recall?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes sir.

**CHAIRPERSON:** Okay, alright.

**ADV THANDI NORMAN SC:** Thank you.

**CHAIRPERSON:** And then of course it says:

10           “He added that the Minister of Transport  
Mr Ben Martins had been given instructions by the  
President to assist the Gupta family. That the  
Minister of Defence and Military Veterans has no  
objection. That at a meeting of the Minister of  
Transport, the CEO of ACSA and the Guptas he had  
been told to assist and that this was a unique  
case.”

This last “he” ...

“...he had been told to assist ...”

My initial reaction was that it is a reference to the Minister  
and if read like that it seems to me it would mean the Minister was told  
at the meeting involving ACSA at the airport to assist but it is possible  
that that “he” refers to you having been told to assist because this is a  
unique case. I am not sure. I am just putting ideas that come to mind  
as I try to understand what is being said. You - you understand that?

20   **AMBASSADOR VUSI BRUCE KOLOANE:** I think the – the distinction  
that the Chair is identifying of the two meanings is exactly what I was  
also saying. I was identifying as confusing in that statement.

**CHAIRPERSON:** Yes, yes but you say whatever the – whoever the “he”  
is referred to you – you have no recollection that ...

**AMBASSADOR VUSI BRUCE KOLOANE:** No I do not recall Chair.

**CHAIRPERSON:** This – this was said?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes sir.

**CHAIRPERSON:** And – and even if the suggestion that it was said by you – you say ...

**AMBASSADOR VUSI BRUCE KOLOANE:** I do not recall that.

**CHAIRPERSON:** You do not recall?

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct.

**CHAIRPERSON:** And – and you appreciate the distinction that I have just said about ...

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Correct.

**CHAIRPERSON:** Being – about saying I do not recall or never – I never said it?

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct.

**CHAIRPERSON:** Okay, thank you.

**ADV THANDI NORMAN SC:** Thank you Chair; and then:

“GC requested a note or a letter from the  
Ambassador ...”

Do you recall that?

20 **AMBASSADOR VUSI BRUCE KOLOANE:** He did say that you send something in writing and that is when I asked my PA to send an email saying that can they please process that – the application which unfortunately I think we went through it in the morning was sent in way which said I have authorised it when I do not have such powers.

**ADV THANDI NORMAN SC:** Yes.

“...and the Ambassador responded that challenge

was that this could not be put in writing.”

**AMBASSADOR VUSI BRUCE KOLOANE:** No. I - I could not say that and then immediately instruct my PA to send an email to confirm that I want them to process and also ask my PA to copy two of the Senior Managers in the Protocol Section that is my Deputy Ms Sally Ramokgopa and Ms Grace Mason.

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

10 “He added that He had met with Lieutenant Colonel Anderson the previous week to show them around the area.”

Did that happen? Did you at any stage meet with Colonel Anderson? Did you go around the area? I would imagine maybe at Waterkloof.

**AMBASSADOR VUSI BRUCE KOLOANE:** The only time that I met with Colonel Anderson at Waterkloof was when we went there to do a dry run before the arrival. Like for whenever you have got delegations coming landing there some would request that they would like a pre inspection to see how they are going to plan it and it was something standard that we used to do in the two and a half years that I worked  
20 there which also I am sure will appear in the – in the report of the meeting with the Public Protector which was held to verify that very same point.

**ADV THANDI NORMAN SC:** Yes but – but this showing around did it relate to the landing of – of Jet Airways?

**AMBASSADOR VSI BRUCE KOLOANE:** I – I just do not remember that



at all ma'am.

**ADV THANDI NORMAN SC:** Okay. You do not remember it or it never occurred?

**AMBASSADOR VUSI BRUCE KOLOANE:** No, no I know that there was an inspection because I did I asked her to – if she could arrange to meet with the people and I know that there was a – what do you – there were people who went there to – from events management company who went there to actually see how they could actually do the décor for the arrival.

10 **ADV THANDI NORMAN SC:** Yes. So this would have been for the arrival of the Jet Airways Aircraft?

**AMBASSADOR VUSI BRUCE KOLOANE:** For the – for the (intervenes).

**ADV THANDI NORMAN SC:** For the Gupta wedding?

**AMBASSADOR VUSI BRUCE KOLOANE:** Correct.

**ADV THANDI NORMAN SC:** Yes. So this then according to you and your recollection Ambassador this would have happened prior ...

**AMBASSADOR VUSI BRUCE KOLOANE:** Before the landing.

**ADV THANDI NORMAN SC:** Before the landing?

20 **AMBASSADOR VUSI BRUCE KOLOANE:** Correct.

**ADV THANDI NORMAN SC:** Yes and it would have also happened prior to 9 April because that is the date when you spoke to Major Ntshisi?

**AMBASSADOR VUSI BRUCE KOLOANE:** I am not sure of the – I do recollect the dates ma'am.

**ADV THANDI NORMAN SC:** You do not ...

**AMBASSADOR VUSI BRUCE KOLOANE:** It has been a long time.

**ADV THANDI NORMAN SC:** Yes. So what else – what else were – did you – did you become part of in preparation for the landing other than for the events management company for the Gupta wedding that went to – to have a look at Waterkloof? What other activities did you – did you participate in prior to the landing?

