

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

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10

26 AUGUST 2019

DAY 149

20

PROCEEDINGS ON 26 AUGUST 2019

CHAIRPERSON: Mr Pretorius. Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: We have modernised our approach DCJ we – it could go directly to Ms Wentzel.

CHAIRPERSON: Good morning Mr Pretorius, good morning everybody.

ADV PAUL JOSEPH PRETORIUS SC: Morning Chair.

CHAIRPERSON: Yes. Are you ready?

ADV PAUL JOSEPH PRETORIUS SC: Yes there will be two witnesses today Chair. Mr Simons and Mr Hlungwani and they will be led by Ms
10 Wentzel.

CHAIRPERSON: Thank you. Ms Wentzel.

ADV SUSAN WENTZEL: Thank you Chair. Chair if I can begin by addressing the issue of the Rule 3.3 Notices.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: With regard to the evidence of Mr Simons. The Secretariat...

CHAIRPERSON: I do not know whether you need to bring the microphone closer to you or you need to raise your voice but one of the two or both.

20 **ADV SUSAN WENTZEL**: I will try and do both.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: The Secretariat has had quite some difficulty trying to locate a number of the family members who were implicated in Mr Simons' statement. The most glaring omission was that with regard to Mr Mkondisi Zuma. He unfortunately was being traced under that

name Zuma. It only later became apparent that his name on his ID document is that of Mthethwa which is his mother's name who was unmarried at the time of his birth and his father is a Zuma but he calls himself a Mr Zuma. So once he could finally be located which unfortunately was only last night when the investigator managed to speak to him telephonically an unsigned copy of the statement was sent to him and then this morning only the signed copy went from the commission. It is regrettable that that has transpired but unfortunately those are the facts.

10 **CHAIRPERSON**: Yes what about other people? Have they been served with the 3.3 Notices timeously?

ADV SUSAN WENTZEL: The former President Mr Zuma did receive a notice. He did not however get to two weeks before. There was again unfortunately some confusion in our offices as to who would in fact be leading his evidence but as soon as it became apparent that that witness would testify today and that I would leading that evidence I immediately prepared Rule 3.3 Notices. You will see in the statement reference is also made to a Mr Busa Zuma. He is deceased.

20 **CHAIRPERSON**: Yes. So are there – so there are about what three persons on whom Rule 3.3 Notices were served at different times?

ADV SUSAN WENTZEL: Yes in fact Chair if I can just count them for you? Nine Rule 3.3 Notices went out.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: At various times.

CHAIRPERSON: And how many of those gave the implicated persons

the required period of time?

ADV SUSAN WENTZEL: Well ...

CHAIRPERSON: Or how many did not give them the required time?

ADV SUSAN WENTZEL: Well regrettably none of them got the full fourteen days.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: They did not get that time. As far as I am aware besides a response from Mr Manyi who said he is prepared to cooperate with the commission there has not been a response from the
10 other implicated parties but Chair with your leave perhaps what – a way that we could cure this defect is should they wish to cross-examine any of these witnesses and they bring an application and you were to grant that application that they then be afforded an opportunity to cross-examine those witnesses and to put their version. And to testify before the commission indeed.

CHAIRPERSON: Well I am – I am still at the question whether there has been compliance with the requirement that implicated persons be given a certain amount of time and if there has been compliance and they were given that is fine, we can proceed. If they were not given
20 who was not given adequate time? How much – by how much time were we short and take it from there. I just want to have clarity on that.

ADV SUSAN WENTZEL: Well perhaps I can tell you when the Rule 3.3 Notices were served. In regard to Mr Mthethwa it went on the 30 August 2019.

CHAIRPERSON: What date?

ADV SUSAN WENTZEL: The 30 August. It must be...

CHAIRPERSON: 40th?

ADV SUSAN WENTZEL: Oh it must be the 30 July they have given me the – the – the –

CHAIRPERSON: 30 July.

ADV SUSAN WENTZEL: Sorry, sorry I have – I beg your pardon I am just looking at the wrong column that she has giving me. I beg your pardon.

CHAIRPERSON: Is that not the one that you said you got yesterday?

10 **ADV SUSAN WENTZEL:** It is the 16th. Pardon?

CHAIRPERSON: Is that not the one?

ADV SUSAN WENTZEL: No.

CHAIRPERSON: That is somebody else?

ADV SUSAN WENTZEL: No that is someone else. That went on the 16 August. The one to the former President Mr Jacob Zuma went on the 20 August.

CHAIRPERSON: 20th?

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Today is what, 26th?

20 **ADV SUSAN WENTZEL:** No on the 16th – also on the 16 August. It went – also went – sorry it went on the 16 August. The one to Mr Khulubuse Zuma went on the 20 August. The one to Mr Archie Zondo went on the 21 August. The one to Mr Manyi went on the 20 August. The one to this is Mkondisi Zuma or Mthethwa only went this morning formally the 26 August although he did get sight of it last night and to

Mr James Zwane it went on the 21 August.

CHAIRPERSON: Well I think that it is not satisfactory. It may be that – it may be that the witness should give evidence in regard to the Maseko issue only. I – for now and then he can be asked maybe to come back later when everybody has had adequate notice and his evidence as I understand from the statement should not take long. So it is a witness that – he is the witness that can come in even at nine o'clock and be done within an hour or so for purposes of finishing that part of the evidence. So I am inclined to think that probably in fairness to the
10 implicated persons we should restrict his evidence to the Maseko issue and in regard to all other matters he would need to come back some other time when every implicated person has had enough time after receiving notice. Do you want to say anything about that?

ADV SUSAN WENTZEL: Mr Chair – Chairman I submit that is an appropriate solution and it would – it would be more fair.

CHAIRPERSON: Ja.

ADV SUSAN WENTZEL: And particularly as one witness has only received the notice this morning.

CHAIRPERSON: Ja we will not – there will not be any prejudice to the
20 commission because he can come back and be fitted in.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Even before the witness allocated for a particular day begins at ten o'clock he can come in earlier. Such prejudice as there may be are to the witness in the sense that he may have to come back twice but he – he may – he might understand the situation and he might

have no problem.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Um. Mr Simons you hear what is going on? Do you have any problem if you come back some other time to deal with other matters other than the one relating to Mr Maseko?

MR BRENT ADRIAN SIMONS: Absolutely no.

CHAIRPERSON: You have no problem?

MR BRENT ADRIAN SIMONS: No problem.

CHAIRPERSON: Okay thank you. Okay.

10 **ADV SUSAN WENTZEL:** Thank you.

CHAIRPERSON: I think let us do it that way?

ADV SUSAN WENTZEL: Thank you. Chair I am told by Mr Pretorius apparently there is a representative here from one of the implicated parties. Perhaps he would just like to ...

CHAIRPERSON: Yes to say something.

ADV SUSAN WENTZEL: Place his – himself on record.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Thank you.

CHAIRPERSON: Thank you.

20 **ADV YUSUF PEER:** Thank you Chairperson. My name is Yusuf Peer from the Johannesburg Bar. I have been before the Chairperson before.

CHAIRPERSON: Yes.

ADV YUSUF PEER: For Minister Nathi Mthethwa.

CHAIRPERSON: Yes.

ADV YUSUF PEER: And I am back here again for the Minister in respect of Mr Simons.

CHAIRPERSON: Yes.

ADV YUSUF PEER: We – I am instructed by Mabuza Attorneys. We did receive the 3.3 Notice on the 16 August.

CHAIRPERSON: Yes.

ADV YUSUF PEER: As my colleague has indicated but...

CHAIRPERSON: Yes.

ADV YUSUF PEER: The position the Chairperson and the evidence
10 leader has indicated we are on the same page.

CHAIRPERSON: Yes.

ADV YUSUF PEER: With the commission on that.

CHAIRPERSON: Yes.

ADV YUSUF PEER: So I will say no more than that for now.

CHAIRPERSON: Okay thank you.

ADV YUSUF PEER: Thanks Chairperson.

CHAIRPERSON: Thank you okay. Alright then we can proceed on that basis, is that alright?

ADV SUSAN WENTZEL: Thank you Chair.

20 **CHAIRPERSON:** Yes. And then the – the oath or affirmation can be administered.

ADV SUSAN WENTZEL: Thank you.

REGISTRAR: Please state your full names for the record?

MR BRENT ADRIAN SIMONS: Brent Adrian Simons.

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

MR BRENT ADRIAN SIMONS: No.

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

MR BRENT ADRIAN SIMONS: Yes.

REGISTRAR: Do you swear that the evidence you will give will be the truth; the whole truth and nothing but the truth?

MR BRENT ADRIAN SIMONS: Yes.

REGISTRAR: If so please raise your right hand and say, so help me God?

10 **MR BRENT ADRIAN SIMONS:** So help me God.

CHAIRPERSON: Thank you.

ADV SUSAN WENTZEL: Thank you Chair. Chair we have taken the liberty of marking the statement of Mr Simons Exhibit JJ1 and with your leave if that is suitable to you if we could submit that into the record?

CHAIRPERSON: The file containing the affidavit of Mr Brent Adrian Simons will be marked Exhibit JJ1.

ADV SUSAN WENTZEL: Thank you.

CHAIRPERSON: Thank you. Yes.

20 **ADV SUSAN WENTZEL:** Mr Simons you have submitted a statement under oath to the commission, is that correct?

MR BRENT ADRIAN SIMONS: Yes Chair.

ADV SUSAN WENTZEL: And Exhibit JJ1 in front of you, is that the statement that you submitted?

MR BRENT ADRIAN SIMONS: This is the statement Chair.

ADV SUSAN WENTZEL: Could you please tell the Chair what was...

CHAIRPERSON: One second. One second. Can everybody at the back hear? Can everybody at the back hear? Some do hear others do not – cannot hear. Let us try and raise our voices. Okay.

ADV SUSAN WENTZEL: Mr Simons could you please tell the Chair what positions you held and in – first let us start with how long have you worked in the public service?

MR BRENT ADRIAN SIMONS: Chairperson I roughly worked in the public service for eighteen years most of that at the level of senior management either at the level of Director or Chief Director and I had
10 various positions ranging from Spokesperson for former Minister Sidney Mufamadi to Spokesperson for the former late Minister Collins Chabane both during his last few months in the Presidency as well his months before he passed on in the public service and administration. Primarily I have...

CHAIRPERSON: Okay hang on – hang on.

MR BRENT ADRIAN SIMONS: Ja.

CHAIRPERSON: I am struggling to hear you myself now. Maybe it has got nothing to do with your voice microphone maybe it is the technicians they should – maybe there is something they are supposed
20 to do. They indicate that they do not think there is anything wrong technically.

ADV SUSAN WENTZEL: Mr Simons if you can...

CHAIRPERSON: Maybe draw – draw the microphone a little closer to you.

MR BRENT ADRIAN SIMONS: Okay.

CHAIRPERSON: Yes. Okay let us try again. Let us start with that question again?

ADV SUSAN WENTZEL: Mr Simons if we have regard to paragraph 3 of your statement you have set out a history of what positions you held and in which departments, is that correct?

MR BRENT ADRIAN SIMONS: Yes Chairperson. I...

ADV SUSAN WENTZEL: If – so if you can just slow it down.

MR BRENT ADRIAN SIMONS: Oh.

ADV SUSAN WENTZEL: And explain to the Chair what positions you
10 held and when?

