

**COMMISSION OF INQUIRY INTO STATE CAPTURE**

**HELD AT**

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10

**19 NOVEMBER 2019**

**DAY 190**

**FINAL**

20

**PROCEEDINGS RESUME ON 19 NOVEMBER 2019**

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

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

**CHAIRPERSON:** Yes.

**ADV NORMAN:** Thank you. Mr Chairman today we will present the evidence of Reverend Frank Chikane.

**CHAIRPERSON:** Yes. Good morning Reverend Chikane.

**REVEREND CHIKANE:** Good morning.

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

10 **CHAIRPERSON:** Thank you.

**ADV NORMAN:** Before you Chair you would have what is termed Exhibit E4 it is a presentation file.

**CHAIRPERSON:** Yes.

**ADV NORMAN:** Yes. And that presentation file contains two statements of Reverend Chikane. The one statement is at page 1 to 19 and the second statement from pages 21 to 22. His evidence is relevant to the evidence of Mr Maseko because Chair you would recall that Mr Maseko in his very first statement which was E1 had indicated at page – I think paragraph 31 of that statement that he after he had  
20 gone to the home of the Gupta's he reported that to Reverend Chikane.

**CHAIRPERSON:** Yes.

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

**CHAIRPERSON:** *Ja.*

**ADV NORMAN:** Thank you Chair. May this be – this bundle then be admitted as Exhibit E4?

**CHAIRPERSON**: The file containing the statement by Reverend Frank Chikane and annexures thereto will be marked Exhibit E4.

**ADV NORMAN**: Thank you Chair.

**CHAIRPERSON**: Okay.

**ADV NORMAN**: May the witness then be sworn in?

**CHAIRPERSON**: Yes.

**ADV NORMAN**: Thank you.

**CHAIRPERSON**: Please adMinister the oath.

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

10 **REVEREND CHIKANE**: Frank Chikane.

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

**REVEREND CHIKANE**: No.

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

**REVEREND CHIKANE**: Yes.

**CHAIRPERSON**: 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.

20 **REVEREND CHIKANE**: So help me God.

**ADV NORMAN**: Thank you.

**CHAIRPERSON**: Well before Ms Norman starts Reverend I just want to thank you for making yourself available and for coming to give evidence and to share with the Commission your – what you know that is relevant to our terms of reference.

**REVEREND CHIKANE:** Yes.

**CHAIRPERSON:** And to give your perspectives on some of the issues that are really quite important to the Commission and the country. I particularly appreciate that you have come to give evidence because as you may know since last year I have been making appeals to among others former Directors-Generals and current Directors-Generals to say please come forward because there must be a lot that you can share with the Commission and – although some have come forward. I have a feeling rightly or wrongly that there are many who probably would  
10 enrich this commission with matters that they have knowledge of who have not come forward. So I really appreciate that you were able to come and share what you know with the Commission. Thank you very much for that.

**REVEREND CHIKANE:** Thank you.

**CHAIRPERSON:** Thank you.

**ADV NORMAN:** Thank you. Thank you Mr Chairman. Reverend at page – you will find a presentation before you and it has a divider marked 1.1.

**REVEREND CHIKANE:** *Ja.*

20 **ADV NORMAN:** Then immediately after that divider you will find a statement.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** In fact it is an affidavit and could you please turn to page 19 of that folder?

**REVEREND CHIKANE:** Page 9?

**ADV NORMAN:** 19 yes.

**REVEREND CHIKANE:** 19.

**ADV NORMAN:** 19.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** There is a signature there, is that your signature?

**REVEREND CHIKANE:** Yes it is.

**ADV NORMAN:** Yes. Is it correct that you deposed to that on the – that affidavit on the 28<sup>th</sup> of May 2019?

**REVEREND CHIKANE:** *Ja.*

10 **ADV NORMAN:** Yes. Is that correct, yes. Thank you. And then if you turn over the page you will find another folder 1.2.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** Under that folder there is another affidavit which appears from pages 21 to 22.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** Could you please turn to page 22?

**REVEREND CHIKANE:** I have got it.

**ADV NORMAN:** Is that your signature that appears on that page?

**REVEREND CHIKANE:** It is.

20 **ADV NORMAN:** Did you depose to that affidavit on the 24<sup>th</sup> of November 2017?

**REVEREND CHIKANE:** That is it.

**ADV NORMAN:** Thank you. Briefly Reverend could you please just tell the Chairperson what you deal with in paragraph 1 which is basically your background and your work experience. Then we are going to deal

then next with your experience having occupied various offices within various – or under – servicing under various Presidents of this country from President Mandela right up to President Zuma.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** Could you then just briefly highlight what do you do and all the brief synopsis that you – the synopsis that you have put in of your career and your background in paragraph 1.

**REVEREND CHIKANE:** *Ja.* Thank you. On paragraph 1 since we signed this affidavit I have become a former.

10 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** So I am now former President of the AFM International and former Presiding Pastor of the church in Naledi. I have handed over to younger leaders.

**CHAIRPERSON:** H'mm. Yes.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** And what is still is current is the Vice President of the South African Council of Churches the Advisory Committee on Peace and Security of the AACC.

**CHAIRPERSON:** H'mm.

20 **REVEREND CHIKANE:** And I am still a Moderator of the Churches Commission on International Affairs of the WCC. That is what occupies me.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** For now. It is voluntary activity all of it.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** So it is not paid work.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** In page 2 paragraph 2 indicates the history of my work within government. I happen to have worked during President Mandela's time. I went into government 1995 around October/November.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And became Secretary of Cabinet during Mandela Deputy Secretary. It was a transitional management.

10 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** So I was introduced to be Deputy.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** To Professor Germer.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And then took over during Mbeki's time as the Director-General.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And after that of course by Mbeki was removed and Motlanthe Presidents – I must say Presidents – former Presidents.

20 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** I was brought in so I became responsible during his time.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And then I was asked – I was supposed to have left earlier. I was asked to assist with managing transition.

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: From President Motlanthe to President Zuma.

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: And that ended my role.

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: At the end of once we inaugurated them into office then I left.

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: In June.

10 **CHAIRPERSON**: Okay.

**REVEREND CHIKANE**: Of that year.

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: Then paragraph 3 it is all formal so it is just for history.

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: In terms of qualifications there nothing has changed.

**ADV NORMAN**: Yes.

**CHAIRPERSON**: H'mm.

20 **REVEREND CHIKANE**: I am still where we are.

**CHAIRPERSON**: Yes.

**ADV NORMAN**: Yes, yes thank you.

**REVEREND CHIKANE**: *Ja*.

**ADV NORMAN**: And let us then deal first of all before we deal with all the other matters that you canvass in your statement.



**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** With the very issue of – that relates to former DG of GCIS Mr Themba Maseko.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** Could you just tell the Chairperson without – you would recall what happened? Just in your own words as to how did you get to know about the meeting between – or what is it that was reported to you by Mr Maseko?

**REVEREND CHIKANE:** *Ja.* I have known Themba Maseko over  
10 histories. He is quite younger than me but ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** He came into the struggle – we were part of that. Became part of the province of Gauteng Government. Ended up in the National Government as Director-General. Firstly as Public Works I think. Then he became Director-General GCIS. The way in which we structured government at that stage was that we introduced a forum called a Forum of Directors-General which brought together Provincial Directors-General and National. And we used to meet about three times a year to manage government. My view was we need a  
20 public service that can run irrespective of whether or not the politicians are there. You know there is something wrong about our concept of public service that the Minister must be responsible for a hospital in the Eastern Cape when you have got managers in the system. And we were creating a system that will make sure that even when you have an election it should not affect delivery. And so I worked with the

Directors-General. I chaired that forum. So when Mr Maseko got into this challenge – was faced with this challenge it was not surprising that he asked to talk to me. Now when you are Director-General in – you never cease to be Director-General and once you have been Director-General in the Presidency you do not cease to being a leader of the Directors-General.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** So he came to me when I had already left government.