**AMBASSADOR VUSI BRUCE KOLOANE:** I am not sure I understand what you mean by activities ma'am but as far as I know that is basically – my – my job was only in protocol and I had no other business in all  
10 other – you know - portfolios because those fell – fell under different people.

**ADV THANDI NORMAN SC:** Yes. So can we agree then that at this point when you went together with Colonel Anderson to look at Waterkloof this aircraft had not received clearance at that point?

**AMBASSADOR VUSI BRUCE KOLOANE:** No ma'am. The only time that you can allow people to come and do a pre inspection is only when they have received the flight clearance and then after receiving clearance then they arrange to go and do a pre arrival inspection about how they are going to deal with the things there.

20 **ADV THANDI NORMAN SC:** Yes but then let us just retract. Rather let us – let us retrace our steps. If on 9 April that is the day when you were speaking to Major Ntshisi.

**AMBASSADOR VUSI BRUCE KOLOANE:** Hm.

**ADV THANDI NORMAN SC:** That is the day when the clearance had not happened but already you were telling him that Colonel Anderson is

aware of this because she had been to Waterkloof. Well you have just told us now with the events company – management company. Now at that point there were – there was no clearance when Colonel Anderson went.

**AMBASSADOR VUSI BRUCE KOLOANE:** I think ma'am I think you meant to say the company went because Colonel Anderson worked at Waterkloof. So she was always perpetually there. That is one. Number two, I am saying again ma'am although I do not recall the exact sequence and the date because of the time lag all I am certain of is  
10 that there is no way that I would have said to him that we have already had a pre inspection if the – the flight clearance had not been issued. I do not remember the exact dates like ...

**ADV THANDI NORMAN SC:** Okay.

**AMBASSADOR VUSI BRUCE KOLOANE:** You know – as they are like that.

**ADV THANDI NORMAN SC:** Alright. We are going to come back to the dates and I am going to show you Ambassador that at the time when you were telling Major Ntshisi that Colonel Anderson had been there Major Ntshisi had not issued a clearance certificate because if it – if it  
20 did not happen – if it happened before the 9<sup>th</sup> then clearly when Colonel Anderson went to do – with the events company to go there - there was no clearance that had been issued for this aircraft but we will get back to that. I do not want us to ...

**AMBASSADOR VUSI BRUCE KOLOANE:** It is okay.

**ADV THANDI NORMAN SC:** I want us to deal with what we are dealing

with now ...

**AMBASSADOR VUSI BRUCE KOLOANE:** It is okay.

**ADV THANDI NORMAN SC:** But I will show you that. Thank you. Now the Ambassador – sorry. I beg your pardon. We were – okay:

“...to show them the area. GC should contact the Lieutenant Colonel to confirm this.”

So you are telling GC on that day that he must contact Colonel Anderson to confirm this.

10 “The Ambassador stated clearly that this was for the Gupta family wedding.”

So would that accord with your recollection?

**AMBASSADOR VUSI BRUCE KOLOANE:** No I do not.

**ADV THANDI NORMAN SC:** You do not recall?

**AMBASSADOR VUSI BRUCE KOLOANE:** Yes.

**ADV THANDI NORMAN SC:** Yes. What is it that you do not recall? That you would have told him that it was a Gupta wedding or the fact that he must contact Colonel Anderson because she had been there.

**AMBASSADOR VUSI BRUCE KOLOANE:** I do not recall telling him it was a Gupta wedding.

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

“He instructed Ntshisi to call him back.”

Do you recall asking Ntshisi to call you back?

**AMBASSADOR VUSI BRUCE KOLOANE:** When I tried to call initially and I did not get him and I left a message and then secondly I said once they have established whether they were granting or not granting

then they must call me back to let me know so I could converse that information to the High Commissioner of India.

**ADV THANDI NORMAN SC:** Yes; and then on 13 May 2013:

“The Director-General in the Presidency stated that at no point did the President give instructions to Ambassador Koloane or discuss the issue of the landing of the aircraft with him.”

Would that statement be correct?

**AMBASSADOR VUSI BRUCE KOLOANE:** That is correct.

10 **ADV THANDI NORMAN SC:** Thank you. Regarding specific ...

**CHAIRPERSON:** I am sorry.

**ADV THANDI NORMAN SC:** I am sorry.

**CHAIRPERSON:** I have lost you where you are. I was looking for something else.

**ADV THANDI NORMAN SC:** I beg your pardon Chair. It is the last paragraph.

**CHAIRPERSON:** Of the report?

**ADV THANDI NORMAN SC:** No. At page 11. I beg your pardon.

**CHAIRPERSON:** Okay. Okay, alright.

20 **ADV THANDI NORMAN SC:** You see on page 11.

**CHAIRPERSON:** Hm.

**ADV THANDI NORMAN SC:** We dealt with:

“...instructed Ntshisi to call him back.”

And then on 13 May 2013:

“The Director-General in the Presidency stated that

at no point did the President give instructions to Ambassador Koloane or discuss the issue of the landing of the aircraft with him.”