MR BRENT ADRIAN SIMONS: Okay. Chairperson I joined the public service in 2000 in the Western Cape as part of the management team of the Western Cape Government Communications and Information system. That was the National Government Department not the Province. Subsequent to that joining I then joined the office of the former Minister Sidney Mufamadi as his spokesperson in his Ministry which was Provincial and Local Government. I returned to GCIS in the Western Cape where I then headed up the – the Government Communications Unit GCIS in the Province. I then returned to Pretoria
20 again to head up a training and development unit which basically was responsible for training all government communicators whether they were at local government level or national government or provincial government and my former late Minister Collings Chabane was one of the first Ministers to actually undergo that training course as well. So I then worked with the Minister until he – passed on so I joined him on

his request at the Presidency and again on his request I followed him to the Department of Public Service and Administration after the election – the National election then. So I stayed with him until he passed on and then you know a few – about a year ago – a year and a half ago I resigned from the public service and then took up a post at Parliament as the Unit Manager for Content and Information Development and I am still there.

CHAIRPERSON: Maybe – maybe the problem is with me. There is very little improvement in terms of hearing you compared to what it was before for me. I see that some at the back say they can hear you quite clearly. Am I the only one who is struggling? It looks like I am the only one. But of all the people I am the one who must hear you.

ADV SUSAN WENTZEL: Mr Simons I think it might be ...

CHAIRPERSON: The technicians are sure that there is nothing that they can do or maybe there is something they should do on my aircon. Okay I am told maybe it was the aircon. Let us try again. If there is still a problem we might have to take a break and the technicians can have a look at everything and then we can proceed. Let us try again but you do not have to repeat what you have said because it is in here.

20 You may continue and – okay.

ADV SUSAN WENTZEL: Mr Simons if you could try and project your voice but also if you can try and slow down. I think you talking very fast and that also makes it very difficult to hear you and follow what you saying. During the times in both the Presidency...

CHAIRPERSON: And – I am sorry. And I think if you face me it might

help. Okay.

ADV SUSAN WENTZEL: During the time that you worked for Minister Chabane in the office of the Presidency what was your function?

MR BRENT ADRIAN SIMONS: I was – Chairperson I was asked by the Minister to join his team and to particularly look at media management, media relations and speaking on behalf of the Ministry. But obviously the Minister would ask for certain other tasks as well and then some of that would include in the absence of the Chief of Staff for example to try and act in that capacity. You also had to make sure that the
10 Minister's diary was appropriate. That the Minister was meeting with the stakeholders he was supposed to meet with and that on some occasion you actually had to make sure that there was time for the Minister himself as well which he could utilise in his personal capacity to try and get him away from – from – from the office because being a Minister in the Presidency obviously is a very strenuous responsibility. So yes it is [indistinct]. The main objective was as media you also contributed to writing up of his speeches and then when required to assist with administrative capabilities.

ADV SUSAN WENTZEL: And when after the elections in May or June
20 2014 you followed the Minister to the Department of Public Service and Administration what were your roles in that department?

MR BRENT ADRIAN SIMONS: They were very similar. Prior to the election the Minister started hinting that he might not come back as Minister in the Presidency and then during the elections I think it was just about two or three days after the election the Minister phoned and

said look I am not going back as Minister in the Presidency I might go to some other department but I will keep you posted. And then he phoned again to say that it was DPSA and he wanted me and then obviously some of the colleagues who were also in the Presidency with him at that stage to accompany him to DPSA. So we had very similar tasks and responsibilities. One of the key issues was to get the Minister introduced to the staff and I am sure that my colleague would also attest to the fact that our Minister walked the entire building. He did not take the lift up in those eleven floors. He walked from floor to floor, from desk to desk, introducing himself to all his subordinates at DPSA. In some of those instances we were asked to take notes because he would see avocado pears for example on some desks or he would see oranges on some desks and then whenever he returned from the Limpopo he would bring all these bags of avocado pears or naartjies or oranges and we had to distribute it to the colleagues who – on whose desk he actually saw them. So it was media liaison, administrative and just making sure that the office was functioning properly.

ADV SUSAN WENTZEL: And what was your relationship with Minister Chabane?

MR BRENT ADRIAN SIMONS: I think I developed a very good relationship with the Minister. The Minister would often open up and have deep discussions not only about what was happening within the Ministry or the Department but also politically within the organisation because he knew that I was an active member of the African National

Congress at that stage so we would have political discussions as well. And one of his key issues he would always ask us what was the view of the media and what was the view of citizens out there of the current leadership of the ANC. And sometimes he even asked me to compile some articles especially after weekends. So I would do that for him. If he went to the political school of the ANC for example he would ask that I assist him. He would give a brief and he would say please develop a political paper on this or that topic depending on what the topic was. So – so I think there was a good relationship in terms of –
10 of trust and making sure that there is someone also he could talk to. And that is what we did most of the time as staff members we actually just listened.

ADV SUSAN WENTZEL: And you mention in your statement that on occasion he would travel in the car with you. Could you expand a bit on that?

MR BRENT ADRIAN SIMONS: Yes this Minister was a totally different Minister to – I mean as I say I worked with Minister Mufamadi before they are actually poles apart in terms of – of how they function and operate. Minister Chabane was one of those Ministers who would say
20 for example that look you have a hired car? Are you driving alone? And you would say yes and he would say okay he would tell his security officials and the two policemen deployed that look you either drive ahead or you drive behind us but I am going to accompany Brent and I am sure he did it with other colleagues as well. And that is how for example you would end up driving 500/600 kilometres with the Minister

at some stage. And like – I mean if people drive with you for 5/6 hours for 500 kilometres etcetera you tend to – you talk, you open up, you talk about many different things and on one of those trips we were in the Karoo, the Beaufort West for example on one Saturday afternoon and – Sunday afternoon sorry and he said that look we going to drive back. He was craving some fish and chips then I told him it is Sunday you not going to get fish and chips in Cape Town on a Sunday. And then he asked who I was driving with and I said no I am driving alone. And then he said nope we will solve that now. The two police officials

10 still based in Cape Town they were told to either go to their families Minister was in good company or they could drive behind us which they did and we drove straight to Quay Four at the Waterfront so that the Minister could have fish and chips. And again I mean that opportunity was one where we would talk and at that stage we were coming from an ANC function and he wanted an update because I was from the Province and what was happening within the province and so on. And he spoke to this one and that one so the Minister was a very – very, very down to earth politician even in Gauteng he would ask you to take him from OR Tambo to somewhere in Johannesburg or he will tell the

20 officials to wait for him in Pretoria. He will jump in the car with you and he will drive with you to Pretoria and even though we found it to be – you know we know we knew it was unusual – we – it became normal for us that the Minister would actually do that.

ADV SUSAN WENTZEL: Now Mr Simons you are aware that the former President Mr Jacob Zuma has testified at the commission and denied

that he instructed Minister Chabane to remove Themba Maseko, are you aware of that?

MR BRENT ADRIAN SIMONS: Yes I am Chairperson.

ADV SUSAN WENTZEL: And what is your reaction to that?

MR BRENT ADRIAN SIMONS: My reaction was – was clouded with disappointment because on one of the discussions we had with the Minister for example he touched on the issue. Because he knew I came from GCIS and he thought that GCIS was moving in the right direction. The ANC was not moving in the right direction. He was questioning the direction the country was moving in. So yes the
10 Minister was very clear in terms of how he would – he would and when he would have discussions and the topics he would have. So when – when the President – former President said that the Minister and I think he said it at the commission that the Minister probably was name dropping that is totally, totally contradictory to the character of the Minister. The Minister was the Minister in the Presidency with that came certain I would say you know wherever you went and you said this is the Minister in the Presidency people had a certain amount of respect for that office. So I just thought that the former President was
20 not truthful when he – in front of the commission and to the people of South Africa said that the President was probably you know name dropping in terms of saying that – I am sure when he phoned or he made the phone call he did it – he used my name and I thought that was incorrect and I think that is part of the reason why - why some of us from the Ministry are here.

ADV SUSAN WENTZEL: Mr Simons if we can go back a step you mention in your statement that happened when you were with the Minister in Australia. Could you with some detail explain those events in your statement?

MR BRENT ADRIAN SIMONS: *Ja.* Chairperson it was March 20 - 2014. We were on an official visit to Australia and I was the only official accompanying the Minister at that stage. So tradition or protocol would dictate that you - you basically provide all services to your - your Minister if you are on that trip and - and you are the only
10 official accompanying.

That means secretarial responsibilities, answering of phone for example, making sure that if the Minister wanted to get some messages somewhere you would do that and then I - I do not know how it happened but we - we got word that the Nkandla Report at that stage was about to be released. We had an in depth discussion. It went on until the - the early hours of - of the morning in fact.

We even took a walk around the hotel facility just for the Minister to - to have a smoke. He loved his smokes and then - but also to - to open up and - and talk. Get a little bit more clarity and we - we
20 then released when the Nkandla Report was released that some of the - the recommendations made I think there were about four or five recommendations at that stage that was made.

We discussed that in the Minister's hotel room and - and we agreed on - on how we should go about responding. Part of that response was that the President acknowledged the - the report. That

the President acknowledged the recommendations made in those reports and that I know in the initial draft because - because I was the only one typing I put in red bold one of the recommendations was that the President should pay back a certain amount and in bold there Minister Chabane said that I will fundraise on behalf if there is a decision on how much should be paid back.

That was emailed to - to the relevant colleagues in - in the Presidency. I am sure they said it with GCIS as well and - and the Minister's instruction was keep the response as brief as possible and
10 he envisaged half - half a page close to a page response because he was saying let us not go into the details of the - the issues. Let us respond to the recommendations in terms of how is he.

Like the one was if I recall correctly the reprimanding of - of Ministers and our response was that the President would do this and actually report back to the nation in terms of the steps that he had taken and that was to be determined in a discussion once we - we had returned. The next day we - we saw the statement. If I recall correctly I think the GCIS statement went into a couple of pages and the Presidency had also issued a statement and that statement had
20 absolutely nothing of - of what the - the Minister had - had recommended.

So obviously on our side and if I talk our side the Minister obviously was a bit disappointed because he had thought that the guidance we had given was sound communications guidance which to some extent would have not dealt with the issue in its entirety but

would have limited some of the - the immediate negative responses after that.

ADV SUSAN WENTZEL: What happened after that when Minister Chabane heard that his advice had not been heeded?

CHAIRPERSON: Well Ms Wentzel I am not sure that the part that the witness has dealt with now is really relevant for our purposes. Maybe it is but if you are going to want him to go further along those lines ...

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: I would need to know why. Why it is relevant?

10 **ADV SUSAN WENTZEL:** He - beyond this and after hearing - if I understand the statement - after hearing that the former President Mr Zuma had not heeded the advice that he had thought so carefully about Mr Chabane was very upset and then had - had a very important conversation concerning the removal of Mr Maseko immediately after this. So he ...

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: It was in that state of mind that he confided in this witness.

CHAIRPERSON: Yes but why do we not go straight to the real issue?

20 **ADV SUSAN WENTZEL:** Yes.

CHAIRPERSON: We - we might not need ...

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Details about advice that was given ...

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: And not accepted.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Let us go to the issue.

ADV SUSAN WENTZEL: Yes. Ms Simons could you please explain how it was that as you say in your statement Minister Chabane told you about the removal of Mr Maseko and what he told you?

MR BRENT ADRIAN SIMONS: Okay. As - as indicated Chairperson the Minister obviously he was a bit upset that - that we had worked and drafted some form of - of guidance in terms of the statement and none of that was used and we had a talk afterwards and the Minister then
10 also touched on the issue of Mr Maseko knowing that I came from - from GCIS.