10 **CHAIRPERSON:** Oh okay.

**REVEREND CHIKANE:** Yes. I thought it is important to say that.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And he asked for advice. Many Directors-General still come to me to ask for advice.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And he had been asked to go and meet the Gupta's and he was worried about the implications. At that point I think there were indications there were problems. GCIS would have had one of the Gupta's in their, you know, international marketing entity which  
20 works with GCIS. And he came to ask me what he should do because the President asked him to see the Gupta's. And I said to him which I normally do if the President asks you are a Minister to meet somebody you cannot say I cannot meet that person unless there is *prima facie* evidence that something is going to wrong. I said if you do not go the President might charge you for countermanding him. So if I were you I

would go. So he went. When he came back later he said to me, well now I have been there and they asked me to do something that is irregular in terms of my portfolio. At that point I said to him, well now you have the right to say no. Because it is about violating the law, irregular activity. I even referred – I normally refer to this section which is not relevant to DG's but it is for the military to say you cannot take an illegal command. If it is illegal say, no. And so – but also understand that once you say no you lose your job. And during my time as Director-General in the Presidency most of those Directors-General  
10 who found themselves in that situation lost their jobs. I think they were about five or so.

**CHAIRPERSON:** Is that so?

**REVEREND CHIKANE:** During my time.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** If you have got a problem with a Minister or you have got a challenge.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** The likelihood is that the DG loses their job not the Minister. That is the – my experience. So when you take the stand  
20 you need to then be conscious that there are consequences for you personally. And so he then decided he is going to take a stand. And when he was now asked to deliver and that is the sequence of events. It is – you know the mind tends to compact things within a shorter period but you realise they happened over a certain period. He then called me and said, I have been given an ultimatum that if I do not

deliver I will not be DG by Wednesday this coming week. It should have been about Friday or, you know, Saturday. And we did not have too much discussion because it was just information to say, I am now at that point. Although I did not think it would be dramatic to say they would tell you, the Gupta's will tell you if you do not do what we want by Wednesday you will not be a Director-General. It has not happened like that before. And indeed by Thursday that week he called me and said I am no more Director-General of GCIS. And at that point I said, well Mr Maseko we now have enough evidence. You know you are

10 living evidence of this corrupt activity. This is the time we should then take it on. I did not know at that stage that they were making plans to move him to Public Service Administration but he did not last for too long and his view at that time is Reverend I am looking for a job now. I do not think I will survive fighting this one and I have to make sure my children are okay. And that is the pain about corrupt activity that it costs clean people it costs them dearly. And at times you get quiet because you do not want to be quiet but because of the implications and that is where it died off. Because at that point I thought you could then take it on and say I have got evidence that this matter is – has

20 happened. *Ja.*

**ADV NORMAN:** So by suggesting to him that he – this is something that he needed to take on were you implying that maybe he could go to court and challenge his removal or what exactly is it that you wanted him to do at that point?

**REVEREND CHIKANE:** *Ja.* If I was asked to do something illegal and I

say no and I am told by an entity outside government that I will not be in my job by Wednesday and indeed I am not in my job that tells you that somebody from outside government runs government. And that is a problem for me. And that is why I thought you could save the government by taking a stand.

Court it is a problem because it costs money and at times people do not go to court because it means you must pay lawyers and if you are uncertain about your income tomorrow the likelihood is that you focus more on – he is not the only one by the way.

10 I have talked to many people who were in the same situation. If you did take a stand at that point like some of us did we paid dearly. And I went without a job when I was supposed to have a job when I left government because an intervention was made to make sure that job goes. It was private sector it had nothing to do with government.

But a delegation was sent to London to talk to these international company to say they cannot give me that job. If they give me that job they have lost their business in South Africa. And I did not get the job. So it is costly to take a stand. And many people would walk away and see how they survive. *Ja*.

20 **REGISTRAR:** Okay thank you.

**CHAIRPERSON:** Yes you can continue.

**ADV NORMAN:** Oh yes thank you Chair.

**CHAIRPERSON:** *Ja* I have got some questions.

**ADV NORMAN:** Yes.

**CHAIRPERSON:** But I would rather let you ...(intervenes).

**ADV NORMAN:** Oh – yes.

**CHAIRPERSON:** Let me allow you to continue *ja*.

**ADV NORMAN:** Thank you. Thank you Chair. And then at page 21 to 22 there is a statement that is prepared there which was not meant – you did not prepare that one for the Commission because it was only done – it was done earlier in November 2017.

**REVEREND CHIKANE:** That is page ...(intervenes).

**ADV NORMAN:** But what I would like to know – page 21 Reverend. What I would like to know what were the circumstances under which  
10 you prepared that affidavit and where did you file it?

**REVEREND CHIKANE:** That is for the Hawks.

**ADV NORMAN:** Yes. How did that happen?

**REVEREND CHIKANE:** *Ja* they knew about this story of Maseko and I imagine he had made a statement so they came to me to ask whether I could not make a statement. I said yes. They came to my office and that is how that statement was done.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** You know it is the type of statement that you talk to the police and they write it for you and then you sign it.

20 **ADV NORMAN:** Yes. Were you ever called to go and testify at court?

**REVEREND CHIKANE:** No.

**ADV NORMAN:** In respect – in relation to that matter.

**REVEREND CHIKANE:** No it went dead. It went dead. Nothing happened afterwards.

**ADV NORMAN:** Yes. Would you recall who was leading that

investigation within the Hawks? Do you – can you recall?

**REVEREND CHIKANE:** No I would not there were four of them from the Hawks who came to my office to do this statement and the person who then I mean signed here would have been maybe one of them I do not know.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** But I did not keep a record – my appointment book would – calendar would show who it was at that time but I did not care to find out.

10 **ADV NORMAN:** Yes.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** To follow up. I mean they told me who they were but ...(intervenes).

**CHAIRPERSON:** Yes, yes.

**ADV NORMAN:** But I would imagine that when they called you and they themselves would have believed that this was a matter that needed attention because to them it would have appeared to be some – had some criminal elements into it?

20 **REVEREND CHIKANE:** *Ja.* They – I actually thought they were doing what I expected to happen at the beginning that the police would take on this matter and act accordingly. So I was pleased they came. But then nothing happened after.

**CHAIRPERSON:** H'mm.

**ADV NORMAN:** Yes.

**CHAIRPERSON:** And it was on the 27 – 24<sup>th</sup> November 2017.

**ADV NORMAN:** 2017.

**CHAIRPERSON:** When it was taken, the statement, it seems.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** *Ja*.

**CHAIRPERSON:** Is it – would that – would your recollection be in accordance with that namely that it was taken on the 24<sup>th</sup> of November 2017. Probably you will not remember the exact date but does that sound more or less right?

**REVEREND CHIKANE:** *Ja*. No I mean I would take it, it is correct.

10 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Because I mean I signed it.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** With the dates on so it should be correct.

**CHAIRPERSON:** Yes it should – *ja* – but your recollection would be that it was the end of 2017?

**REVEREND CHIKANE:** *Ja*.

**CHAIRPERSON:** *Ja* okay.

**ADV NORMAN:** Yes. Thank you. Thank you Chair. Then we move on – is that all that you would like to say then on the issue that relates to

20 Mr Maseko?

**REVEREND CHIKANE:** *Ja* there is not much more. The – I think that is why I then refer to what I have written about what I think and understand about what is happening in government. But I wrote before the Maseko matter.