**CHAIRPERSON:** I am sorry. I – I missed you.

**ADV THANDI NORMAN SC:** So ...

**CHAIRPERSON:** I was looking for something else.

**ADV THANDI NORMAN SC:** Chair ...

**CHAIRPERSON:** The ...

**ADV THANDI NORMAN SC:** Is Chair at page 11?

10 **CHAIRPERSON:** No, I am on that page.

**ADV THANDI NORMAN SC:** Yes.

**CHAIRPERSON:** I want to talk about something that you may have asked already.

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

**CHAIRPERSON:** In – in that paragraph after the part that we were dealing with which you could not recall relating to somebody being told to assist and this was - and that this was a unique case. It is reflected that Mr Ntshisi requested a note or letter from the Ambassador and that the Ambassador responded that the challenge was that this could not  
20 be put in writing. She probably has asked you this. What is your answer to ...

**AMBASSADOR VUSI BRUCE KOLOANE:** No I responded Chair.

**CHAIRPERSON:** Whether there was that exchange or not?

**AMBASSADOR VUSI BRUCE KOLOANE:** I said that is not an accurate reflection of what – of what I did.

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** It was on the contrary I instructed my PA to send an email that yes I do want them to continue processing the application and then let us know so that we can inform the Indian High Commission about the outcome thereof and I had asked my PA to also copy two of Senior Managers in the process ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** Because I had no issues to hide. So why would I have – I would not have said therefore that I cannot put it in writing.

**CHAIRPERSON:** So you say you never said that or you cannot remember whether you say – you said it the statement that on this page is attributed to you and it is said that it came from Warrant Officer Ntshisi.

**AMBASSADOR VUSI BRUCE KOLOANE:** No Chair unfortunately like I said I do not recall at all some of these things because of the time lag and unfortunately had the JCPS Team called me at that time when all was fresh in my mind I would have been in a better position to respond ...

20 **CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** But now I am sitting with this six and a half - more than six years later ...

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** And obviously it is something I have been trying to put behind my back in the first place.

**CHAIRPERSON:** Hm.

**AMBASSADOR VUSI BRUCE KOLOANE:** So I do not have a very vivid or accurate recollection of some of the sequencing and some of the issues that had transpired there ...

**CHAIRPERSON:** Hm. So you ...

**AMBASSADOR VUSI BRUCE KOLOANE:** But of course ...

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** Like I said ...

**CHAIRPERSON:** Please finish.

10 **AMBASSADOR VUSI BRUCE KOLOANE:** And of course like I said I am trying to cooperate with the Commission to the best of my ability despite the challenges that I have indicated getting the ...

**CHAIRPERSON:** Yes. No, I understand that.

**AMBASSADOR VUSI BRUCE KOLOANE:** Some information – documents on Friday ...

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** And having to try and squeeze with my legal counsel ...

**CHAIRPERSON:** Yes.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** Based on their availability.

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** Try to recollect and recall some of the things. It is rather difficult ...

**CHAIRPERSON:** Yes.

**AMBASSADOR VUSI BRUCE KOLOANE:** But nonetheless I am not



using this as an excuse for anything. I am just trying to say that I may not have a fair recollection when it comes to date or the timing for example.

**CHAIRPERSON**: Yes. I know that your legal team did ask that you be given a chance to give evidence this week to which I agreed and I said Monday at the time we spoke. I think it would have been Tuesday or Wednesday.

**ADV THANDI NORMAN**: It was on Tuesday, Chair.

**CHAIRPERSON**: On Tuesday. I know that at that time your legal team  
10 and you were still waiting to be furnished with certain documents and I know that, I think Ms Norman indicated or somebody indicated from the legal team that you would be given documents as soon as possible. I do not think at that stage there was any contemplation of a delay in terms of documents that the Commission did have already but you have indicated that you only got some on Friday. Is that correct?

**AMBASSADOR VUSI BRUCE KOLOANE**: Chair, first correction is that the request was made on Wednesday when we came here not on Tuesday.

**CHAIRPERSON**: Oh okay.

20 **AMBASSADOR VUSI BRUCE KOLOANE**: It was not Wednesday and we were promised that we will get them on Wednesday.

**CHAIRPERSON**: Yes.

**AMBASSADOR VUSI BRUCE KOLOANE**: But unfortunately we only got the first batch on Thursday.

**CHAIRPERSON**: Yes.

**AMBASSADOR VUSI BRUCE KOLOANE**: So I am just trying to indicate the sequencing and if you look at the bulkiness of the information.

**CHAIRPERSON**: Yes.

**AMBASSADOR VUSI BRUCE KOLOANE**: We are to deal with, it is, I think it is you know. It is... (indistinct) I mean.

**CHAIRPERSON**: Ja.

**AMBASSADOR VUSI BRUCE KOLOANE**: Otherwise I could have used an argument that I have not been given enough time, I need a month.

**CHAIRPERSON**: Yes.

10 **AMBASSADOR VUSI BRUCE KOLOANE**: I requested a months' extension but I just wanted to subject myself to this process so that I can continue with my work.