That I had worked closely with Mr Maseko etcetera and - and what he indicated then was that the President had actually instructed him to get rid of - of Mr Maseko. We - we had a discussion and - and his views were that he - he at that stage thought that GCIS was functioning optimally.

GCIS was performing at a high standard in terms of setting the standard or the pace within Government communications and that Mr Maseko was giving excellent leadership at that stage but he did not
20 go into the details of - of it but said that he had received a telephone call and that the President was actually saying to him very directly that Mr Maseko needed - needed to be replaced and he actually mentioned the name of Mr Manyi as well and - and he said he found that also a bit disturbing because when you tell that you do not want this teacher and automatically a - a secondary name was also added as to who the

person must be that - that was following up.

I was working at GCIS at that stage when Mr Maseko was - was removed and obviously we - we had meetings with Mr Maseko's replacement then Mr - Mr Manyi but that was the - the view of the Minister then and that is part of the reason why I felt that even though yes people will say your Minister had passed on. He is not here to - to defend himself.

There are members of staff that he had spoken to. There are members of staff who were present when that telephone call came and
10 the Minister from - from his discussion with me was visibly - it was clear that - that the Minister was still upset about how that - that transpired, but he was telling us - telling me at least directly that and the President had instructed him to remove Mr Maseko even though he was not keen on doing that.

CHAIRPERSON: Did you say this was during your trip in Australia in - in 2014?

MR BRENT ADRIAN SIMONS: Yes. The Minister as I say when we drafted the statement we spent several hours in his room. We even took a little break just to go and walk around the streets of Sydney in
20 the early hours of the morning and we came back and - and we - we concluded the draft statement. It went back.

The next morning we had to get up very early again because we had meetings with relevant stakeholders organised by I think it was Brand SA as that stage. So - so yes. It happened during that trip where - where we - we are clearly - the Minister talked about and

touched on the - the concerns he had regarding the removal of Mr Maseko.

CHAIRPERSON: Of course the - Mr Maseko's removal or transfer from GCIS to DPSA occurred in I think February 2011. So he was talking to you that is Minister Chabane on this trip in Australia about what three years later?

MR BRENT ADRIAN SIMONS: Yes Chairperson.

CHAIRPERSON: Hm.

MR BRENT ADRIAN SIMONS: We had talks about many other things
10 obviously but the one that and - and that is why I am saying I had that first-hand encounter with the Minister and you - you then read in the newspapers that the Minister technically was lying and - and I honestly believe that the Minister was not lying and the same story you obviously also heard within the rank and file of your - your administrative setup in the office and - and I think that is why at least two of us are - are here to - to try and verify or corroborate. I do not know what my colleague is ...

CHAIRPERSON: Hm.

MR BRENT ADRIAN SIMONS: Is reporting on but - but I am saying that
20 and that is what the Minister told me.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: And did the Minister tell you what he thought about the appointment of Mr Manyi to the post?

MR BRENT ADRIAN SIMONS: Chairperson in - in fact that is how the Minister obviously opened up as well. He - he was not too keen and he

said it to this extent. He was not too keen on the appointment of Mr Manyi because Mr Manyi at that particular stage was also embroiled in this scandal of having tried to - to source funding for a private venture while there was an official discussion taking place and so on and - and he thought that the - the one thing that the Minister would believe in which most of us believe in as Government communicators is that you do not become the news.

You - you speak on behalf of your Minister. You speak on behalf of your department but you do not become the topic of
10 discussion within the media and - and the Minister was not too keen on - on having that appointment but the same situation prevailed that you are being instructed by the President who to - to remove and who to replace that person with.

ADV SUSAN WENTZEL: And could you explain to the Chair what happened when Mr Manyi's five year term expired?

MR BRENT ADRIAN SIMONS: Chairperson the Minister was not going to renew the - the - or offer Mr Manyi a - a different contract. At that stage I was also part of the - the management committee of - of GCIS which comprises Directors/Chief Directors. MANCO was Directors.
20 Sorry. The - the management committee consisted of Chief Directors primarily with your Executive Management which is your Deputy Director Generals and your - your DG.

So at that stage there was no DG and - and the Minister then addressed the - the management committee saying that he was not going to extend or renew the contract of Mr Manyi and that we would

allow the process to - to be followed in terms of an appointment and I do not know but - but shortly after that Ms Phumla Williams was appointed as the - the Acting Director General within GCIS.

ADV SUSAN WENTZEL: Do you have any knowledge of what the former President Mr Zuma's reaction to that was?

MR BRENT ADRIAN SIMONS: From - from the Minister's perspective he was not too impressed with that. In terms of the discussion that had happened I - I know the Minister again referred to himself as being a bit upset at - at the chat he had with the former President particularly
10 regarding the - the none approval or support for - for the extension of the - the contract of or renewal of the contract of - of Mr Manyi.

ADV SUSAN WENTZEL: You are also referring to - in your statement to a letter that you drafted to the former President shortly before the April 2014 elections on behalf of Minister Chabane stating that he was removing Mr Manyi from the Media Development and Diversity Agency Board as he was no longer a representative of GCIS. Could you explain that?

MR BRENT ADRIAN SIMONS: Can - can you just refer me to the page Chairperson?

20 **ADV SUSAN WENTZEL:** Yes. With pleasure. Paragraph 50 on page 11.

MR BRENT ADRIAN SIMONS: At - at this stage we were still in the - the Presidency and Mr - Minister Chabane was responsible for the Media Development and Diversity Agency - the MDDA. The MDDA in fact sent a letter to - to the Minister in the Presidency complaining

about the position that was being occupied by Mr Manyi on the MDDA Board.

That was a position that was primarily set aside for GCIS. The - the position was that Mr Manyi was no longer part of GCIS - no longer representing Government and therefore could not be representing Government or a department a Government department on a board which that particular seat was particularly set aside for a Government department.

I received it from I think the correspondence went to the
10 Chief of Staff. Following the correspondence with the Chief of Staff the Minister was briefed and the Minister then gave that task to me to sort with the legal advisors in the Presidency. Get that opinion in terms of what we should in - in terms of the way forward.

We received that opinion from the legal advisors who then indicated that the position in fact should be vacated and it should be immediately handed to - to GCIS or returned to GCIS. I then drafted a letter on behalf of Minister Chabane which made reference to the legal opinion and the legal opinion in fact was attached to that draft letter.

I do not know if the Minister or I do not recall if the Minister
20 signed that letter but that letter did go to the Presidency and if it did go to the Presidency then I think the Minister obviously would have signed it because as at that stage as I indicated earlier in our Ministry you have different units doing different components different work and so on.

So that letter was drafted and then we never ever received

any feedback as long as - as I was in the Presidency then but I think April 14 - 2014 was also a period where - where people were campaigning. It was elections around the corner at that stage but I - I do not recall any response from the Office of the President regarding the removal of - of Mr Manyi from the MDDA Board at that stage.

ADV SUSAN WENTZEL: Yes. Chair in essence that concludes his evidence that is not going further implicated persons.

CHAIRPERSON: So Mr Simons in 2011, February in which department in the Government were you? I am trying to go back to your sequence.

10 **MR BRENT ADRIAN SIMONS:** 2011 I was - I was in GCIS. I was the - early 2011 I was the Director - Provincial Director for GICS in the Western Cape.

CHAIRPERSON: Oh you - you were not in the Presidency at that time?

MR BRENT ADRIAN SIMONS: No Chairperson.

CHAIRPERSON: Yes. Okay. Okay. So at the time that Mr Maseko was removed you - you were in the Western Cape?

MR BRENT ADRIAN SIMONS: Yes Chairperson.

CHAIRPERSON: Yes.

MR BRENT ADRIAN SIMONS: I was based there.

20 **CHAIRPERSON:** Yes but in the Western Cape was that a separate department or the same department but only provincial level - GCIS?

MR BRENT ADRIAN SIMONS: It was GCIS nationally ...

CHAIRPERSON: Yes.

MR BRENT ADRIAN SIMONS: And I was heading up the provincial part of that department.

CHAIRPERSON: Okay. Okay. Thank you. You are excused. You will be asked to come back to deal with the other aspects that we talked about at a later stage but thank you for coming forward.

MR BRENT ADRIAN SIMONS: Thank you Chair.

CHAIRPERSON: Thank you very much.

ADV SUSAN WENTZEL: Thank you.

CHAIRPERSON: Do you need me to adjourn for you to call the next witness or are you able to call ...

ADV SUSAN WENTZEL: Hm.

10 **CHAIRPERSON:** Without an adjournment?

ADV SUSAN WENTZEL: I am - I am able to call without an adjournment.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: It is - it is - I am in your hands.

CHAIRPERSON: Yes. No if you are able to call the witness without an adjournment let us do that.

ADV SUSAN WENTZEL: Thank you.

CHAIRPERSON: Okay.

20 **ADV SUSAN WENTZEL:** Chair the next witness is Mr Hlungwani. He was a Private Secretary in the Office of the Presidency to Mr Chabane at the relevant time. Thank you.

CHAIRPERSON: Yes. Okay. You can administer the oath or affirmation.

REGISTRAR: Please state your full names for the record.

MR ABEDNIGO HLUNGWANI: Abednigo Hlungwani.

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

MR ABEDNIGO HLUNGWANI: No.

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

MR ABEDNIGO HLUNGWANI: Yes.

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

MR ABEDNIGO HLUNGWANI: So help me God.

10 **MR ABEDNIGO HLUNGWANI:** (duly sworn, states)

CHAIRPERSON: Thank you. Yes you may proceed Ms Wentzel.

ADV SUSAN WENTZEL: Chair with this witness again we have taken the liberty of naming his statement EXHIBIT JJ2 which we would like to submit into evidence.

CHAIRPERSON: The file containing the affidavit of Mr Abednigo Hlungwani will be marked EXHIBIT JJ2.

ADV SUSAN WENTZEL: Mr Hlungwani the EXHIBIT JJ2 in front of you is that a statement deposed to under oath by you submitted to the Commission?

20 **MR ABEDNIGO HLUNGWANI:** Yes it is.

ADV SUSAN WENTZEL: Could you please give the Chair details of your employment with Government?

MR ABEDNIGO HLUNGWANI: Thank you Chair but on the statement I would want to just make one correction if the Chair allows.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Just on the first page. My - my name reads Abegnigo.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: So A-B-E that G should be D.

CHAIRPERSON: Oh yes.

MR ABEDNIGO HLUNGWANI: Other than that the statement is correct.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Thank you Chair.

CHAIRPERSON: Will you Ms Wentzel just arrange for a - a fresh page

10 1 to be done?

ADV SUSAN WENTZEL: Yes. I will make sure that that is ...

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: That is amended and I apologise to you.

CHAIRPERSON: Okay.

MR ABEDNIGO HLUNGWANI: Thank you.

ADV SUSAN WENTZEL: I will correct that. Sorry. If you could then have a look at paragraph 3 of your statement and just explain to the Chair what positions you have held in Government.

20 **MR ABEDNIGO HLUNGWANI:** Thank you Chair. My - my employment in the Public Service spans over 22 years but mainly started in Limpopo Provincial Government and mainly from July 1997 to almost 2010 I served in various Government positions in the Departments of Finance and Economic Development, Economic Development Environment and Tourism as well as Public Works and it was until then 2010, 15 March that I assumed the responsibilities of Private Secretary to the late

Minister Chabane.