**CHAIRPERSON:** Yes.



**REVEREND CHIKANE:** Yes.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** But it was quite clear to me.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** That we are on a slippery road.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And that this country was at risk.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And for me it is more painful because some of  
10 us are living, what would I say, bodies of people who paid a heavy price  
during the apartheid days.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Detained, tortured, all sorts of things, poisoned  
and when you see what you had fought to achieve going down.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** The way it was going.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** It is a very painful experience.

**CHAIRPERSON:** H'mm.

20 **REVEREND CHIKANE:** And I always say that I sympathise with the  
veterans who had been passing away 15 years after 1994. Because  
they go with a heavy heart that that which we sacrificed for. It is gone.  
And those who passed away the first 10 years were not celebrated  
before they left.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Because it was you know – we were busy achieving what we sacrificed for.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** So the Maseko matter for me was an indicator that indeed something is radically going wrong. *Ja.*

**ADV NORMAN:** Okay.

**CHAIRPERSON:** Well on the Maseko matter just in relation to the facts here or the details. One, it has been a long time.

**REVEREND CHIKANE:** *Ja.*

10 **CHAIRPERSON:** It is something that happened in – at the beginning of February 2011.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** That is the actual transfer – his transfer from GCIS to the Department of Public Service and Administration.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** The meeting that he has said he had with Mr Ajay Gupta had happened. I believe if I recall correctly sometime during October of 2010 and he had a meeting with Mr Ajay Gupta at the Gupta residence on a particular day in October 2010 and then later in the  
20 same month he said he had a telephone conversation with among other people Mr Ajay Gupta on a certain Saturday when he was on his way to a golf competition in North West.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** With his wife and Mr Ajay Gupta according to Mr Maseko was insisting that there should be a meeting – he should agree

that he would meet I will simply say Gupta people.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** I think it would be people who may have come from the New Age I am not sure or one of their entities to meet them on the Monday morning and Mr Maseko was saying no those people must phone me on Monday and then we can look at whether I can meet them on that day. But he was insisting that he should agree there and then that there would be a meeting. But he says in that telephone conversation ultimately Mr Ajay Gupta effectively said to him, I see that  
10 you are not co-operating with us and I will report you to your seniors and you will be sorted out. Or something to that effect.

**REVEREND CHIKANE:** Hm

**CHAIRPERSON:** That was – it was the end of October and of course November, December and then January beginning of February then the transfer happened.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** But I am just mentioning this particularly to indicate part of his evidence but also to say it is quite some time back and therefore maybe one can expect that the recollections of details might  
20 not be the same. Now one of the important or two of the important things which I have picked up from your statement is that it would appear that on your evidence he, that is Mr Maseko, spoke to you about the President's call to him prior to him going to meet with the Gupta's. On the evidence he gave as I recall he said he got this call from the President as he was I think leaving the building on his way to meet the

Gupta's.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Which might not have given him time to meet with you before.

**REVEREND CHIKANE:** No, no.

**CHAIRPERSON:** Before. But of course if he spoke to you on the phone rather than meet you maybe he might have spoken to you on the phone on his way to the meeting. I am not sure. So I am just drawing attention to that one to say maybe I know there has a long time just  
10 reflect and see whether you think you are quite clear that happened before the meeting or it happened after or whether he just spoke on the phone. But also quite an important aspect is from your statement is that you say that he, Mr Maseko, told you that the Gupta's or Mr Ajay Gupta I do not know if he was specific about names to you.

**REVEREND CHIKANE:** Yes.

**CHAIRPERSON:** But that he had been told that if he did not comply or co-operate he would not be DG by Wednesday.

**REVEREND CHIKANE:** Wednesday.

**CHAIRPERSON:** *Ja.* Now I do not remember that in his evidence he  
20 gave that part. My recollection is that what he said was the last time he spoke to Mr Ajay Gupta on the phone was towards the end of October.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** When Mr Gupta said to him he would report him to his seniors and he would be sorted out. And then he says on the day on

which he was actually transferred from GCIS to DPSA which happened to be a day on which cabinet had a meeting I think it was a Wednesday on the 2<sup>nd</sup> of February 2011 he says on that day interestingly he saw a missed call from Mr Ajay Gupta's phone but he says he decided not to return the call. But it occurred to him why is this person phoning me on this day when I am being transferred.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** In circumstances where had previously said I would be sorted out.

10 **REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** But he leaves it at that. So I am just giving you this – because also you might not have listened to his evidence. You might not have read his statements. Just to give you what his evidence is. At least as far as I remember and to check with you whether you feel quite confident that one, he spoke to you before he went to see the Guptas and two whether this issue about him saying to you either Mr Gupta or the Guptas have said if I do not co-operate or comply I will not be DG by Wednesday. Whether it is something that is quite clear in your mind ...(intervenes).

20 **REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Because on the face of it one would have expected him to remember that part.

**REVEREND CHIKANE:** The detail.

**CHAIRPERSON:** In terms of his evidence quite – it was quite important, but as far as I remember he did not mention it. So I just

want you to think about that and see how clear your recollection is about that.

**REVEREND CHIKANE:** Chair, I – you know I have got a good example about how the brain works ...

**CHAIRPERSON:** *Ja.*

**REVEREND CHIKANE:** Because June 16, 1976 the first event was a Volkswagen car of the police burning and then June, the 16<sup>th</sup> happened. I always thought it was a day before. June, the 16<sup>th</sup> ...(intervenes).

**CHAIRPERSON:** Yes. Yes.

10 **REVEREND CHIKANE:** And I only discovered recently when we did research that it was two weeks before. So in a sense ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** As time goes by ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** The brain tends to compact ...(intervenes).

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** Put it within a ...(intervenes).

**CHAIRPERSON:** No.

**REVEREND CHIKANE:** Shorter period.

20 **CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** But in terms of my interaction with Maseko.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** It is that I did not – I was not privy to. It is like a film.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** I am – the people who watch it know what is happening the other side, but I am a player in it. I do not know what is happening the other side. So I would say it – I cannot say whether or not he talked to me during the time he was going to the Guptas after the President called him.

What I know and it is possible that they would have had discussions with the President. He would have been asked to go and see the Guptas. I have a sense that he would have talked to me before that. Simply because it was a real discussion. It was not a telephone  
10 call. If you look at the statement ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** I did for the Hawks.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Which is earlier.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** It is ...(intervenes).

**ADV NORMAN:** Page 21 Chair.

**REVEREND CHIKANE:** *Ja.* We have – it is – it says:

20 “The President requested him to go and meet the  
Guptas at their house. I advised as requested.”

**CHAIRPERSON:** Actually before that ...(intervenes).

**ADV NORMAN:** Maybe you should ...(intervenes).

**CHAIRPERSON:** I am sorry.

**REVEREND CHIKANE:** Sorry.

**CHAIRPERSON:** Actually before that. I do not know whether it is

actually before, but at the first line of paragraph 3 ...(intervenes).

**ADV NORMAN**: Yes.

**CHAIRPERSON**: Says:

“You received a call from Maseko requesting a meeting.”

**REVEREND CHIKANE**: I received a call from Maseko requesting a meeting ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: Seeking advice.

10 **CHAIRPERSON**: Yes. Yes.

**REVEREND CHIKANE**: So it must have happened before.

**CHAIRPERSON**: Before. Yes.

**REVEREND CHIKANE**: The one of going to the Guptas and the President calling. It is an operational matter ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: Which would have been additional to what ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: Was happening ...(intervenes).

20 **CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: But he consulted me when ...(intervenes).

**CHAIRPERSON**: Before.

**REVEREND CHIKANE**: He was relaxed ...(intervenes).

**CHAIRPERSON**: Yes. Okay.

**REVEREND CHIKANE**: And he wanted to get my opinion.



**CHAIRPERSON**: Yes. Yes.

**REVEREND CHIKANE**: So I suspect it happened before ...(intervenes).

**CHAIRPERSON**: Before. Okay. Okay.

**REVEREND CHIKANE**: And then once he had gone to the Guptas. I do not know at what stage, because they talked a lot with the Guptas in ...(intervenes).