**CHAIRPERSON**: Okay let me tell you something in relation to the Commission that may assist. The Commission was going to sit tomorrow in order to hear other evidence but have been told that the witness was going to give evidence tomorrow is not able to do so due to family situation. Now I wonder whether to the extent that you may have a complaint or concern that you have not had enough time to look at the documentation, you think it would help if we adjourned and  
20 allowed time and then come back tomorrow. I understand you only need to leave later for I assume the Netherlands?

**AMBASSADOR VUSI BRUCE KOLOANE**: Correct.

**CHAIRPERSON**: Hm.

**AMBASSADOR VUSI BRUCE KOLOANE**: No, we can continue, chair. I was just indicating because I do not really believe that if we extend up

until tomorrow given that my legal counsel also has got other.

**CHAIRPERSON**: Yes.

**AMBASSADOR VUSI BRUCE KOLOANE**: Legal obligations with other clients... (indistinct) have time to consult with them.

**CHAIRPERSON**: Yes.

**AMBASSADOR VUSI BRUCE KOLOANE**: So I might just as well, it will just be a waste of the Chair's time as well as that of the Commission to do so.

**CHAIRPERSON**: Yes. No, it is fine and I will ask what your Counsel's  
10 attitude is. I am saying this because we do want to make sure that everyone feels that they have a fair opportunity. Let me hear if your Counsel has anything to say in regard to this. Where we can we would not like a situation where later when everything is done there is still a feeling that had I been given a little bit more time, you know I may have dealt with issues differently. Yes, Counsel?

**LEGAL COUNSEL**: Chair, in the greater scheme of things the difference between a journey now and continuing is really negligible.

**CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: We, the instructions that we have had thus far is  
20 given the peculiar nature of this witness does having been posted overseas.

**CHAIRPERSON**: Hm.

**LEGAL COUNSEL**: It is difficult to coordinate. So we thought it best in an effort to be corporative to try and use the time as fruitfully as possible.

**CHAIRPERSON**: Yes, yes.

**LEGAL COUNSEL**: And that remains our instructions.

**CHAIRPERSON**: Okay, okay.

**LEGAL COUNSEL**: But we of course.

**CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: I am constrained to reserve my client's rights obviously.

**CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: Given the amount of time but really I think in  
10 essence what we are saying is.

**CHAIRPERSON**: Hm.

**LEGAL COUNSEL**: If we really want to utilize the time fully as a normal witness would and leaving aside our efforts to try and be as corporative as possible.

**CHAIRPERSON**: Hm.

**LEGAL COUNSEL**: Well then, it would not be possible to give evidence this week. We would have to adjourn and he would have to come back at a later date.

**CHAIRPERSON**: Hm.

20 **LEGAL COUNSEL**: We do not want to go there as presently advised. We want to use the time.

**CHAIRPERSON**: Ja

**LEGAL COUNSEL**: And so our attitude at this stage is we would like to continue.

**CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: But with a reservation of rights.

**CHAIRPERSON**: Yes. Okay alright thank you. I think what your counsel has said seems to be in accordance with what you have said.

**AMBASSADOR VUSI BRUCE KOLOANE**: Yes, Chair. And again maybe I may just also add one thing toward what my legal counsel has said. That our reservations do not only emanate from the timing but also from the fact that when we requested some of the testimony that was utilized by the former people who appeared before this Commission we were told that that is classified, we cannot have access to it and yet it was  
10 admissible to be used here particularly implicating me. So in terms of being able to prepare myself properly I feel that my rights were prejudiced because I am engaging with people who have probably seen, listened and heard what they are talking about and given that a six-year period had lapsed. I have been denied that right to also have the same access but yet the information is admissible to be utilized by this who are leading the interrogation. So I am just feeling, Chair, and again please bear with me for my naïveté. I may not necessarily understand that you know certain processes may be allowed for those who are leading evidence to have, to be the only ones with access to certain  
20 information and those affected be denied because of it being exclusive. You know, but to a layperson it says there is something just not right. You know, that is all I was just trying to say, Chair.

**CHAIRPERSON**: Well, I do not know exactly what documents you have in mind but there is no document that I am aware of as we speak that the Commission has which may not be made available to you. Whether

or not it may have been available sometime last week I do not know but as I speak now I am not aware of a document that may not be made available to you. But I do know that on Thursday, as Thursday there was a transcript or recording that the Commission had wanted which is not be made available to the Commission and despite certain promises have been made. And I drew that to the attention of the Chief of the Air Force who was giving evidence and asked him to facilitate the release of the document or the recording which he undertook to look into and over the weekend or on Friday I was told that either that had been  
10 made available at some stage or was going to be made available over the weekend. So to the extent that you might refer to that, I can assure you that I have not seen it but I have been told that it is there. I have not even seen it myself. I was told that there was I think a memory stick or something like that and it was left at the gate with the police at my official residence. I was told but it has never reached me. So as we speak I do not know about that. But anything that you want to have sight of nobody can or should deny that without me having a final say. If anybody says you are not entitled to have it, you can raise that your lawyers with me and then I can hear what the problem is and can make  
20 a ruling. So I just want to mention that part but I do not know if there are other parts but I see your counsel is back in front of me. So I think maybe probably would prefer that he speaks.