It was exactly five years with me because I started on 15 March 2010 and sadly passed on, on 15 March 2015. So I spent almost five years with him but what had happened is that for the period 2010 to almost 2013 thereabout maybe May I was a private secretary to Minister Chabane when the former Chief of Staff when the Presidency left.

I was appointed to act as the Chief of Staff in the office of late Minister Chabane and got to be appointed fully to the position in 10 February 2014. It was almost three months before the elections. After the elections Minister Chabane almost the night when Ministers were appointed by the President did text me in the early hours of the morning.

I think it would have been the 25th or 26 May after the elections in 2014 that he would like me to proceed with him to the Department of - or should I say Ministry of - because that is how we would normally call it - Public Service and Administration to which I served as Chief of Staff until the date he passed on and of course I can also indicate that that demise former President Zuma appointed 20 Minister Mthethwa to be Acting Minister between the time when Minister Chabane passed on to the time Minister Ramatlhodi was appointed Minister of Public Service and Administration.

It would have been around September 2015. So Minister Mthethwa acted for almost six months and Minister Ramatlhodi came through in September. Late December of the same year I had

already asked or expressed my wish to get out of the political office - of course not in a bad way. At that point I felt I had done enough in the Ministry and wanted to do something else even if it meant in the department and that is why today Chair I am the Chief Director in the Office of the Director-General Department of Mineral Resources and Energy.

ADV SUSAN WENTZEL: Thank you. You have detailed in your affidavit what your duties were as the Chief of Staff in paragraph 4 on page 2 of your affidavit but for purposes of your evidence today the
10 relevant position was your position as the Private Secretary to Minister - to Minister Chabane?

MR ABEDNIGO HLUNGWANI: Correct.

ADV SUSAN WENTZEL: Could you please tell the Chair what were your duties as Private Secretary?

MR ABEDNIGO HLUNGWANI: So - so the Private Secretary - Chairperson the - the work that I entailed or that I did in detail was coordination in the main of the Minister's programs but in particular issues relating to the diary. I say this because as a Minister firstly you are a Member of Parliament. So there will be a parliamentary program
20 and next you are a Minister.

You have executive authority duties but at the time Minister Chabane was both a Member of the National Executive Committee of the African National Congress and also served in the National Working Committee of that - of - of the ruling party at the time and as such he had a huge program and my responsibility was to

coordinate that program but also generally in the office you will be responsible for his logistics - logistical duties which would involve travel, coordination of all matters that relates to his office in terms of the support stuff - support service that you give and that will also include secretarial services or any other assignment that the Minister would assign to me at a given point within the ambit of the law.

Of course in terms of the instructions that he will give me I would need to - to carry those in support to his Executive duties.

ADV SUSAN WENTZEL: Thank you. Mr Hlungwani you have heard I
10 believe that the former President has testified that he did not call Minister Chabane regarding the removal of Mr Themba Maseko in late January/February 2011. Would you like to comment on that?

MR ABEDNIGO HLUNGWANI: Yes Chair I have heard that testimony, I think it was on the – my recollection serves me well, former President would have started here on the 15th of July this year to testify but that aspect came on the 16th, yes I had it Chairperson.

ADV SUSAN WENTZEL: And would you like to comment on that?

MR ABEDNIGO HLUNGWANI: Chair I could only talk about what I say
20 so in the statement in terms of an incident that had happened within a particular period and [indistinct] that – well when I heard that, maybe let me take it backward. Firstly it was Mr Maseko himself who's testified before you and said what he said, the record will speak for itself. I then heard the testimony of former President Zuma at the time. On both occasions I had taken a resolve not to come here for various reasons. One, I have great respect for President Zuma, secondly the

incident that I will speak about, it was an incident between, what you might call for lack of a better word an employer and employee and because now the employee is no more I found it difficult and I felt it would be very off of me to come and talk about that incident but because of a particular indication from the Commission, through you Chair, at your invitation because of what may have happened between a particular period of time, I've acceded when your investigators requested that I come through and that's why I wanted to take it back to say, I had wished not to be here and through your invite I obliged,
10 thank you Chair.

CHAIRPERSON: Yes, let me just say that because there are two different versions about how Mr Maseko got to be transferred from GCIS to DPSA it's quite important for the Commission to establish what the truth is and to that extent it needs to hear from people who might have information. Whether that information supports the version put out by former President Zuma or it supports Mr Maseko's version or it doesn't support either of them but it's important that the Commission gets to know exactly what happened. So that's the context in which the Commission is trying to look at people who might have information as
20 to what happened. So that's how people like you come in, that's how people like Mr Simons come in, yes.

MR ABEDNIGO HLUNGWANI: Thank you Chair, I respect that.

ADV SUSAN WENTZEL: Mr Hlungwani if you have regard to paragraph five of your statement onwards on page two you refer to a call – a telephone call that you received from one of the former

President's, Mr Zuma's private secretaries. Could you just explain what transpired to the Chair?

MR ABEDNIGO HLUNGWANI: Let me state Chairperson on the outset that Mr Chabane served President Zuma or under President Zuma's administration and the two offices what were called the two private offices – the private office of the President and the private office of the Minister, the two offices would often talk.

CHAIRPERSON: How would they talk?

MR ABEDNIGO HLUNGWANI: Talk in terms of the office – the officials
10 from both offices, if anything needs to be done...[intervention].

CHAIRPERSON: Would be conversation?

ADV SUSAN WENTZEL: Yes correct.

CHAIRPERSON: Yes okay alright.

MR ABEDNIGO HLUNGWANI: So on these occasion I think it would have been January 2011 I think, I did – I received a call from one of the private secretaries of the President and I think she indicated that they were abroad at the time.

CHAIRPERSON: They were abroad?

MR ABEDNIGO HLUNGWANI: Abroad at the time and wanted to check
20 if I was – or if Minister was close to me or was in the office at the time because former President would like to talk to him and I think we were in the Union Buildings on the day because the President has got two offices, one in the Union Buildings and another in Tuinhuis but on that occasion I think we were in Union Buildings. I did respond to say, yes he is in the office and this – the private secretary at that point

indicated that they will call back - I must inform the Minister to expect a call from the President. Moments later a call came through, same private secretary on my cell phone number and as I received – because I had – maybe I should indicate that in-between when she indicated that I must inform the Minister to expect a call from the President, I stood up from my desk and went to Minister's office and relayed the message which I'd just received and moments later when the call came through I then responded to walk in towards the office and indicated to the Minister that here's the call I informed you about. I handed over the
10 phone to him and I must point out at the point it was still the private secretary on the line, it was not the former President, it was still the private secretary on the line and I handed over the phone to him. After which I walked back to my desk, as you'd imagine Chair Minister would be in one of those bigger offices and I'd be just adjacent to his door and I walked back and closed off the door behind me. After a few minutes, Minister came through, probably two minute or three minute later, came through from his office and handed the phone back to me and the day continued.

ADV SUSAN WENTZEL: And at that stage, did the Minister say
20 anything to you about the call?

MR ABEDNIGO HLUNGWANI: Chairperson no, he didn't say anything, he walked back to his office after handing over the phone to me.

CHAIRPERSON: So you mentioned that when you handed over the phone to the Minister, at that stage the person on the line was the private secretary for the President and not the President himself?

MR ABEDNIGO HLUNGWANI: No it was not.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Even the initial call it was to say to check whether Minister is close by or is he in the office, to which I responded in the affirmative to say, yes he's around and I must inform him he'll expect a call.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: And it didn't last for ten minutes between the first call to the second call to Minister taking the phone
10 and returning the call it could have lasted less than ten minutes.

CHAIRPERSON: Yes okay.

MR ABEDNIGO HLUNGWANI: And yes it was not the former President on the line it was still my colleague who called him.

CHAIRPERSON: Yes okay thank you.

ADV SUSAN WENTZEL: You indicate in paragraph 12 on page three of your statement, you say what you've said here, you were not privy to the conversation between Mr Zuma and Minister Sabine but you say, however after speaking to Mr Zuma Minister Chabane...[intervenes].

CHAIRPERSON: Hang on, don't lead him on that important part, so let
20 him say it if he wants to if that's his evidence without leading him, find a way of asking him without leading him.

ADV SUSAN WENTZEL: Yes, what occurred after Minister Chabane handed you cellular phone back to you?

MR ABEDNIGO HLUNGWANI: Chair like I indicated just a moment ago, he went back to his desk and I think we continued with our day in

the office but at the point when he left the office, on the day, he did indicate to me that he would like to talk to Themba, that's how he put it.

CHAIRPERSON: Who was Themba?

MR ABEDNIGO HLUNGWANI: Mr Maseko.

CHAIRPERSON: Mr Maseko?

MR ABEDNIGO HLUNGWANI: Yes, after which I think I did mention to – I might have called the head of Mr Maseko's office at the time to indicate that Minister would like to talk to Mr Maseko.

CHAIRPERSON: Who did you – did you make the call to Mr Maseko
10 or to somebody else?

MR ABEDNIGO HLUNGWANI: No Chairperson the head of Mr Maseko's office it would have been a director at the time, my recollection it would have been – I'm not sure this is appropriate because you – in the earlier evidence you indicated ...[intervenes].

CHAIRPERSON: It would be one of the directors in his office?

MR ABEDNIGO HLUNGWANI: Yes I think his office was headed by director at that time, it was a lady.

CHAIRPERSON: Okay, yes.

ADV SUSAN WENTZEL: After that did you and Minister Chabane
20 have cause to discuss anything further about Minister Maseko?

MR ABEDNIGO HLUNGWANI: Not really, and that's why the distinction I made Chairperson of my roles during the time when I serviced Minister Chabane that there was a period I was a Private Secretary and there was a period I was the Chief of Staff. The Private Secretary position, in the main, it's secretarial or Personal Assistant

support to the Minister, while Chief of Staff you can argue that you are more of an Administrator in Chief in the office of the Minister or even the President's office, the private office of the President, deputy President and so on.

CHAIRPERSON: Is it kind of managerial?

MR ABEDNIGO HLUNGWANI: Ja it's a strategic position so there could be areas where you sit in management meetings with the Minister where you sit with the Minister and key Minister – I mean key meetings in which decisions are taken. So I didn't discuss in detail except on
10 one occasion of course when he was leaving office, it would not have been on that day and I think [indistinct] to testify that he was quite an open person and times when you – when he walks out of the office Chair, you would walk through with him with the security to the car and he would just say something and on one occasion he did say that we would have to move Themba, that's all he said. I didn't ask why, I just said, oh okay...[intervenes].

CHAIRPERSON: Just repeat what he said?

MR ABEDNIGO HLUNGWANI: We would have to move Themba.

CHAIRPERSON: He said we would have to move Themba?

20 **MR ABEDNIGO HLUNGWANI:** Yes and Themba, Chairperson, and my apologies, I keep on saying Themba because that's how he put it, but we're referring to Mr Maseko.

CHAIRPERSON: Mr Maseko?

MR ABEDNIGO HLUNGWANI: Correct.

CHAIRPERSON: And how do you remember how long after that call it

was when it would have been when he said that, a day, two days, a week or much more than that?

MR ABEDNIGO HLUNGWANI: It wouldn't have been more than a week.

CHAIRPERSON: It wouldn't have been more than a...[intervenes].

MR ABEDNIGO HLUNGWANI: It would not have been more than a week.

CHAIRPERSON: Okay so it would be a few days?

MR ABEDNIGO HLUNGWANI: Ja a few days after that.