**CHAIRPERSON**: Yes. Yes.

**REVEREND CHIKANE**: At what stage.

**CHAIRPERSON**: Yes.

10 **REVEREND CHIKANE**: He came back to me and said ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: This is what they are asking me to do.

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: He did not give me the details.

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: He just said it is irregular.

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: It is against the law.

**CHAIRPERSON**: Yes.

20 **REVEREND CHIKANE**: This is what I suspected ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: And then I said to him now this is the time.

**CHAIRPERSON**: Yes. Okay.

**REVEREND CHIKANE**: Ja. Then the third ...(intervenes).

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE:** Must have been during that Friday  
...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Saturday ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Which I only knew after he gave evidence  
...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And I have no idea ...(intervenes).

10 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** But the only thing I know is that he called me  
...(intervenes).

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** And said you know I have been told.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** That I do not do what they want me to do  
...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** By Wednesday.

20 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** So it must be that week ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Which was critical.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** It might have been months after the first

discussion.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** I have no idea ...(intervenes).

**CHAIRPERSON:** Yes. Yes. Yes. Yes.

**REVEREND CHIKANE:** But he said they say ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** By the Wednesday I will not be DG  
...(intervenes).

**CHAIRPERSON:** Yes.

10 **REVEREND CHIKANE:** And usually the DG of Government  
Communications does the press conference after Cabinet on Thursday  
and on Thursday I do not think he did the press ...(intervenes).

**CHAIRPERSON:** Ja. No. I think ...(intervenes).

**REVEREND CHIKANE:** Briefing ...(intervenes).

**CHAIRPERSON:** I think he was gone.

**REVEREND CHIKANE:** And he called me ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** To say I am no more DG.

**CHAIRPERSON:** Yes.

20 **REVEREND CHIKANE:** Whether he called me on the Wednesday after  
Cabinet ...(intervenes).

**CHAIRPERSON:** Or Thursday.

**REVEREND CHIKANE:** Or Thursday.

**CHAIRPERSON:** Yes, but it was after ...(intervenes).

**REVEREND CHIKANE:** Ja.

**CHAIRPERSON:** The decision had been made.

**REVEREND CHIKANE:** But from my point of view I remember well. I cannot – it was too dramatic to forget.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** Not the details about days etcetera.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** But the fact that he talked to me ...(intervenes).

**CHAIRPERSON:** Yes.

10 **REVEREND CHIKANE:** And it cannot be marginally fair.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** You know. It is something concrete.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** That happened.

**CHAIRPERSON:** And the idea that he said he had been told he will not be DG by Wednesday.

**REVEREND CHIKANE:** *Ja*.

**CHAIRPERSON:** That part is also part of the drama.

**REVEREND CHIKANE:** Very clear in my mind ...(intervenes).

20 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Because that is what shocked me.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** To see.

**CHAIRPERSON:** And then it happened.

**REVEREND CHIKANE:** *Ja*. I mean if you are told by a Minister or the

President that you will not be DG by Wednesday. I can understand that, because it is in their hands to ...(intervenes).

**CHAIRPERSON**: Yes. *Ja*. Yes. Yes.

**REVEREND CHIKANE**: But if somebody from outside ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: Tells you, you will not be DG ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: By Wednesday.

**CHAIRPERSON**: Yes.

10 **REVEREND CHIKANE**: Then there is something serious irregular.

**CHAIRPERSON**: H'mm. H'mm.

**REVEREND CHIKANE**: *Ja*.

**CHAIRPERSON**: Okay. No.

**ADV NORMAN**: Thank you.

**CHAIRPERSON**: Thank you.

**ADV NORMAN**: Thank you Chair. The paragraph that the Chairperson referred to you which is paragraph 3. Where did that meeting take place between you and Mr Maseko?

**REVEREND CHIKANE**: Now you see I do not remember.

20 **ADV NORMAN**: You do not remember.

**REVEREND CHIKANE**: I think it was at my home.

**ADV NORMAN**: Yes.

**REVEREND CHIKANE**: I do not remember ...(intervenes).

**ADV NORMAN**: Yes.

**REVEREND CHIKANE**: Because I was not in Government at that time.

**CHAIRPERSON**: At that time.

**ADV NORMAN**: Yes.

**REVEREND CHIKANE**: We could have met in the office ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: Or he would ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: Either have come to me or ...(intervenes).

**CHAIRPERSON**: *Ja. Ja.*

**ADV NORMAN**: Yes.

10 **REVEREND CHIKANE**: But the first interaction was not just – it was a call to ask for a meeting and we met and talked.

**CHAIRPERSON**: Yes. Yes.

**REVEREND CHIKANE**: Which is different from all the other ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: Things that followed ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: In that regard. *Ja.*

**CHAIRPERSON**: Okay.

20 **ADV NORMAN**: Yes. Thank you.

**CHAIRPERSON**: Thank you.

**ADV NORMAN**: Thank you Chair. Then we move onto matters that you, you categorise as published material on the subject of the Commission and you ...(intervenes).

**CHAIRPERSON**: I am sorry Ms Norman.

**ADV NORMAN:** Sorry sir.

**CHAIRPERSON:** Just to round off ...(intervenes).

**ADV NORMAN:** On it.

**CHAIRPERSON:** On this. So you say after he had been to the Guptas and had a meeting with them ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** And he came back to you. He did not tell you details of what it is they talked to him about ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

10 **CHAIRPERSON:** Or that they wanted him to do, but what he did say to you is that they wanted him to do something irregular?

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Is that the position?

**REVEREND CHIKANE:** *Ja.* That is irregular, illegal.

**CHAIRPERSON:** And illegal.

**REVEREND CHIKANE:** Something he cannot ...(intervenes).

**CHAIRPERSON:** He could not ...(intervenes).

**REVEREND CHIKANE:** If he did ...(intervenes).

**CHAIRPERSON:** Yes.

20 **REVEREND CHIKANE:** His integrity would be at stake.

**CHAIRPERSON:** Okay.

**REVEREND CHIKANE:** In fact ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** I have said too many public servants, because they are the ones who signed the documents. It is not the politicians

...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: When they ask you to do it, it is ...(intervenes).

**CHAIRPERSON**: Be careful.

**REVEREND CHIKANE**: It is your head ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: On the block ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: Because in court it is the person who signed

10 ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: The document ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: And so it is the official who really  
...(intervenes).

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: Gets ...(intervenes).

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: Compromised ...(intervenes).

20 **CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: In this. There is also another thing Chair about  
the Public Service Rules. There is a provision in it ...(intervenes).

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: That says if a Minister asks you to do  
something irregular you must ask the Minister, because at times



something irregular may not be illegal ...(intervenes).

**CHAIRPERSON**: H'mm. H'mm.

**REVEREND CHIKANE**: But you must ask the Minister to put it in writing.

**CHAIRPERSON**: In writing. Yes.

**REVEREND CHIKANE**: *Ja*. There is a provision ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: But all the DG's ...(intervenes).

**CHAIRPERSON**: H'mm.

10 **REVEREND CHIKANE**: I advised ...(intervenes).

**CHAIRPERSON**: *Ja*.

**REVEREND CHIKANE**: Lost their jobs after asking the Minister.

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: So it is a provision that is there, but it means that you lose your job ...(intervenes).

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: Because once you ask the Minister put it in writing. That is the end of our job.

**CHAIRPERSON**: H'mm.

20 **REVEREND CHIKANE**: You will not get it in writing.