**LEGAL COUNSEL:** Thank you, Chair. Yes, Chair, your characterization of the events is what was relayed to us and we certainly have no reason to doubt that. But where we have some concern is not that

necessarily the documents are being or recordings are being deliberately withheld but that once they are becoming available, they become available during the course of the testimony and the witness does not have an opportunity to consider them before he is questioned in relation to the contents of those conversations.

**CHAIRPERSON**: Yes, yes.

**LEGAL COUNSEL**: So what springs to mind in particular is specific recordings that I believe are on record as having been held between the Ambassador and Colonel Anderson and in my learned friend's  
10 questioning this morning she did touch on some of the conversations. And I withheld an objection to that point but we place on record now that we have some concern if there is going to be questioning in regard to those conversations before we have had an opportunity to listen to those recordings. Thank you, Chair.

**CHAIRPERSON**: Yes, no with special reference to that one, I mean to the recording to which I have made reference, my understanding is that the evidence leader intended to lead evidence on that and to ask me for leave to play it. But if you have not had a chance to listen to it and he has not had a chance, I would be inclined to think that might be a  
20 reason for us to adjourn and then continue tomorrow so that you get that opportunity to do that. What is your attitude to that?

**LEGAL COUNSEL**: Yes, Chair. That is certainly something we would want to take you up on that offer and of course that goes for any recordings or any documents that are intended to be used I think that is a matter of principle.

**CHAIRPERSON**: Ja, but what it does also even though you and your client might have taken a different view is that it also does give him and yourselves an opportunity to look at any other documents that have been given to you on which he might not have had time to reflect properly. And then when we continue tomorrow hopefully, the documents that he might not have had enough time to look at. He might have had some more time.

**LEGAL COUNSEL**: Yes, Chair, I am not sure it necessarily solves the problem completely.

10 **CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: It mitigates the problem.

**CHAIRPERSON**: Ja, it mitigates, ja.

**LEGAL COUNSEL**: Certainly.

**CHAIRPERSON**: Ja, okay thank you. Ms Norman?

**ADV THANDI NORMAN**: Thank you Chair. Chair.

**CHAIRPERSON**: What you have to say about these things?

**ADV THANDI NORMAN**: Chair, there were only no documents that were withheld on the basis that they were not to be made available to the witness.

20 **CHAIRPERSON**: Yes.

**ADV THANDI NORMAN**: The only document that had not been declassified as of this morning was the FF12 which I referred the chairperson to which is the documents that were from the Presidency and also the DIRCO report which is attached to Ambassador Matjila's evidence.



**CHAIRPERSON:** Yes.

**ADV THANDI NORMAN:** We got then the declassification from the DG of DIRCO insofar as that report is concerned. That is the one thing. The second thing, the recording was made available to me yesterday afternoon on Sunday and I did mention to the representatives of the, of Ambassador Koloane. That that recording is not made available to me but it is made available to the chairperson and I cannot simply just play it without the chairperson giving me authority to do that. And this is something that we discussed during the lunch, the long break. I have  
10 no difficulty with an adjournment but I am just concerned Mister Chairman that we may come back tomorrow and then the witness testifies tomorrow and he goes back and says but still there is something that I did not get. I would prefer a situation where the witness because he has been brought here by the Commission the Commission's expense. If the witness is of the view that he has not been afforded adequate opportunity for him to prepare thoroughly, I would prefer a situation where he is given the time that he wants. So that he does not come back later on and say look I was not afforded adequate opportunity. I am concerned, chair, that if you listen to the  
20 recordings tonight and then he comes back tomorrow morning and certain questions are asked about the process as a whole again tomorrow morning, he may again say look if the cluster had asked me this I would have told them this. I am not comfortable with the approach that they are adopting because the Commission does not have time. We cannot keep on going back to matters simply because people are not

comfortable. I think I would suggest, chair, that the best way they must indicate to the chair, how much time do they require to prepare fully and then once they have given that indication, chair, affords them that opportunity. So that when they come back he is ready to answer all the questions and probably he might even want to prepare a statement and deal with the JCPS cluster report in whole, yes.

**CHAIRPERSON**: Which documents? Alright let me put it this way. As at Wednesday last week.

**ADV THANDI NORMAN**: Yes, chair.

10 **CHAIRPERSON**: When he has counsel requested that he gives evidence this week and not last week.

**ADV THANDI NORMAN**: Yes.

**CHAIRPERSON**: What documents have they been given already and what documents had they not be given? You see there are a number of documents that are relevant to his evidence.

**ADV THANDI NORMAN**: Yes.

**CHAIRPERSON**: And if for example one goes by when they had how much of the documents and whatever was left one knows exactly what was outstanding and when the part that was outstanding was given to  
20 him.

**ADV THANDI NORMAN**: Yes.

**CHAIRPERSON**: Then I am in a position to assess whether the days that he had, the time that he has had is adequate. But if I do not know when he got what then is difficult.