10 **CHAIRPERSON:** Okay so it would be a few days?

MR ABEDNIGO HLUNGWANI: Ja a few days after that.

CHAIRPERSON: Okay.

MR ABEDNIGO HLUNGWANI: Except that on the day of the specific call, and I must emphasise Chairperson that – and as I've said before it was not unusual to speak between the private offices. On that particular day he only said to me he would like to talk to Themba.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Are you aware if Mr Maseko was subsequently removed and if so, how did he become aware?

20 **MR ABEDNIGO HLUNGWANI:** Yes I think it's a known fact Mr Maseko was moved. On the 2nd of February that year...[intervenes].

CHAIRPERSON: 2011?

MR ABEDNIGO HLUNGWANI: Yes it would have been a week after this incident that I'm referring to Chairperson, it would have been a week after this incident...[intervenes].

CHAIRPERSON: After the phone call?

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: Okay.

MR ABEDNIGO HLUNGWANI: I think it was on the 2nd of February there was a – from my records is that on the Minister's diary he was in cabinet.

CHAIRPERSON: He was in cabinet.

MR ABEDNIGO HLUNGWANI: Cabinet yes, he was in cabinet that day and cabinet was in the Union Buildings if I recollect well and what then
10 happened was that there was newsfeed that was going through, I think in the main it was ENCA I don't know if it was still ENCA or E TV or something like that to the effect that Mr Maseko has been removed or moved from the GCIS as CEO and would be replaced by Mr Manual. I think that's what the caption of the news was but Minister was in cabinet at the time and maybe let me mention this, the lady that I'm talking about in the office...[intervenes].

CHAIRPERSON: Mr Maseko's office, ja.

MR ABEDNIGO HLUNGWANI: On the day of cabinet and maybe let me
20 place within context Chairperson so that it's clear. On the day of cabinet Mr Maseko was the Chief Executive Officer of GCIS but he's mostly called title was Government Spokesperson, so he sat in cabinet and my understanding is, primarily it is to understand what would be the decisions that cabinet would like to be communicated the day after because after each cabinet meeting, and it's known, journalists would know this that GCIS would call a post cabinet...[intervenes].

CHAIRPERSON: Media conference.

MR ABEDNIGO HLUNGWANI: Ja I think in this case I think it's Minister Themba who does that, so he did that as Chief Executive of the GCIS, so the director in his office would be, either in Cape Town or Union Buildings - it would be Tuinhuis or Union Buildings on the day of cabinet to support Mr Maseko but she doesn't sat it in cabinet, it would be normally within the building or what you'd call a cabinet lounge so there is a place where, as everyone arrives and they should be there or she'd be right where I was sitting there was a couch next to my office
10 so she would come and sit there and work because it was also a space where she could sit and I think that she did alert me to the fact that the - I think she put it in a form of a question, is Mr Maseko being removed, something to that effect. And so we became aware of that which was going through in the media and one Minister was down in cabinet and I think that's how we came to know about it and like I indicated Chair, Minister Chabane had not said anything to me about removal except that I could only pick up on the day that he's being removed.

CHAIRPERSON: Yes.

20 **MR ABEDNIGO HLUNGWANI:** So the removal part in terms of what he said, he only said we would have to move him but whether that decision had been finalised and when will Mr Maseko leave, I didn't know except when the news started filtering on the day.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Could you please have a look at a

document, it's Annexure AH13, it's Annexure 1, it's page 13, Annexure 2.

CHAIRPERSON: Maybe let's take the tea adjournment.

ADV SUSAN WENTZEL: Yes I beg your pardon.

CHAIRPERSON: Yes let's take the tea adjournment, it's twenty one minutes past eleven, we will resume at twenty five to twelve, we adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

10 **INQUIRY RESUMES**

CHAIRPERSON: Yes let us proceed. Switch on your microphone.

ADV SUSAN WENTZEL: Thank you. Mr Hlungwani would you please have regard to Annexure AH1 it is page...

CHAIRPERSON: On what page?

ADV SUSAN WENTZEL: 7 of your statement.

MR ABEDNIGO HLUNGWANI: Yes.

ADV SUSAN WENTZEL: And then in particular.

CHAIRPERSON: On page 7 of the file.

ADV SUSAN WENTZEL: Page 7.

20 **CHAIRPERSON:** Rather than on – of his statement.

ADV SUSAN WENTZEL: Of the file I beg your pardon.

CHAIRPERSON: Yes. That is page 7 of Exhibit JJ2.

ADV SUSAN WENTZEL: It is a statement on the cabinet meeting of the 2 February 2011 that you were talking about prior to the adjournment.

MR ABEDNIGO HLUNGWANI: Yes, yes.

ADV SUSAN WENTZEL: I am going to read to you what is said at page 11 of the file at the bottom of the page.

MR ABEDNIGO HLUNGWANI: Yes.

ADV SUSAN WENTZEL:

“Cabinet noted that Mr Themba Maseko was to be redeployed to the Department of Public Service and Administration DPSA with immediate effect. Mr Maseko will be replaced by Mr Jimmy Manyi as the new Government Spokesperson and Chief Executive Officer of the Government Communication and Information System GCIS.”

MR ABEDNIGO HLUNGWANI: Yes.

ADV SUSAN WENTZEL: Prior to this cabinet meeting on the 2 February 2011 did you have any prior knowledge of Mr Manyi replacing Mr Maseko?

MR ABEDNIGO HLUNGWANI: Thank you Chair and may I also start by saying when we – when I was called to the stand I had not been ready then so if you see that I have put a tie I just went to the vehicle.

CHAIRPERSON: Yes.

20 **MR ABEDNIGO HLUNGWANI:** To fetch it because my timing was...

CHAIRPERSON: Oh.

MR ABEDNIGO HLUNGWANI: Was going to be mid-day.

CHAIRPERSON: Okay no that is fine.

MR ABEDNIGO HLUNGWANI: If the Chair could allow me to.

CHAIRPERSON: Okay that is fine.

MR ABEDNIGO HLUNGWANI: Thank you very much.

CHAIRPERSON: Thank you.

MR ABEDNIGO HLUNGWANI: Like I indicated earlier on the – okay the news started – [indistinct] through on the 2nd on the cabinet day. But on the time when he said to me we would have to move Themba I said oh okay and so who would replace him? I did ask that question. But look it was a cursory talk as we were walking to his vehicle. He did mention that it will be Jimmy Manyi and I did not ask why. At the time I knew that Mr Manyi was DG at Labour but could have been on
10 suspension at that period but I did not ask.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: I did not see that to be a problem because it is possible to move one DG to another department.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Yes.

ADV SUSAN WENTZEL: Then if you would have regard to Annexure AH2 it is page 13 of the statement. Could you explain to the Chair what this is?

MR ABEDNIGO HLUNGWANI: Thank you Chair and with the benefit of
20 having moved to DPSA it is the Depart – it is that Department that is responsible for preparing documentation that gives effect to either appointment of a DG by cabinet or prepare that which you have before you I see this is the – and I must indicate that this is what the commission places before me. It is not my document. I see it is the President's minutes. It is an instrument that is used to give effect – a

decision that is taken no matter at what level. So what happens is that maybe if I could illustrate this point is that if the position of a DG is vacant and it is to be filled it will go through the normal process of advertisement and once the – that process of interview is done the appointing Minister or where the DG will go to will write to the Minister of Public Service and Administration and say I would want to fill this position. This is how I have satisfied myself with all the relevant prescripts for appointment. It is the Minister of Public Service and Administration that takes that cabinet memorandum to cabinet to decide

10 on the appointment. However if it is a transfer and I think the relevant section of the Public Service Act will – will attest to this. The – there will be said DG[A] needs to be moved to a particular department from where – and it can even start by a Minister saying no I would want to transfer my – or request the transfer of a DG from a particular department but firstly what the Act says is that that Minister who wants that DG transferred they would need to request for what is called a concurrence from the Minister where that DG is situated or is employed. Once that concurrence is received I think the Act also goes on to say even the incumbent would need to give concurrence either he

20 agrees or not to the transfer. But I think it says concurrence or if it is in the public interest of – in the interest of the public service. I think that is what the Act says. So the two Ministers where one DG moves from and the one – so I can call them receiving and releasing Ministers would both have to concur. And once that process has been fulfilled and the incumbent DG has concurred those three concurrences would

then go to the Minister of Public Service and Administration to prepare this instrument that the Advocate Wentzel is leading into which is called the President's minute. And I take it this is what the Minister of Public Service and Administration would have prepared at the time. Thank you Chair.

ADV SUSAN WENTZEL: Do you recognise the signature of the Minister of the Cabinet?

MR ABEDNIGO HLUNGWANI: I stand corrected but I think this is Minister Baloyi he – Minister Baloyi. I think it is – his first name is
10 Richard Boloyi he was Minister of Public Service and Administration at the time.

ADV SUSAN WENTZEL: Yes.

MR ABEDNIGO HLUNGWANI: Yes it was – this is Minister Baloyi's signature. I say so Chair with confidence.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Because I – Minister Chabane, Minister Baloyi worked a lot closely because Minister Chabane was responsible for the performance monitoring and evaluation unit and public service in general you will be having a lot of interactions on public service
20 matters and there will be a lot of interactions between Minister Chabane and Minister Baloyi.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: But they served in many forum.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Minister's committee or budget.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Because whatever is decided at finances an implication on what the public service will look like.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: So I can recognise this.

CHAIRPERSON: So this is his signature?

MR ABEDNIGO HLUNGWANI: Yes Chairperson but I think records from the DPSA where you probably have received this minute.

CHAIRPERSON: Yes.

10 **MR ABEDNIGO HLUNGWANI**: Can show.

CHAIRPERSON: Yes. Okay.

MR ABEDNIGO HLUNGWANI: Or handwriting experts can verify this.

CHAIRPERSON: I just wanted to – I just wanted to understand your level of confidence.

MR ABEDNIGO HLUNGWANI: No.

CHAIRPERSON: In saying this is his.

MR ABEDNIGO HLUNGWANI: This is his signature.

CHAIRPERSON: It is his signature?

MR ABEDNIGO HLUNGWANI: Yes.

20 **CHAIRPERSON**: Okay thank you.

ADV SUSAN WENTZEL: You can see from the minute that it is signed on the 3 February 2011 that is the day after the cabinet meeting.

MR ABEDNIGO HLUNGWANI: Yes Chairperson I can see.

ADV SUSAN WENTZEL: In your experience how long would it usually take to get the stage where such a minute was signed after a decision

had been taken in cabinet

MR ABEDNIGO HLUNGWANI: Well Chair I never dealt with matters of this nature then. But this is a legal instrument which is called the President's minute which the President is the final signatory to it. So there would be a number of people Director Legal will need to be involved in the preparation of a document like this and from my experience when I was at DPSA maybe let me use the issue of cabinet memorandum. There would have been a person who drafts the memorandum internally. The Chief Director Governance would sign that
10 memorandum. The DDG – Deputy Director General Governance will sign that memorandum and then finally the DG will sign that memorandum before the Minister – where it says Minister of Cabinet signs it. So – so if you work backward it mean by the time the former President from what I see being his signature here when it is dated the 3rd so it means where it could have begun some days before. I cannot – I cannot say how long it will take. Look departments differ, others are faster, others are slower and – or – and it depends on the processes that people put in a different department. I know that for cabinet memorandum at the time when Minister was Minister of Public
20 Service and Administration we were always advised if departments could give us memorandum in time. But what is key is this that cabinet sits every second week. So the week prior cabinet meeting it will be what is called cabinet committees. It is not full cabinet and in those cabinet committees is where you have if I am not mistaken President and Deputy President Chairs but Deputy Ministers sits there. But

because Deputy Ministers are not members of cabinet they do not sit in full cabinet it only sits in – every second week. So I would assume process wise this would have been processed before.