**CHAIRPERSON**: You know before Ms Norman deals with the other ...(intervenes).

**REVEREND CHIKANE**: *Ja*.

**CHAIRPERSON**: Wider issues that you are going to deal with. I am interested in the issue of other Directors-General that you have

mentioned that you know lost their jobs after you – after they refused to do irregular things ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Because I am wondering whether wherever they are they do not feel that that is something that the Commission should hear about ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Because I do not know Reverend. We all know many people in this country and I am sorry to say this, but that includes you.

10 **REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** Who suffered a lot ...(intervenes).

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** In the struggle for freedom who were prepared to sacrifice a lot of things.

**REVEREND CHIKANE:** A lot. *Ja.*

**CHAIRPERSON:** Who did not care if they were beaten up by the police.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** Who did not care if they were detained for years.

20 Who did not care if they could be hanged and wanted to ensure that there was freedom ...(intervenes).

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** And that this country could be a better country than it was under apartheid ...(intervenes).

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** And they were prepared to operate on the basis that they will not have any income.

**REVEREND CHIKANE:** H'mm. H'mm.

**CHAIRPERSON:** They will not have flashy cars.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** They will not have mansions ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Because they were committed to this particular cause.

10 **REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Now some of those and you are not – you are not involved ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** In that part. Some of those in terms of what one reads over the years what is in the public domain have got themselves into serious matters of crime, corruption ...(intervenes).

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** And doing things that are very much contrary to serving the people for whom they were prepared to sacrifice so much  
20 before ...(intervenes).

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** And you think about it. You do not understand how somebody who ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** For so many years was prepared to die

...(intervenes).

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** Just so that the people of South Africa could be free and because he or she wanted to serve those people. How they could turn around ...(intervenes).

**REVEREND CHIKANE:** And do that.

**CHAIRPERSON:** And want actually to steal from the very same people. That is what one reads in the newspapers in the public domain.

**REVEREND CHIKANE:** H'mm.

10 **CHAIRPERSON:** In court cases and so on and so on. So I ask myself the question when people and some of them are people who were involved in the struggle know of things that should be put before this Commission.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** So that this Commission together with the people of South Africa can try and see what may need to be done to sort things out. To make it a better country.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** When they do not come forward ...(intervenes).

20 **REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** To say I know something that will help this Commission to consider recommendations that can help our country. When they do not come forward you wonder. You have difficulty ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** But of course one does not want to say anything that may be interpreted to mean that one does not appreciate that sometimes people find themselves in a situation where they think about their families.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** They think about their children. They think about what could happen to them and which could result in them not being able to provide for their families and their children and so on. So one says what one says, but there is that in mind as well, but just one  
10 wishes that in – there could be a way ...(intervenes).

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** In terms of which people could really come forward and say look we really want to go back to that kind of commitment we had before, because this is not the kind of country that we sacrificed so much for. We want it to be what it can be.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Now I am saying these things to you. You might not be able to say anything, but I am saying them in the hope that maybe you might be able to throw some light. You can see where my difficulty  
20 is.

**REVEREND CHIKANE:** I ...(intervenes).

**CHAIRPERSON:** I mean I think of people who sacrificed ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** In a way that you cannot describe in human words.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** For freedom. For a better South Africa, but here we are there are allegations of State Capture.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** There are high levels of corruption in the country. This Commission has been put together to look into those issues and come up with recommendations which could help and there is still reluctance.

**REVEREND CHIKANE:** To – *ja.*

10 **CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Chair, I – it is a very difficult subject. I mean it is a subject on its own.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** I think I have reflected heavily on it. In one of the second books there are things I could not say.

**CHAIRPERSON:** *Ja.*

**REVEREND CHIKANE:** There is a chapter there where I deal partly with this matter.

**CHAIRPERSON:** Yes.

20 **REVEREND CHIKANE:** I think firstly I always say that our struggle produced extraordinarily people. You know the Mandela's. The Sisulu's are not products of – are not accidents of history. To find the system we were fighting you had to reach a stage where you are ready to lose everything. It is – it was a choice between life and death really, but put it difference we had to make a choice about what type of death.

You knew you were going to die.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** So we used to talk about a useless death where you die without – not resisting the system ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Or die resisting the system ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And people made that choice ...(intervenes).

**CHAIRPERSON:** H'mm. H'mm.

10 **REVEREND CHIKANE:** But that choice was costly and I do not want to bring family matters here, but there is a stage when I was in detention every six months. The family could not access my accounts ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And in 18 – 1982 I think when Dr Aggett died I was in the same corridor. Dipale died in the same corridor, John Vorster, and then they allowed our families to come and see us and I signed my powers of attorney to my wife, because they could not run life. So it means I decided I am no more useful to the family and I  
20 thank God that she took care of the family, but the sacrifices we had to make were huge.

What I am hearing from comrades I talk to, because I have talked too many. Say no it is not the same. During that time when that happened somebody will take care of the family. Even if it is small monies, but you know there is – the struggle was – had support.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Today you are alone. You are on your own. If you lose the job today and there is no food at home ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** That is it.

**CHAIRPERSON:** There is nobody who can help.

**REVEREND CHIKANE:** *Ja* and the corrupt lot do not want you. They support those who collaborate with them. Those who are not corrupt also do not want you, because when I left Government and I did not  
10 have the job which I had arranged ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** I could not serve in boards. Once they see your name. They see risk for your company ...(intervenes).

**CHAIRPERSON:** Huh-uh.

**REVEREND CHIKANE:** In relation to Government.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** So you are actually on your own ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And I think that is where the challenge is.

20 **CHAIRPERSON:** The challenge is.

**REVEREND CHIKANE:** The second part of it – the other side of it which is more problematic for me is that not everybody who was in the struggle really was about justice and I must say – it is in my book as well. Very risk statement to make. Apartheid was just too bad. I mean it was so bad that you had to fight it in anyway.



You do not have to be committed to justice and when you get your chance you do exactly what they were doing because they were denying you to do it in anyway. They excluded you from business. They excluded you from – so you fought to get a chance ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** But it was not defined in terms of justice and so are that a shock myself of comrades who find – who are found doing things that just are despicable. I mean it is something you would not imagine they would do, but then I realised no. Our commitment was not  
10 or the same thing. I think the risk for me – I have talked to a number.

They say if I go now – if I lose my job what do I do with my children. I have got a bond. I have got this ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And nobody cares.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** I think that is where we are at ...(intervenes).

**CHAIRPERSON:** That is where the challenge is.

**REVEREND CHIKANE:** And it requires people who would – *ja*. Do what a young theologian who visited the Nicaragua and came back,  
20 because Nicaragua experienced the same.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** You were free today and tomorrow you are no freer again and it talked about being crucified for the second time. You know. That you were crucified. You paid a price. Now you must pay a price again ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** In a new South Africa.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** It ...(intervenes).

**CHAIRPERSON:** It becomes difficult.

**REVEREND CHIKANE:** *Ja.* It is difficult ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And it is only people who really I will call Mandela ...(indistinct).

10 **CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** Who have committed to death ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And still understand it in the same way.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** I think that is a ...(intervenes).

**CHAIRPERSON:** That is where the challenge is.

**REVEREND CHIKANE:** Challenge.

**CHAIRPERSON:** Yes.

20 **REVEREND CHIKANE:** If I make example of those who came clean who wanted to change Government during our days we were transforming Government. We were transforming the State, but when the five years comes to a close they realise they have not achieved as much as they thought and they are going to be gone after the elections.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Then they – their personalities change.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** They begin to prepare for the future  
...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** By looting ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And that also tells you the democratic system  
itself creates a situation where people then they reinvent themselves to  
something else. So it is a subject of concern and the younger  
10 generation is saying why should we sacrifice. We understand you had  
to sacrifice, but why should we do it ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And I think it is a serious concern for  
...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Not only this country by the way.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** It affects ...(intervenes).