**ADV THANDI NORMAN**: Chair, I can easily establish that because

Mister Derek De Beer who is the one who sent the first batch of documents that was requested were given because on Wednesday I think they had a problem with the link. They were given the link and I think they got some documents and they did not get some, if my memory serves me well. On Thursday then there was another request made with a long list of documents that they requested. Some of those were not in our possession. For instance, they wanted the certain Annexures to the report and they wanted the audios that we are talking about which we do not have and I was advised by the secretary of the  
10 Commission that on Friday a link was also given in respect of those documents. But then at the time when that was established, there was already a letter that had been received from Ambassador's lawyers saying that you still have not given us documents and we took and we went to Mr, to Derek, Mister De Beer and was said to him, please check whether the documents that you sent have been downloaded. And he confirmed that yes they had been received and there was one download and the letter had to be caused to be written to say, we confirm that that has been sent and there has been a download already. But without giving evidence from the bar I could establish all of that information  
20 and I would give it to the Chair exactly what was given.

**CHAIRPERSON:** That would have been when? Wednesday or Thursday?

**ADV THANDI NORMAN:** That was on Thursday. I beg your pardon, chair. I am confusing it because we did not sit on Friday.

**CHAIRPERSON:** Yes.

**ADV THANDI NORMAN**: That was on Thursday.

**CHAIRPERSON**: On Thursday?

**ADV THANDI NORMAN**: Yes, yes but I could establish, yes.

**CHAIRPERSON**: So on your understanding, if there were documents that you think Mister De Beer sent on Thursday were sent.

**ADV THANDI NORMAN**: Yes.

**CHAIRPERSON**: How much was outstanding by the end of the day or by Friday morning?

**ADV THANDI NORMAN**: My understanding is that he would have sent  
10 everything that he had in his possession because he extracted most of  
the documents. I was, I remember that I was upset with him that he did  
not send them early on Thursday.

**CHAIRPERSON**: Yes, yes.

**ADV THANDI NORMAN**: But because he had to extract those matters that are relevant and to Ambassador.

**CHAIRPERSON**: Hm.

**ADV THANDI NORMAN**: Then that took a while.

**CHAIRPERSON**: Yes.

**ADV THANDI NORMAN**: Yes, but my understanding I have not received  
20 anything like as of today to say you have not given us this particular  
file.

**CHAIRPERSON**: Ja.

**ADV THANDI NORMAN**: Or something like that, yes.

**CHAIRPERSON**: No, no that is fine. Of course we are not in a situation where Ambassador Koloane for his legal team came this morning and

said we are not ready.

**ADV THANDI NORMAN**: Yes.

**CHAIRPERSON**: We need more time. That is not the situation but we want to make sure, I want to make sure as far as possible that there is fairness to everybody.

**ADV THANDI NORMAN**: Yes, Chair.

**CHAIRPERSON**: It may be that there are certain matters that we can still cover this afternoon and maybe others tomorrow; that is one option but it may well be that maybe if certain issues are quite central to everything that maybe we should adjourn until tomorrow in the hope  
10 that this would add to the time.

**ADV THANDI NORMAN**: Yes.

**CHAIRPERSON**: And if Mister Koloane's counsel come tomorrow and make an application for and they say they cannot continue; Mr Koloane cannot continue then we take it from there. They would have to make an application for a postponement if that is the case. My understanding is that they would like to avoid that. They would like that this time be used as much as possible. But I think you make the point that they might have to be put to any election so that we do not have a situation  
20 where we spend this time and go on and then later on they say there was fairness because they were not given time. Whereas if they say look is not going to be fair, we need more time. We might decide to, say okay if they have make out a good case we will adjourn.

**ADV THANDI NORMAN**: Yes, chair.

**CHAIRPERSON**: Because I think what you have in mind is, if we

proceed not knowing where they stand it might defeat the whole purpose.

**ADV THANDI NORMAN**: Thank you, chair. Chair might I also mention, chair that because we anticipated that we would play the audio at this hearing, we had invited Major Ntshisi to be present.

**CHAIRPERSON**: Yes, yes.

**ADV THANDI NORMAN**: So that we do not have to replay it when he is recalled by the Commission.

**CHAIRPERSON**: Ja, okay.

10 **ADV THANDI NORMAN**: Maybe with your leave, chair, would it be possible to allow the play of that. The one recording is five minutes. That is the recording between Ambassador Koloane and Major Ntshisi.

**CHAIRPERSON**: Hm.

**ADV THANDI NORMAN**: And then the other one is 22 minutes which is various recordings of the conversations between Major Ntshisi and other officials.

**CHAIRPERSON**: Well, I am reluctant to allow the playing of the recording before they can hear it.

**ADV THANDI NORMAN**: As Chair pleases.

20 **CHAIRPERSON**: But let me hear what counsel for Mister Koloane has to say and then we try and finalize this.

**ADV THANDI NORMAN**: Thank you, chair.

**CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: Thank you, chair.

**CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: Again in regard to the production of documents, we do not point fingers at anyone to the extent that they were not given. We do not suggest that was not purpose.

**CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: And you know the Commission does what it can.

**CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: We understood that we would receive documents late in the day on Wednesday. That we understood it was undertaken which was given. We understand and we accept at face value what my  
10 learned friend says that that attempt was made and that a link was sent on the Wednesday but it was not received.

**CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: On the Thursday, a link was sent and that is attached approximately, will not approximately 519 pages' worth of documents.

**CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: And then on Friday afternoon, a further link was sent, sorry then I think. Yes, on the Friday for the link was sent and that although there was some duplication between the first bundle and  
20 the second bundle now contains 776 pages of documents.

**CHAIRPERSON**: Yes.

**LEGAL COUNSEL**: What the Ambassador had been given prior to appearing to give evidence on Wednesday was nothing more than only the Rule 3.3 notice which attached to it an Annexure A and an Annexure B which is comprised of Ms Sidane's statement as Annexure A and

JCPS cluster report without any Annexures as Annexure B. That is all that he had before.

**CHAIRPERSON**: Hm.

**LEGAL COUNSEL**: So you will appreciate Chair, that it is a voluminous extent of documentation.

**CHAIRPERSON**: Hm.

**LEGAL COUNSEL**: We do voice our concerns about the prospect of having the recordings played before we have had an opportunity to listen to them which adds to that.

10 **CHAIRPERSON**: Hm.

**LEGAL COUNSEL**: What you, as I understand it Chair now have is a suggestion by my learned friend that rather than putting us to pressure and trying to do it all this week that perhaps we arrange a mutually convenient dates in the fullness of time. And the Ambassador will then go back to the Netherlands and by way of an arrangement we will then come back in a few weeks or months or whatever it is. I have not had an opportunity to take instructions on that. It seems somewhat sensible to me as I am standing on my feet but honestly all of this is subject to what you may roll of course, Mr Chair. So in regard to if there is a  
20 suggestion that he must either be put to any election and be held by it.

**CHAIRPERSON**: Hm.

**LEGAL COUNSEL**: And if there is a suggestion that as an alternative to that we, my learned friend and I talked about mutually convenient dates in the fullness of time, I will need an opportunity to take instructions on either of those.



**CHAIRPERSON**: Ja.

**LEGAL COUNSEL**: But perhaps I could inquire as a matter of principle, chair, whether you would be receptive to either of those approaches perhaps arranging dates in due course or whether you would insist on the matter preceding this week.

**CHAIRPERSON**: Well, I would like us to make use of the time that has been set aside unless there is.

**LEGAL COUNSEL**: Prejudice.

**CHAIRPERSON**: Unless there is going to be unfairness to him and if  
10 there is going to be unfairness it would not be on the basis that the  
next time he comes would necessarily depend on agreed dates. We  
want to try and we talk to people who are concerned as far as possible  
but we want to retain the right to fix the dates because otherwise if you  
are going to wait until everybody has agreed you will not get anywhere.  
So subject to that I would like only to consider an adjournment that  
goes beyond to do tomorrow or this week only if I am made to  
understand that otherwise there would be unfairness and the unfairness  
I think would; it will be a question of whether bearing in mind what he  
would be asked questions about. Whether he has been given adequate  
20 time of looking at the documents and so on. So in other words there  
would have to be, I would have to be convinced. At this stage, I remain  
open to be persuaded. I am inclined to think that it ought to be possible  
for us to continue and finalize without any unfairness to anybody  
particularly if we are going to adjourn to allow more time until  
tomorrow. But if your side takes the view that definitely is going to be

unfairness and it would rather apply for an adjournment, a long adjournment then I would consider that at that time and look at the grounds. That is why I have asked now, how much of the documentation was given when and so on because although there is a lot of documentation here, my understanding is that that a lot of it might not really relate to his role.

**LEGAL COUNSEL**: Yes.

**CHAIRPERSON**: You know. Although, his role it seems to be quite important, it seems to be narrow.

10 **LEGAL COUNSEL**: Yes.

**CHAIRPERSON**: To me.

**LEGAL COUNSEL**: Of course.

**CHAIRPERSON**: And therefore it ought to be possible to have certain documents that relate to his role that are important and to apply one's mind to them and finalize.

**LEGAL COUNSEL**: Yes, of course we would have to consider all the documents to determine whether they are relevant or not.

**CHAIRPERSON**: Yes, no, no I accept that, I accept that, ja.

20 **LEGAL COUNSEL**: The other complication, chair, and again I raise it just thinking out loud is of course in order for us to form a view on whether the Ambassador would be prejudiced in continuing or not, this question of the recordings is a spanner in the works. We would obviously want to listen to them first before we make that election.

**CHAIRPERSON**: Yes, yes.

**LEGAL COUNSEL**: So perhaps, my suggestion would be if we could

obtain a ruling from you that we are entitled to those recordings.

**CHAIRPERSON**: Ja.

**LEGAL COUNSEL**: And if we could have them immediately.

**CHAIRPERSON**: Hm.

**LEGAL COUNSEL**: We could consider them overnight and then tomorrow we could come back and inform you, chair, what our position is whether we are inclined to continue or whether we would seek a postponement.

**CHAIRPERSON**: Excuse me. Thank you.

10 **ADV THANDI NORMAN**: Thank you, chair.

**CHAIRPERSON**: Now with regard to what you received over the weekend in regard to the recording of the conversation between as I understand the position, Ambassador Koloane and Major Ntshisi.