ADV SUSAN WENTZEL: Thank you. You testified that at the end of January 2011 one of former President Mr Zuma's secretary's called you and said that they were overseas. Do you know who called you?

MR ABEDNIGO HLUNGWANI: Chairperson I cannot recall who exactly who called but I can you know like I say in one of the paragraphs in my statement to say it was not unusual. And I can use one of typical
10 example in – on the day former President Ndada Mandela passed on we were the ones who were brought at the time and a message came through to say are you guys still in abroad and I said – it came through to me as a sms and I said yes but we will be boarding early hours of the morning from Dubai back home and they said please advise Minister that President will be addressing the nation in the next thirty minutes just to announce the passing away of former President Mandela. To which I – I was actually finalising the packing in my room where we were because we were to depart for the airport at the time. So I quickly finished and then I called him on his landline in the hotel
20 room I say hey Minister we need to talk immediately – urgently and then I walked to his room and then I informed him that {indistinct] Ndada has passed on and then we quickly left for the airport. So I am saying it was not – it was not unusual.

CHAIRPERSON: Unusual.

MR ABEDNIGO HLUNGWANI: Every now and then it would happen

yes. If and there was a message to be relayed to the Minister often the two private officers would communicate through the officials.

CHAIRPERSON: Hm.

MR ABEDNIGO HLUNGWANI: Ja so I cannot recall exactly but I do – or know the call [indistinct] we worked with during that period.

ADV SUSAN WENTZEL: And could you tell the Chair how many private secretaries the former President had at the time?

MR ABEDNIGO HLUNGWANI: I think he had three but let me qualify to say there is a private secretary appointed I think it is at the level of a
10 director and other two assistant – what is called assistant private secretary. And I say this Chair because this is how the Ministerial handbook I think that is how he defines it if I am not mistaken. So yes there were three at the time. Ja – that period there were three. I joined 2010 and I think almost all of them were there at the time when I arrived here.

ADV SUSAN WENTZEL: And do you know their names?

MR ABEDNIGO HLUNGWANI: Yes I think the private secretary to the President was am I – ja.

CHAIRPERSON: Yes.

20 **MR ABEDNIGO HLUNGWANI:** I think it was Ms Delsey Sithole at the time.

CHAIRPERSON: Yes you can tell the names.

MR ABEDNIGO HLUNGWANI: Assisted by Ms Nonhlanhla Majeke or Maje I can spell that – I cannot remember if it is Majeke or Majeke and the other PA was Milka.

CHAIRPERSON: The third one was?

MR ABEDNIGO HLUNGWANI: Ms Milka Bosoga.

CHAIRPERSON: Hm okay.

MR ABEDNIGO HLUNGWANI: Yes. It was those three private secretaries to the President – former President at the time.

ADV JULIE ANN HOWARD: Hm.

ADV SUSAN WENTZEL: And are there any of those three who you could discount or you think it would be unlikely was the person who called you?

10 **MR ABEDNIGO HLUNGWANI:** I am – I would – I would not – anyone who had called – okay maybe let me put it this way Chair. The reason why we said three President – three private secretaries we do not mean that at any given time the three are with him. They were sharing responsibilities.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Yes. So – so I do recall on the very first day I started working on the 15 March when I walked into the office there I was told I need to go to a diary meeting. So what was happening was the office or the private office for the President, the
20 Deputy President, Minister in the Presidency for performance monitoring which is us and Minister in the Presidency for national planning commission which was Minister Manuel at the time would meet and discuss and share diaries. Because that was key for planning. That was also key for purposes of protocol and logistics and all of that. So once it is agreed to they would – we will all disperse to our

respective private offices and share responsibilities and in the case of private office of the President I think they were sharing responsibilities so one would take – I do not know how it was allocated probably three days, another one three days. So at any given time and you will also recall that when former President was here he did mention I think when he was referring to the [indistinct] that would have gone to his PA from the ANC side. So yes but in the office there were three and share responsibilities. Anyone would call at any given time if there is a message to be relayed to the former Minister. Just like in the office I
10 was a private secretary but I had an assistant private secretary.

ADV SUSAN WENTZEL: Yes. If we could move to a final aspect. Could you please tell the Chair what occurred on the 16 July 2019 which the record will show is the day that the former President Mr Jacob Zuma was testifying with regard to the removal of Mr Maseko.

MR ABEDNIGO HLUNGWANI: Well Chair and maybe let me also say this is one of the reasons why I said earlier on that I would have preferred not to – to be here.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Because it turns out to me that on that
20 day there was a lot of social media.

CHAIRPERSON: Hm.

MR ABEDNIGO HLUNGWANI: Back and forth.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: And the – the media reports do show that there were reports where the media was reporting about that

testimony. So I did get one call and it said something like you dare say something about the – what you know about the removal of Mr Maseko and – but I did not take it serious Chair because I am not on social media so I did not see what had happened. Only when Mr Brent Simons who testified before me informed me that he had tweeted and there was a back and forth and what – so I thought maybe that was because of that. I had not raised this with anyone except close family. My younger brother and my cousin. Only when the commission's investigators approached me I then opened up.

10 **CHAIRPERSON**: Hm.

MR ABEDNIGO HLUNGWANI: Yes. But I can – I can assure the Chair that the – it was on that day and I did not take it serious I must be – I must be honest. I mean the – even the colleagues that I mentioned as being former private secretaries of the President they are very good colleagues of mine and the other time ...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: We were flying to Cape Town and I was with Milka in the plane.

CHAIRPERSON: Yes.

20 **MR ABEDNIGO HLUNGWANI**: And we greeted and so...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: I never took anything.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: I did not take it serious I must be honest.

CHAIRPERSON: Hm.

MR ABEDNIGO HLUNGWANI: Only then that I started – when I heard what had been happening in the social media which even today I have decided not to check what it was.

CHAIRPERSON: Yes. But you say you – somebody called.

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: Or sent a text message. Was it calling?

MR ABEDNIGO HLUNGWANI: It was first a call.

CHAIRPERSON: Somebody called?

10 **MR ABEDNIGO HLUNGWANI:** From a private - Yes. I have given the details to the investigators.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: A private call and then a text which is reflected I think on page ...

CHAIRPERSON: Yes I think I saw it.

MR ABEDNIGO HLUNGWANI: 6 ja which I cannot say on national television.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: At this point – television yes.

20 **CHAIRPERSON:** Ja. But which – would it be correct to say the message sought to – to say the least discourage you from saying anything about the removal of Mr Maseko would that be correct?

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: To say?

MR ABEDNIGO HLUNGWANI: Exactly it was about that yes.

CHAIRPERSON: To say the least that is what it was?

MR ABEDNIGO HLUNGWANI: Correct. The private call – the voice call.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: That is exactly what it said.

CHAIRPERSON: That is what it said.

MR ABEDNIGO HLUNGWANI: Ja.

CHAIRPERSON: Ja. Okay.

ADV SUSAN WENTZEL: Thank you Mr Chair that concludes the
10 evidence from my side – from the commission’s side.

CHAIRPERSON: So as I understand your evidence and you must just tell me if my understanding is correct. You remember this particular – these particular two calls in 2011 about a week or so before the 2 April 2011 which came from one of the private secretaries of the former President.

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: The first one said are you close to or near the Minister Chabane.

MR ABEDNIGO HLUNGWANI: Correct.

20 **CHAIRPERSON**: And you said yes and then the caller asked you to inform Minister Chabane that – to inform him to expect a call from the former President.

MR ABEDNIGO HLUNGWANI: Correct Chair.

CHAIRPERSON: Is that correct?

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: Yes. And within ten minutes or so the second call came?

MR ABEDNIGO HLUNGWANI: Yes Chair.

CHAIRPERSON: From the same private secretary?

MR ABEDNIGO HLUNGWANI: Yes Chair.

CHAIRPERSON: And it came through your cell phone?

MR ABEDNIGO HLUNGWANI: Yes Chair.

CHAIRPERSON: And in the meantime you had informed Mr Chabane.

MR ABEDNIGO HLUNGWANI: Yes.

10 **CHAIRPERSON**: To expect a call from the former President?

MR ABEDNIGO HLUNGWANI: Yes Chair.

CHAIRPERSON: And when you got the call – the second call you walked to Mr Chabane’s office and handed him the phone?

MR ABEDNIGO HLUNGWANI: The phone – yes Chair.

CHAIRPERSON: And basically said here is the call you – I told you about earlier?

MR ABEDNIGO HLUNGWANI: Yes Chair.

CHAIRPERSON: Is that right? And then you left the office?

MR ABEDNIGO HLUNGWANI: Yes I walked back to my desk.

20 **CHAIRPERSON**: Yes. So the one thing that you are saying is you do not know for sure whether the person that Minister Chabane spoke to.

MR ABEDNIGO HLUNGWANI: To – yes.

CHAIRPERSON: On the phone.

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: Was the former President?

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: All you know is that you were told that he was...

MR ABEDNIGO HLUNGWANI: He wants to – yes.

CHAIRPERSON: He wanted to speak.

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: To Minister Chabane?

MR ABEDNIGO HLUNGWANI: That is correct Chairperson.

CHAIRPERSON: And you were not privy to the conversation?

MR ABEDNIGO HLUNGWANI: No and I say so in my statement
10 Chairperson.

CHAIRPERSON: Yes. But you do say at the – later in the day, is it correct?

MR ABEDNIGO HLUNGWANI: Yes. It could have been less than an hour after – he walked out of the office.

CHAIRPERSON: Oh okay. Probably within an hour or so when he was leaving office or at least he was walking out of the office he mentioned to you that he would like to speak to Mr Maseko.

MR ABEDNIGO HLUNGWANI: Yes correct.

CHAIRPERSON: Yes. And did he indicate when he would like to speak
20 to him?

MR ABEDNIGO HLUNGWANI: No he did not.

CHAIRPERSON: He just made that statement.

MR ABEDNIGO HLUNGWANI: He just made a statement. What I did was to inform the director in his office – Mr Maseko's office that Minister would want to speak to Mr Maseko –

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: I am sorry Mr Chabane would like to speak to Mr Maseko at the given time.

CHAIRPERSON: Yes. But you do not know if and when they spoke?

MR ABEDNIGO HLUNGWANI: No.

CHAIRPERSON: Pursuant to that?

MR ABEDNIGO HLUNGWANI: No I do not know. I – with hindsight I can only recall what Mr Maseko said.

CHAIRPERSON: Yes.

10 **MR ABEDNIGO HLUNGWANI**: Yes.

CHAIRPERSON: Okay. And then you say that the next thing that happened was on the 2 February, is that right?

MR ABEDNIGO HLUNGWANI: 2nd February that was the date.

CHAIRPERSON: 2011.

MR ABEDNIGO HLUNGWANI: Of the cabinet.

CHAIRPERSON: Yes. What is it that makes you remember those two calls so well?

MR ABEDNIGO HLUNGWANI: No – the – the one on the – the one that I was...

20 **CHAIRPERSON**: The one that came from the private secretaries asking you whether you were near or with Minister Chabane and the one that came after that to you say the former President wanted to speak to Minister Chabane. What makes you remember those calls so well after so many years?