**CHAIRPERSON:** *Ja.*

20 **REVEREND CHIKANE:** Many other countries.

**CHAIRPERSON:** H'mm. H'mm. H'mm. No. Thank you very much.

**ADV NORMAN:** Thank you Chair.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And so for those DG's Chair ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Those who left paid a price and found a space somewhere. They would not want to come back.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** You know. It is ...(intervenes).

**CHAIRPERSON:** They want to move on.

**REVEREND CHIKANE:** They want to move on ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** But some of us would say, but so what happens to what we fought for and suffered for.

10 **CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** I would rather die fighting for it to make sure ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And indeed by 2015 ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Some of us were operating like we were in 1986.

**CHAIRPERSON:** H'mm. H'mm. H'mm.

20 **REVEREND CHIKANE:** I was not able to park my car which – in a placed where it is not attended to. I cannot go to a mall and park my car ...(intervenes).

**CHAIRPERSON:** H'mm. H'mm.

**REVEREND CHIKANE:** And if you started living like that in a new South Africa then you know ...(intervenes).

**CHAIRPERSON:** *Ja.*

**REVEREND CHIKANE:** That you are in another space.

**CHAIRPERSON:** H'mm. H'mm.

**REVEREND CHIKANE:** *Ja.* So not many people would want to  
...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** To go back to that. You know.

**CHAIRPERSON:** Yes. Yes. Yes and that was about the five DG's.  
Maybe you should consider whether whatever was done to deny you a –  
the job that you had got or were about to get.

10 **REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Whether it is not connected with what the Commission  
is looking at. So that if it is it maybe that it is necessary to – if you are  
prepared to look more into it, but – to the extent that it might involve  
people's names, because I do not think you talked about it in the  
statement. I do not remember seeing it.

It may be necessary that there be a supplementary statement  
or affidavit that would deal with it because some of the witnesses who  
have come before me have made the statement that part of what has  
been happening is that those who are against wrongdoing  
20 ...(intervenes).

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** Were being punished.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** They would be suspended for no good reason in their  
jobs. They would be dismissed. They have got to incur legal costs to

get their jobs back. They will be charged criminally and then maybe the prosecution would collapse or the charge would be withdrawn, but they say some of those people who were co-operating with wrongdoing.

They would do wrong things and nothing would happen to them. They would – you would do maybe a small mistake and then it is a big thing, but with them they would do big things and nothing happens to them. So it is important to see – to get as much information and evidence about those things as possible insofar as they fall within the terms of reference. So I am just mentioning to you that ...(intervenes).

10 **REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** It maybe that it does fall within and if it does I would be quite interested in it, but to the extent that it might involve people's names. It may be that it is something that might need to be dealt with in a separate statement, but it might be something that you might wish to reflect on. I am not sure.

**REVEREND CHIKANE:** *Ja.* Chair, it can be done. There are case studies. I would call them case studies ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Or specific ...(intervenes).

20 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Cases.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** It can be done.

**CHAIRPERSON:** It can be done. Yes.

**REVEREND CHIKANE:** The – in my case, because ...(intervenes).

**CHAIRPERSON:** *Ja.*

**REVEREND CHIKANE:** I went public. I always believe ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Your best product – protection is ...(intervenes).

**CHAIRPERSON:** *Ja.* Yes. Yes. Yes.

**REVEREND CHIKANE:** And so in then – the things that could not be said .....(intervenes).

**CHAIRPERSON:** Yes. *Ja.*

10 **REVEREND CHIKANE:** The first ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** There is a chapter there at the beginning that deals with the implications of taking that stand ...(intervenes).

**CHAIRPERSON:** Yes. Yes. Yes.

**REVEREND CHIKANE:** And also including how your children get affected. Your brothers and sisters. You know the family.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Comes to you and says we are suffering because of you.

20 **CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** And you cannot protect them.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** If – one of my brothers said you know I am part

of a consortium. We applied for this and when they saw Chikane there. They said to the ...(intervenes).

**CHAIRPERSON**: They said no.

**REVEREND CHIKANE**: Consortium if you have that Chikane – it does not matter who it is.

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: You will not get it ...(intervenes).

**CHAIRPERSON**: H'mm. H'mm.

**REVEREND CHIKANE**: And he had to be thrown out ...(intervenes).

10 **CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: Of the consortium.

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: So the costs are – you know it is a ripple effect. It goes further than yourself, but yes. I mean ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: For instance this issue about my job. I plan to leave Government. I was not dismissed. I applied and made arrangements. They asked me to do transitional management for six/seven months.

20 **CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: I had to delay taking that job ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: In January and ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: Plan to take it in July to finish with this



...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: And the company agrees ...(intervenes).

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: And then during December they were approached ...(intervenes).

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: And by January I did not have that job. So in a sense you can document these issues.

10 **CHAIRPERSON**: Yes, yes.

**REVEREND CHIKANE**: The only difficulties that for this DG some of them if you say Minister put it in writing that's the end of your relationship. By the time the President appears it is a negative relationship between a DG, not about that matter.

**CHAIRPERSON**: Yes, yes, yes, yes.

**REVEREND CHIKANE**: And then you leave because of that negative relationship. So it is not as easy as it looks like, but the Maseko case was so clear for me, that's why I thought we could *ja*.

20 **CHAIRPERSON**: Well as I see it, it is quite important that this Commission when it finishes its job should try as far as possible to see what can be done about such things, because going forward there may be challenges in trying to stop corruption or reduce levels of corruption significantly if the perception created in the country is that if you stand up for what is right you are gone, and nothing will – that will be the end of you.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Who are we going to have in the future who would stand up, who will our children have to stand up when we are not there because they will look back at what happened to so and so and so and so during our time and say we did they end up, so I am not ending up, who will stand up for our grandchildren when they are grown-ups in this country when wrong things happen, because people will look back and say we can tell you as many names as you are prepared to hear of people who tried to stand up, and they were finished off and that was  
10 the end for them.

So it seems to me that it is quite important that if at all possible this Commission and the people of South Africa should try and help it to say what is it that we can recommend that will encourage people who want – who are opposed to wrongdoing that will encourage those people to stand up because there will be proper protection for them.

I mean sometimes it is not just losing a job in the public service, as your experience tells you, well you left at the time you decided to leave but you had made arrangements with your future  
20 employer and then ultimately didn't get, but I think what one hears in the public domain is that even when you are not employed within the public service what can happen is that if you are a business person your businesses might suffer.

**REVEREND CHIKANE:** It gets affected yes.

**CHAIRPERSON:** *Ja,* if you stand up for what is right, so you end up

with everybody who knows something is wrong being afraid to stand up, so the question is what do we do to strengthen the protection of people who stand up for what is right.

I have spoken, and you may have heard I have spoken in the past about the effect that I would like to look at, and we are looking at that, the question of how has Parliament exercised its oversight obligations over the years, how come we have such high levels of corruption, what have they done to hold to account the executive, to make sure that there is not as much corruption in various government  
10 departments as we have. Are there challenges with members of Parliament doing their job properly?

Are the mechanisms of oversight effective? Maybe the mechanisms are fine, the problem may be the commitment or willingness to go far in exercising oversight on the part of various individual MP's, maybe also because of our parliamentary system, our system because to be in parliament I need to be – my name must be in the list of a party and maybe if I am going to take a certain line that the party doesn't approve I am jeopardising my chances of continuing to be in parliament or of a promotion to be Deputy Minister or to be Minister,  
20 to be Chair of a Committee.

If we have all of these things how do we correct them so that for the future members of parliament would be able to exercise their oversight, their functions properly in the way that they should and therefore maybe make sure that levels of corruption are reduced significantly and that those within the executive who are not doing their

proper job you know are held to account, there are all of those things and maybe with all of them that is always the element of fear if I stand for what is right there may be consequences and I will be alone after that.