**ADV THANDI NORMAN**: Yes, chair

**CHAIRPERSON**: And Ambassador Koloane and Colonel Anderson, that is available to him. There is no problem with that. Is not it?

**ADV THANDI NORMAN**: No, no chair. It is available. I was waiting for Chair to give directions. I had indicated to my learned friends.

**CHAIRPERSON**: Yes.

20 **ADV THANDI NORMAN**: That the chair had not seen and had not heard any of these.

**CHAIRPERSON**: Yes, but is not classified or anything?

**ADV THANDI NORMAN**: It has been declassified.

**CHAIRPERSON**: Declassified?

**ADV THANDI NORMAN**: Declassified now, yes chair.

**CHAIRPERSON**: Okay.

**ADV THANDI NORMAN**: Yes.

**CHAIRPERSON**: That can be given to him then.

**ADV THANDI NORMAN**: Yes.

**CHAIRPERSON**: And then what is the other confidential document or something? There is nothing else?

**ADV THANDI NORMAN**: I am not made aware of any other document that.

**CHAIRPERSON**: I thought there was something else that arrived today  
10 or something this morning.

**ADV THANDI NORMAN**: Oh yes, the FF12. That is his letter of appointment as an Ambassador.

**CHAIRPERSON**: Oh okay.

**ADV THANDI NORMAN**: There is nothing contentious.

**CHAIRPERSON**: Oh okay.

**ADV THANDI NORMAN**: And the, I beg your pardon, chair. There is also the DIRCO report which is in Ambassador Matjila's statement.

**CHAIRPERSON**: The disciplinary hearing report or what?

**ADV THANDI NORMAN**: No, no chair. That is in FA12. That is just the  
20 one-page report that Ambassador Matjila identified as a report which he forwarded to Nico. That was the other document was declassified.

**CHAIRPERSON**: But it is available to him?

**ADV THANDI NORMAN**: Yes, it has been declassified, yes chair.

**CHAIRPERSON**: Ja.

**ADV THANDI NORMAN**: We can make it available to him.

**CHAIRPERSON**: So there is nothing that as far as you know should not be made available?

**ADV THANDI NORMAN**: No.

**CHAIRPERSON**: That you, that we have.

**ADV THANDI NORMAN**: No, chair. Not at all.

**CHAIRPERSON**: Ja. Okay those can be given to him or his lawyers immediately. So it, but it seems to me that we should adjourn until tomorrow morning so that they can then have, they can listen to the recording and number one. Number two, use the time to for particular  
10 the witness but his lawyers may need to as well. If there are any documents that they have not had a chance to apply their mind to.

**ADV THANDI NORMAN**: Yes, Chair.

**CHAIRPERSON**: But my understanding of his role suggests that even with documents it should not be many documents that need to be referred to that are in the bundle.

**ADV THANDI NORMAN**: Yes, yes chair. But we decided to give them all the bundles.

**CHAIRPERSON**: Everything, yes.

**ADV THANDI NORMAN**: As far as understand.

20 **CHAIRPERSON**: Yes.

**ADV THANDI NORMAN**: Yes, yes.

**CHAIRPERSON**: But.

**ADV THANDI NORMAN**: But.

**CHAIRPERSON**: Is it your understanding too that those that really relate to him is very limited number?

**ADV THANDI NORMAN**: Very limited, yes.

**CHAIRPERSON**: Very limited number.

**ADV THANDI NORMAN**: That would be FF4, FF3, those matters that really.

**CHAIRPERSON**: Yes, yes.

**ADV THANDI NORMAN**: Yes and FF1, yes.

**CHAIRPERSON**: Ja. Okay, alright.

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

**CHAIRPERSON**: Thank you. I am happy to adjourn. We can adjourn to  
10 tomorrow at 10 and everybody understands why we are adjourning. And  
then when we resume tomorrow at 10, we can then hear if the witness's  
counsel has, can indicate to us what the position is but as I speak my  
inclination is that as far as possible, it ought to be possible for us to  
continue without there being any unfairness to the Ambassador. But I  
will be told if there is any feeling that there will be unfairness.

**ADV THANDI NORMAN**: Thank you, chair.

**CHAIRPERSON**: Okay.

**ADV THANDI NORMAN**: Thank you.

**CHAIRPERSON**: Alright. Ambassador, you have been listening to  
20 everything, you understand where everything is going.

**AMBASSADOR VUSI BRUCE KOLOANE**: Yes, I do chair.

**CHAIRPERSON**: You do? Ja, I am going to adjourn the proceedings  
now and we will resume tomorrow at 10 o'clock. The adjournment will  
serve the purpose of allowing you and your legal team to listen to the  
recording but also to have more time to apply your mind to whatever

other documents, whatever documents you might not have had a chance to apply your mind to. And tomorrow we will be looking at proceeding but you and your legal team are free to make any application that you might consider making about a possible adjournment and then I would make a ruling on it. You understand?

**AMBASSADOR VUSI BRUCE KOLOANE**: Yes, I do, Chair.

**CHAIRPERSON**: Okay, thank you. We are going to adjourn then until tomorrow at 10 o'clock. We adjourn.

**INQUIRY ADJOURNS TO 9 JULY 2019**