MR ABEDNIGO HLUNGWANI: Chairperson like I said it was not

unusual for – for communication between the private offices or the Minister and as I said – I do say there will be calls now and then that happen between the offices or the office of the Minister and the private office of the President. And I do recall that to the best of my recollection it was on – around that period. And I also – like I do mention Chairperson that at any given time when something was required maybe let me use the – the specific example where week of the State of the Nation for example. We in Cape Town and – and calls will come and say where is Minister we would want him to look at the –

10 to look at the statement before. Or maybe to make an input to the statement. So I am saying and I think like Brent was indicating that he was told this is how it happened but I do recall Chair to say on – around that period this is – this is the call that came through. All I do not know is what the discussion was on the phone.

CHAIRPERSON: You see the fact that you say it was not unusual for you to get calls from the former prior – former President’s private secretaries that should – should make it difficult for you to remember a particular call. If it was unusual for the private secretaries to call you then it – I would understand that you – you do not re – you cannot

20 forget their call because it was unusual but if you say it was usual for them to be in touch with you to call you that seems to suggest to me that that is a reason that should suggest that you should not easily remember any particular call from them. What do you say to that?

MR ABEDNIGO HLUNGWANI: I – I take the point Chairperson but the – perhaps the events that followed thereafter and it...

CHAIRPERSON: Yes well that is – basically I want to understand that how you out of all the calls that you may have received from either that particular private secretary of the former President during a certain period of time over some – maybe some years or from the private secretaries of the former President why would you remember this particular one? So that is what I want to try and understand. Or these particular two.

MR ABEDNIGO HLUNGWANI: No I understand Chairperson but as I say on that – the events that followed thereafter just gave me this
10 particular impression that probably...

CHAIRPERSON: Tell me about that impression?

MR ABEDNIGO HLUNGWANI: The impression that got – I got was that why would on this particular seven days if I were to put it this way. Three things happened, the call, we would have to move Themba in his words. I will need to speak to Themba. Although of course to speak to Themba as well would be something that he would do every now and then.

CHAIRPERSON: Would be usual?

MR ABEDNIGO HLUNGWANI: Yes that will be usual. Now – and then
20 comes the news that happens on that particular day and then...

CHAIRPERSON: That is now on the 2nd February.

MR ABEDNIGO HLUNGWANI: On the 2nd.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Yes. And – and immediately that happens and it – I think the news was to the effect that he is being

replaced in other words he has already been replaced and he was still in cabinet by the way which means if he was replaced he would not have been in cabinet on that particular day because he had already been – so it created that impression that probably there is a link between the call and the subsequent events that happened. The difficulty Chair that – and I can understand what Chair is asking is that I cannot stand here and say I heard President Zuma say remove Themba Maseko. I cannot.

CHAIRPERSON: Yes, no, no.

10 **MR ABEDNIGO HLUNGWANI**: I could only make the...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Ja.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: And just as an – and as I indicate Chairperson he did not explicitly tell me that I have been instructed to remove.

CHAIRPERSON: To remove.

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: Ja.

20 **MR ABEDNIGO HLUNGWANI**: Yes he did not.

CHAIRPERSON: He did not say that ja.

MR ABEDNIGO HLUNGWANI: No he did not say that.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: But as I – as I recall it I do recall around that period this call happened and there was an indication that she was

abroad.

CHAIRPERSON: So you are talking about subsequent developments. Is that because those subsequent developments created a certain impression on you?

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: Of what had happened or created in your mind or a link, is that what happened, is that what did not happen? I am trying to understand why...

MR ABEDNIGO HLUNGWANI: Yes.

10 **CHAIRPERSON**: So many years after.

MR ABEDNIGO HLUNGWANI: After.

CHAIRPERSON: You will remember these particular calls.

MR ABEDNIGO HLUNGWANI: I do – I – on this – as I explained on the 2nd when this news started filtering and personally I had not known that he is moving except when he said we would have to move Themba. But at the same time the paperwork or anything to that effect I had not seen it. Now when that happened just immediately I then recalled that there was this discussion when – because I think there were subsequent news to say Themba did not agree and all of that to go and all that but I
20 – as I try and recollect I can remember the time the call happened and I said maybe probably it is this. However it is quite difficult to sit here and say I know this is what the call was all about.

CHAIRPERSON: No, no you must not say you know something you do not know. So our interest is just to establish what happened.

MR ABEDNIGO HLUNGWANI: Thank you.

CHAIRPERSON: Who knows what? It does not matter which side it goes. We - we just want the truth. You know. So - so prior to the calls - the two calls on the particular day that you received which related to the President wanting to speak to Minister Chabane was it usual for you or for the President's staff to phone on your phone when the President wanted to speak to Mr Chabane?

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: Or was it unusual?

MR ABEDNIGO HLUNGWANI: No it - it was usual. They would call.

10 **CHAIRPERSON:** It was usual?

MR ABEDNIGO HLUNGWANI: *Ja, ja.* Maybe let me illustrate it in this way. His - his desk was probably the distance between me and you but there will door ...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: In between (intervenes).

CHAIRPERSON: That is the Minister now?

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: Yes.

20 **MR ABEDNIGO HLUNGWANI:** Minister Chabane sorry. So if there is a call and then I - I pick up the call. They say is Minister is closed to you. May I also mention for example the head of the private office and I worked very, very closely with her Ms Lakela Kaunda. She was the head of the Private Office of the President at the time and - and we would - she would - so I would walk to his desk because it will be closed or just like Brent indicated we would travel together in the car

sometimes and they - they will call.

I will hand over the phone if - I do recall another call that may have happened on an unrelated matter. We were in Syria at the time. Minister Chabane was accompanying former Deputy President Motlanthe and - and a call came and I was sitting with him in a restaurant and I handed over the call. It was an unrelated matter.

CHAIRPERSON: So are you saying there are certain calls that you remember specifically even after many years have - have passed ...

MR ABEDNIGO HLUNGWANI: Yes. I am saying that ...

10 **CHAIRPERSON:** In regard to your ...

MR ABEDNIGO HLUNGWANI: Ja. Like including that one of - of ...

CHAIRPERSON: Including that ...

MR ABEDNIGO HLUNGWANI: Of that period of 2011.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: I am citing another one where we in Syria. We are now abroad.

CHAIRPERSON: Yes.

20 **MR ABEDNIGO HLUNGWANI:** I am also citing an - hence I also indicate the issue of working closely with Ms - Ms Kaunda. For example when I was Chief of Staff at the DPSA long after - probably about six months after Minister Chabane had passed on. On the night the President was to announce the movement or the - what is normally called Cabinet reshuffle.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: I was in Namibia in support to the - I

think it was the DG at the time. I cannot recall - at the DPSA and she courtesy informed me as the Chief of Staff you are Head of the Minister's Office. So normally things that happened there you have got to be - either need to know.

CHAIRPERSON: You know - need to know them?

MR ABEDNIGO HLUNGWANI: Correct there, yes.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: I was in Namibia. It was in the evening. She texted - it was not a text. It was an email I think from her Gmail to my Gmail.

10

CHAIRPERSON: That is Ms Kaunda?

MR ABEDNIGO HLUNGWANI: Ms Kaunda.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: The Head of the Private Office.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Now what I am - what I am saying is that as the Head of the Private Office she then talks to the Chief of Staff in the Ministry. In this case me. I was still Chief of Staff. Minister Mthethwa was acting and she was informing me that you - there will be an announcement and Minister Ramatlhodi will be your Minister. The point I am raising is that all of these things do have (indistinct). I recall it was in September 2015. I recall that one.

20

CHAIRPERSON: So - so basically what you are saying is there are other communications which you can still remember quite well?

MR ABEDNIGO HLUNGWANI: And the details of ...

CHAIRPERSON: Even after so many years?

MR ABEDNIGO HLUNGWANI: Thank you, yes.

CHAIRPERSON: That do not necessarily - so it is not just this one?

MR ABEDNIGO HLUNGWANI: No it is not this one only Chair.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: I said it, *ja*.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: And I can indicate that as I am indicating that and I will even remember what it was all about.

10 **CHAIRPERSON:** Oh you would even remember what it was all about?

MR ABEDNIGO HLUNGWANI: Yes. Chairperson I gave an example on the day former President Mandela died.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: We were in Dubai with Minister Chabane ...

CHAIRPERSON: Yes.

20 **MR ABEDNIGO HLUNGWANI:** And - and it was indicated that please inform Minister that President - former President Zuma will make a statement ...

CHAIRPERSON: Hm.

MR ABEDNIGO HLUNGWANI: On the passing away of former President Mandela and the relevance of that is that he was Minister in the Presidency and the Chair of the Inter Ministerial Committee in

charge of state funerals.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: In other words the Committee that had to prepare ...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: For the funeral of former President Mandela and he needed to know ...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: And that message came through me.

10 **CHAIRPERSON**: Yes.

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: And you (intervenes).

MR ABEDNIGO HLUNGWANI: That was the 5th - 5 December 2013. We all know when - when he passed on.

CHAIRPERSON: Yes and you say you remember that - that call came when you were packing in your hotel room ...

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: Preparing to leave with Minister Chabane to the airport ...

20 **MR ABEDNIGO HLUNGWANI**: Yes.

CHAIRPERSON: In Dubai?

MR ABEDNIGO HLUNGWANI: Yes. On the day - on that day he - he liked golf. So he had gone out for a round of golf that afternoon. So when we returned he had to go to the - to his room to refresh and also finish also my packing before we could depart for the - for the airport.

In fact on that night we were taking a 04:40 flight. It is 20 to five in the morning if I - if I recall that flight leaves Dubai at 04:40 and lands at OR Tambo at around 10:55.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: It is a daily flight.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: So it was on 5 December and former President had passed on ...

CHAIRPERSON: Yes.

10 **MR ABEDNIGO HLUNGWANI:** That evening but we were abroad.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Yes ...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: And we were about to leave. So I quickly went back - I went to him. I called him on his landline ...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: And then relayed the message and - and I think he started auctioning to speak to other people at the time who were back home. It would have been in particular the DG and the
20 President who - who would have been the secretariat or key person in terms of the preparation of the - of the funeral and we went to the airport and boarded and landed the following morning.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: Now going back to 2 February 2011 did - you did not

have any communication with Mr Maseko directly himself on that day?

MR ABEDNIGO HLUNGWANI: Myself?

CHAIRPERSON: Yourself, *ja*.

MR ABEDNIGO HLUNGWANI: No Chairperson. I - I can say it here. I
- I hardly spoke to Mr Maseko.

CHAIRPERSON: You hardly spoke to Mr Maseko?

MR ABEDNIGO HLUNGWANI: No. He was a Government
spokesperson ...

CHAIRPERSON: Yes.

10 **MR ABEDNIGO HLUNGWANI:** And the key people that he would talk to
would be spokespersons ...

CHAIRPERSON: Okay.

MR ABEDNIGO HLUNGWANI: Of various ministries ...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: And I think at the time we - there was a
spokesperson for Minister Chabane and as Brent testified it was not
him at the time.

CHAIRPERSON: Yes, yes, yes.

20 **MR ABEDNIGO HLUNGWANI:** So he - Mr Maseko would have spoken
to spokespersons ...

CHAIRPERSON: Okay.

MR ABEDNIGO HLUNGWANI: Mainly and in that case and of course I
do know he worked a lot with the former spokesperson to
Minister Chabane.