**REVEREND CHIKANE:** *Ja* but maybe the Commission I mean can I am sure part of their recommendations could go in that direction, but there are two things that you have referred to, it is the electoral system, everybody now agrees that – not everybody, it is not scientific, most people now agree that our electoral system, you know the proportion of  
10 representation was meant to make sure the minorities are represented, that's what it was meant for.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** But it has turned to be something else, the party decides whether you are in or out and therefore you lose your right as a person to be yourself. That is the one thing, but I just want to say another thing is the economic setting in the country.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** In normal time, and you know during the time in government I went to visit different governments, the systems, the  
20 way they work, in NED ...(indistinct) democracies where like in the Nordics people go to government not because they need money, but they go because they want to serve, they already have money, they have got assets, if you told them to do something they will tell you well I am leaving, I don't depend on government.

I think in poor countries the problem is that those who are poor

who happen to be the ones who fought the struggle, are the ones who have no assets, have no reference point, if something goes wrong I am gone, and so to deal with the problem we need to go beyond just fixing the laws and the constitution.

**CHAIRPERSON:** Yes, yes, yes.

**REVEREND CHIKANE:** To fixing the economy, because as long as the people who are going to government are people who are unemployed, have no business, they have nothing, no assets, no inheritance from an uncle or father or mother you are – it is you and you alone, and if it  
10 goes wrong it has gone wrong – if it goes wrong you are on your own.

I think that it is part of the challenge, so people take advantage of that go say okay if you don't do it we are going to do the following to you, but if you had your own assets it wouldn't.

**CHAIRPERSON:** Well this is what sometimes comes to my mind in regard to members of parliament, and I just share with you so you can also comment; that if for argument's sake we had a constituency system then if I am a member of Parliament and I am opposed to wrongdoing, I want to hold to account a Minister or the DG's and the President, the Deputy President, I believe what is being done is wrong  
20 and I really don't want to be party to this and I am a member of my party.

If my party was against me doing what is right but I know that I might not get a promotion to be Deputy Minister, to be Minister, or Chair of a Committee but my continued presence in Parliament depends on my constituency and I know that my constituency wants me to stand

for what is right, I think I would be encouraged to say its fine, I might not be Minister, I might not be Deputy Minister but I will still be able to look after my family and my children, because I know the constituency that I represent will re-elect me, they are happy with the job I am doing.

So sometimes I look at it that way and say that maybe that would ameliorate the situation of MP's who want to do the right thing but feel that under the current system they are too vulnerable, because they can be removed by the party and then they will be gone.

10 **REVEREND CHIKANE:** I agree.

**CHAIRPERSON:** *Ja, ja.*

**REVEREND CHIKANE:** I think that's the push now that we need to do maybe a mixture of what we do at local government level, where we have got a mixture proper ...(intervenes).

**CHAIRPERSON:** Yes, yes, yes.

**REVEREND CHIKANE:** Constituents so that you still take care of the minorities.

**CHAIRPERSON:** Yes, yes, yes, yes.

20 **REVEREND CHIKANE:** But in a way in which people can be able to take a stand.

**CHAIRPERSON:** *Ja, yes, yes.*

**REVEREND CHIKANE:** And now they are vulnerable.

**CHAIRPERSON:** *Ja, ja.* No thank you very much.

**ADV NORMAN:** Thank you Chair, I see it's now about 11:15.

**CHAIRPERSON:** I see we have taken quite some time, but I think it

was important.

**ADV NORMAN:** No it was Chair, yes.

**CHAIRPERSON:** It is quite important the Reverend was in government for a long time and he has been a community activist for a long time, he knows what is happening in South Africa.

**ADV NORMAN:** No, true.

**CHAIRPERSON:** But we will take the tea adjournment, it is about quarter past, and then we will resume at half past.

**ADV NORMAN:** Thank you.

10 **CHAIRPERSON:** We adjourn.

**REGISTRAR:** All rise.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Okay we can proceed.

**ADV NORMAN:** Thank you.

**CHAIRPERSON:** I think that we will find that the discussion we had earlier is very much part of the discussion that is still to come in regard to what is in the books and so on. It is very connected I think.

**ADV NORMAN:** Yes.

20 **CHAIRPERSON:** Yes. Thank you. So it is – *ja*.

**ADV NORMAN:** Thank you. Thank you Chair. Maybe whilst finishing off the issue of Mr Maseko could you just tell the Chairperson when did you get to know about the Gupta family and in which Presidency was this and you could just take us through.

**REVEREND CHIKANE:** *Ja*.

**ADV NORMAN:** That ...(intervenes).

**REVEREND CHIKANE:** No I do say in my statement.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** Because I realised this issue about the Gupta family and when you met them. It is critical.

**CHAIRPERSON:** *Ja.*

**REVEREND CHIKANE:** I thought I must reflect it in my statement firstly that part of the younger members of our family was interested in IT World and they ended up in Sahara Computers.

10 **CHAIRPERSON:** Sahara yes.

**ADV NORMAN:** Yes.

**CHAIRPERSON:** Sahara Computers.

**REVEREND CHIKANE:** And I – and then I imagined they picked up that they are ...(indistinct) and then they talked about me.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And then thought I would have interest.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** In knowing what their mother was doing in terms of social welfare, helping the workers in the company.

20 **CHAIRPERSON:** H'mm. H'mm.

**REVEREND CHIKANE:** Would I want to meet her. Now you know I am – I do agree to meet people who are doing good things. And so I ended up with the Gupta's meeting UMama and I heard about the story. And it was like any of the stories of meeting somebody who is doing something good which is very interesting. And later – the next – at that



time there was no such suspicion. I had no knowledge of the Gupta's. The next was when we had a state banquet and normally state banquets it is about 180 people it is very tight. Even CEO's of State Owned Companies and Chairs do not come at the same time. We get the CEO then another time we get the Chair.

**CHAIRPERSON:** *Ja.*

**REVEREND CHIKANE:** Because the space is tight.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And suddenly when I did an audit for this state  
10 visit I saw that there were three surnames – three people of the same  
surname and in my audit you know I just – protocol gives me the list  
and I just look at it and I picked it up and I asked what this was about.  
Why do we have these people? And because at least if there is one it  
is okay. If it two maybe you invited your partner but if it is three it is  
unusual and so that is how I got to raise the question Protocol Team of  
course felt bad. I am the Director-General and I said how did you end  
up here? And they said no it is one of the Ministers who asked them.  
And I said but you know it is irregular. You cannot do that. And I  
realised I am putting the ordinary staff under pressure.

20 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** So I decided myself to talk to the Minister.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** I could not stop it because it is a day before.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** It would be very dramatic.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** But I had to talk to the Minister and say you know please do not put my Protocol Team in difficulties.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And that is where it ended. I had no – I did not even link up the first incident and this one it was just names.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And later I learned that one of the Gupta's served in the IMC, the International Marketing Council. And then of course the video that social media shows of Mbeki making a speech in the launch of this film which they were part of in terms of I think financing etcetera. Even then it did not occur that there is a problem until when I dealt with the Maseko issue and then I realised there is a problem. So I thought I must state that so that for the record and I do conclude in my statement that it looks like when you look at all the other people and families who got affected this was not an accidental activity it was targeted intelligent more than I would expect of a family that arrives here. Just – I do not remember whether it is 1994 or whatever would have actually had so much contacts it just does not make sense to me. And I concluded it must have been an intelligence operation. They knew exactly what they were doing and then pick up Chikane, youngsters to get to me. It could not have been an accident. *Ja.*

**CHAIRPERSON:** And this would have been around about obviously before 2011 before the Maseko incident but – *ja.*

**REVEREND CHIKANE:** It was at the time when ...(intervenes).

**CHAIRPERSON:** How much earlier?

**REVEREND CHIKANE:** Sorry.

**CHAIRPERSON:** How much earlier.

**ADV NORMAN:** May I direct Chair?

**CHAIRPERSON:** If you are able to remember more or less?

**REVEREND CHIKANE:** *Ja* it is ...(intervenes).

**ADV NORMAN:** May I direct Chair around 2007 that appears at page 15.

10 **CHAIRPERSON:** Oh it is about 2007?