CHAIRPERSON: Yes and in - in terms of getting phone calls where the

Private Secretaries of the former President would be wanting to speak to Minister Chabane did you say - a few minutes ago - did you say that there were a lot of those or not really?

MR ABEDNIGO HLUNGWANI: I - I - the point is I cannot say weekly, daily or monthly but at any given time when there is message to ...

CHAIRPERSON: They would come.

MR ABEDNIGO HLUNGWANI: Be relayed or to assign a responsibility ...

CHAIRPERSON: Hm.

10 **MR ABEDNIGO HLUNGWANI:** To Minister Chabane it will come ...

CHAIRPERSON: *Ja.*

MR ABEDNIGO HLUNGWANI: And maybe just maybe to use another example Officer of the Deputy President for example.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: At one point we would get to the office in the morning. Former Deputy President Motlanthe could not go to - could not longer to his direct change - he could no longer travel to an official trip and I think it was Huang Province in - in China ...

CHAIRPERSON: Yes.

20 **MR ABEDNIGO HLUNGWANI:** And we were then called to say can Minister Chabane - can Minister Chabane prepare to travel on this trip. So I am just using as an - another example from the Deputy President.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: So it - it would happen like that ...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: As and when he is too or he is requested to take a particular responsibility.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: One other instance for example the 50th Jubilee Celebration of the Country of Sierra Leone.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: The former President was invited but he could not travel and he appointed Minister Chabane to travel as his special envoy to go to that Jubilee. Similar kind of what we call it
10 arose and - and I am just giving (intervenes).

CHAIRPERSON: You got ...

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: You remember a call that came through then as well or - or what?

MR ABEDNIGO HLUNGWANI: Sometimes Chairperson it will be an email ...

CHAIRPERSON: Okay, okay.

MR ABEDNIGO HLUNGWANI: From the office ...

CHAIRPERSON: Yes.

20 **MR ABEDNIGO HLUNGWANI:** Because it may not necessarily be ...

CHAIRPERSON: A call.

MR ABEDNIGO HLUNGWANI: The issue is the assignment ...

CHAIRPERSON: *Ja.*

MR ABEDNIGO HLUNGWANI: Or a message to be relayed ...

CHAIRPERSON: Yes, yes.

MR ABEDNIGO HLUNGWANI: And there has to be a communication.

CHAIRPERSON: Yes, yes.

MR ABEDNIGO HLUNGWANI: That is the point I am - I am trying to make, yes.

CHAIRPERSON: Yes, yes.

MR ABEDNIGO HLUNGWANI: So they will then indicate to say the President is unable to travel on this trip.

CHAIRPERSON: Hm.

MR ABEDNIGO HLUNGWANI: May you please request
10 Minister Chabane to take the trip ...

CHAIRPERSON: Hm.

MR ABEDNIGO HLUNGWANI: And then necessary documentation if - if it requires the Department of International relations to be involved and then all paperwork is done and travel will then take place.

CHAIRPERSON: Hm.

MR ABEDNIGO HLUNGWANI: You will be then normally - you will normally be the central point for - for communication.

CHAIRPERSON: Hm.

MR ABEDNIGO HLUNGWANI: It does happen to both the PA
20 sometimes and - and a lot to the - I mean it does happen to the Chief of Staff but a lot to the PAs to the - for calls, travel and all of this kind.

CHAIRPERSON: Hm. Would it be correct to say that you in part the reason why you remember these two calls so well is because of the subsequent - subsequent developments? You did refer to subsequent developments before. I am saying in part because maybe that is not

wholly the reason.

MR ABEDNIGO HLUNGWANI: Yes Chairperson I can say so.

CHAIRPERSON: Or - or would you think - do you think it is wholly because of that?

MR ABEDNIGO HLUNGWANI: No. I would not say wholly.

CHAIRPERSON: *Ja* but in part because of that?

MR ABEDNIGO HLUNGWANI: In part.

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Chairperson you know Minister Chabane
10 was another character ...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: That when you - when he deals with you or works with you and many who worked with him I am sure even in the movement. I can tell you how he was. He would be the kind of person who would keep quiet but at times he opens his mouth. The things he says will be profound. The point I want to get at is when he said we would have to move Jim - I mean sorry.

We will have to move Themba he just said ai, you know. Now it rings in me and say no but would he say ai, starts a statement by
20 saying something ai, we will have to move and - and - so I began to - to in part begin to think like well what would have happened during this period and Chairperson I cannot then say it is wholly because to that ...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: But I can only make that reference.

CHAIRPERSON: You - you - are you - are you able to say from what he

said to you, you got any impression about whether he was - what his thinking was about this move that had to be effected of Mr Maseko? Did you get any impression from what he said? I think you - you may have just said he started by saying ai. I do not know whether you had a certain understanding of what ai mean - meant.

MR ABEDNIGO HLUNGWANI: Yes. Having worked with him I knew what he - you know he had - those who worked with him will - will know. If he - if he wants to say something he starts by saying (clearing throat).

10 **CHAIRPERSON:** Oh he would clear this throat or something?

MR ABEDNIGO HLUNGWANI: You - you know what is coming is not going to be nice to you.

CHAIRPERSON: Oh.

MR ABEDNIGO HLUNGWANI: So I knew - I knew a lot of ...

CHAIRPERSON: Of some of his ...

MR ABEDNIGO HLUNGWANI: I knew when he is - correct (intervenes).

CHAIRPERSON: His - the way he talked and ...

MR ABEDNIGO HLUNGWANI: The way he talked ...

CHAIRPERSON: Yes.

20 **MR ABEDNIGO HLUNGWANI:** And the way he would address himself and as I am saying and Chairperson maybe here we are speaking about a Minister who was in Government and I worked for him in Government but a lot of comrades that can attest to in the - in the - in my movement- the African National Congress. They would know him. They would - they would know him.

How he behaves. So he would - he will be that kind of a person. There were instances where you - I knew whether he is angry, happy or what kind of - if he is serious. *Ja*. One - one example I can use is that - one instance I can use is that sometimes you would communicate things and - and as a Chief of Staff you know you just feel like is - is this the right way we can go because remember as a Chief of Staff you are the administrator in chief. You are the one who is expected to know the law.

CHAIRPERSON: Yes.

- 10 **MR ABEDNIGO HLUNGWANI:** So you need to know the PFMA. You need to know the Public Service Act and the Public Service Regulation.

CHAIRPERSON: Yes, yes.

MR ABEDNIGO HLUNGWANI: So if you realise certain things may not necessarily ...

CHAIRPERSON: Be in accordance with the law?

MR ABEDNIGO HLUNGWANI: The best way to deal with it. I will go back and say on the matter you raised yesterday or on this particular - this is how we suggested. I felt maybe we can just and he says no. This is how we will proceed. Then you know that is - that is final.

- 20 **CHAIRPERSON:** Then you know he has made up his mind?

MR ABEDNIGO HLUNGWANI: It is final. So I am trying to illustrate how I understood how he is. So when he said ai I - so he just said ...

CHAIRPERSON: Yes.

MR ABEDNIGO HLUNGWANI: Said something to me, *ja* ...

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL:

MR ABEDNIGO HLUNGWANI: But at the time it did not make a lot of sense. I could not understand why and - and - but when the events started unfolding and things were confirmed I then said okay. That is why even when I asked him who he said Jimmy Manyi. I said okay. I just - and I did not see anything wrong with that because - at that time - because Mr Manyi was a DG in another department.

CHAIRPERSON: You say you could tell when he was angry. You could tell when he was happy. Are you able to say whether - as far as you
10 could you knew him - he was happy about moving Mr Maseko from GCIS to DPSA or is that something you are not - you were not able to ...

MR ABEDNIGO HLUNGWANI: No.

CHAIRPERSON: To tell?

MR ABEDNIGO HLUNGWANI: I could not deduce it at the time
Chairperson.

CHAIRPERSON: You could not?

MR ABEDNIGO HLUNGWANI: I could not, *ja*.

CHAIRPERSON: Okay. No thank you very much. Is there anything
20 Ms Wentzel?

ADV SUSAN WENTZEL: No.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: Nothing further.

CHAIRPERSON: The - the only thing I just - I do not know if you want to say anything. I am - I am concerned that you indicated at the

beginning of your evidence something along the lines that you may have preferred not to come and give evidence.

MR ABEDNIGO HLUNGWANI: Yes Chairperson.

CHAIRPERSON: I do not know whether you feel comfortable to tell me what may have made you feel like that or is that something you are not ...

MR ABEDNIGO HLUNGWANI: No I can say so.

CHAIRPERSON: Yes please.

MR ABEDNIGO HLUNGWANI: I can say so. Chairperson the - let me
10 put it this way that I have utmost respect for President Zuma. Minister Chabane was a Minister under President Zuma's administration. He served at the behest of former President Zuma.

Whatever may have happened may have happened between the two - between an employer and employee or supervisor and supervisee but I think Chairperson what is most important for me now we are sitting here or at - or my resolve not to come was the fact that I had spent a very good five years with Minister Chabane and now that he is - in fact his passing away struck a very hard core, pain emotionally for months and - and it was the one of the reasons why I
20 then initiated to say can I move out of a political office because I had served under him.

I had served under Minister Mthethwa, Minister Ramatlhodi and - and then at one point I could have served another Minister but I then chose to move out. So it - it has been very painful. I am also mindful of Ms Chabane and the kids where - where they are. I did not

want to come here and myself opening an emotional wound ...

CHAIRPERSON: Oh, okay.

MR ABEDNIGO HLUNGWANI: But I - I respect you Chairperson the work you do and the Judiciary in its entirety and when the investigator said to me if the Chair asks you to come will you do so. I said I will and that is why I am here but I - I personally felt it would - I would leave it to the Chairperson or the Commission to find the truth in - in other ways I am sure.

CHAIRPERSON: Hm.

10 **MR ABEDNIGO HLUNGWANI:** The mechanisms are there.

CHAIRPERSON: No, no thank - thank you very much. I - I was not aware that the - you - you were feeling uneasy about it. I - I am not necessarily saying if you were feeling uneasy the decision would have been different but I am just saying I was not aware but I thank you that you - you came. Thank you for your - for your evidence. I think the - the impression I get is that because of how close you were ...

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: To Minister Chabane you would have preferred not to ...

20 **MR ABEDNIGO HLUNGWANI:** Yes.

CHAIRPERSON: Not to talk about things that relate to ...

MR ABEDNIGO HLUNGWANI: Thank you Chair.

CHAIRPERSON: To him.

MR ABEDNIGO HLUNGWANI: Yes.

CHAIRPERSON: So - so I appreciate that ...

MR ABEDNIGO HLUNGWANI: Thank you.

CHAIRPERSON: But thank you very much and you are excused.

MR ABEDNIGO HLUNGWANI: Thank you very much sir.

CHAIRPERSON: Thank you.

ADV SUSAN WENTZEL: Thank you Chair.

CHAIRPERSON: That - that is the last witness you have for the day?

ADV SUSAN WENTZEL: Yes. That was the last witness for the day.

CHAIRPERSON: Yes. Okay. We are unfortunately going to adjourn the proceedings for the day and then we will continue tomorrow. We
10 will start I think at half past nine. Are we starting at half past nine tomorrow? No we are starting at 10 I think. We are starting at 10 o'clock tomorrow. We will be hearing further evidence from Mr Dukwana and I think there will be two witnesses if I am not mistaken. So we will continue tomorrow. We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS TO 27 AUGUST 2019