**ADV NORMAN:** 2007.

**CHAIRPERSON:** Okay.

**ADV NORMAN:** And there was I think Mr Ajay Gupta was a member of the IMC since 2006.

**REVEREND CHIKANE:** *Ja* that is ...(intervenes).

**CHAIRPERSON:** Okay.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** But my – the earlier first encounter would have been much earlier.

20 **CHAIRPERSON:** Okay.

**REVEREND CHIKANE:** Yes and I had no idea who the Gupta's were.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** Were all about. *Ja*.

**CHAIRPERSON:** Okay. Okay.

**ADV NORMAN:** Thank you. So then we ...(intervenes).

**CHAIRPERSON:** One second.

**ADV NORMAN:** I am sorry Chair.

**CHAIRPERSON:** Okay thank you.

**ADV NORMAN:** Thank you Chair. Yes. Thank you. So then we have dealt with that part now. Let us just in your books, the two books that you append.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** You deal with in Chapter 9 of the 9 Days in September.

**REVEREND CHIKANE:** *Ja.*

10 **ADV NORMAN:** Correct. In Chapter 9 of that book.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** You deal with the conflation of party and state.

**REVEREND CHIKANE:** State *ja.*

**ADV NORMAN:** And the questions that – some of the questions that the Chair had put to you they may relate to what happens when there is that conflation of the two institution and then what are the consequences?

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** Of that. Could you just elaborate on that?

20 **REVEREND CHIKANE:** The – well I always Chair say that there I had an advantage that I became part of the Electoral Commission so I could not be part of the government 1994 and spend time at Harvard doing studying about governance. So it gave – I always say I had an opportunity that others did not have. It gave me a break as well after all this. And you could observe when we started – when I went into

government that this – there was still the old order or the new order or they are in the same place. And the old order intelligence guys were still reporting to the old order that is outside government. And the new order was also still reporting to their commanders outside government. And when you looked at it you knew it was a risk for the State because you do not have an intelligence security system that is reporting to the State. It means the State itself was not operating outside. And you can see why that type of thing happened. So I do say that there were signs during our times which we should have read and would have explained this to us. So on the question you were asking ma'am it is –  
10 I do talk there about the signs.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** And I am talking about it in paragraph 13 that the ...(intervenes).

**ADV NORMAN:** Paragraph 13 is at page 5 Chair.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** The Intelligence Officers continued reporting.

**CHAIRPERSON:** H'mm.

20 **REVEREND CHIKANE:** And definitely you could see that.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And when we dealt with the crisis within the ANC because I was in the NEC.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And also Secretary Cabinet and DG in the

Presidency.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** I had a window to all of what was happening.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And you could see that by the time we hit Polokwane and the issues of President Zuma.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** There was within the intelligence system.

**CHAIRPERSON:** H'mm.

10 **REVEREND CHIKANE:** People who reported to different – they were not reporting to the President only but reporting elsewhere.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And that is a threat to the security of the State.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** You cannot have a state that functions like that.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** The second issue I refer to here is in paragraph 14.

20 **CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Which is the using the powers of the President to stop prosecution.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** That when I talked with the corporates in government.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** It was clear that when we were confronted with Mr Zuma being charged who was Deputy President but then ceased to be Deputy President. This language about the State prefers charges against means that the Head of State is the one who – it is for the ordinary people. It is the Head of State who was making the decision. And they believed that the Head of State can intervene and say, no do not do it. And if it is people who are at higher levels who believe that, that tells you that we are vulnerable in a sense and we should have  
10 seen the signs and signals. The third example I make it is the Nicholson Judgment. You will remember that judgment which was thrown out in Bloemfontein. It was a bad judgment. I did not have to be a lawyer to – and my name also appeared there. So to say we were all part of this problem. Cabinet decides to appeal. I am Secretary of Parliament – Cabinet and there were people who were unhappy about the appeal within the leadership of the rule – the Governing Party. And they were of the view that it should not happen. So the first thing they tried was – because I was asked if it is classified information then it is of Cabinet. The Secretary of Cabinet writes an affidavit to confirm this  
20 decision was made. So the lawyers needed that. I was told I cannot do that. Because it is in the – because it is my job to do it. Secondly it is in the minutes. So somebody said no but the minutes are not approved yet you can change them. Now or any leader to ask Secretary of Cabinet to change minutes of cabinet it is a very serious matter and my response, and it is in my book, my response was, The Cabinet meets

every second week. Those who do not like this decision you are in the majority. It was after Polokwane. Just go and rescind the decision. You cannot ask me to change the minutes and so they do not rescind. So I have to do that affidavit for the lawyers and I was given instructions not to do it. And I – that is part of the costs I paid because I said well I have to do my job. And President Motlanthe at that time was the President. So I went to him and said, Sir I am told the leadership says I cannot do this affidavit and you are part of the leadership. And he looked at me and said Moruti do the right thing.

10 **CHAIRPERSON**: And he was not just the President of the country at the time he was Deputy President of the ANC as well.

**REVEREND CHIKANE**: That is it.

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: So for me if somebody comes and says the leadership says I say, well you are also a part of the leadership so give me the instruction not to do it.

**CHAIRPERSON**: *Ja*.

**REVEREND CHIKANE**: As President.

**CHAIRPERSON**: *Ja*.

20 **REVEREND CHIKANE**: And he said, no do what is right.

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: And what the law requires you to do.

**CHAIRPERSON**: Yes. Yes.

**REVEREND CHIKANE**: And I did that affidavit and those who know would know that I was accused of being part of those who are against



President Zuma because I did that affidavit. It is my job.

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: But that tells you that the law did not matter.

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: What matters it is interests that people have.

**CHAIRPERSON**: Well Ms Norman.

**ADV NORMAN**: Yes.

**CHAIRPERSON**: It would be quite fine if it is convenient for the Reverend to read this part of his statement.

10 **ADV NORMAN**: Of his – yes.

**CHAIRPERSON**: And he can stop.

**ADV NORMAN**: Elaborate.

**CHAIRPERSON**: As and when you might have questions.

**ADV NORMAN**: Yes.

**CHAIRPERSON**: After certain paragraphs.

**ADV NORMAN**: Yes Chair.

**CHAIRPERSON**: Or read and then at the end questions can come so – because it is really more about analysis of ...(intervenes).

**ADV NORMAN**: Of what was happening.

20 **CHAIRPERSON**: Of certain situations yes.

**ADV NORMAN**: That is correct.

**CHAIRPERSON**: Yes.

**ADV NORMAN**: Thank you Chair. Then may he then start reading from paragraph 17 because what he has just told the Chair appears in paragraph 15.

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

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Is that fine Reverend?

**REVEREND CHIKANE:** Paragraph 16 I say that for me what mattered was the law and the constitution, anything else would border on corruption of the law to serve the interests of some members of the party. My compliance with the law cost me dearly within the party, that is the ANC and as regards my future therein after. So it is those types  
10 of incidences which as you exercise your responsibility you seem to be against people when in fact that is not the case.

**CHAIRPERSON:** You know it is quite an important aspect of your evidence because as I see things even though one separates the ruling party from government.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** There is a certain reality about certain things. That is why somebody who is a member of parliament who may have taken an oath that includes if I am not mistaken now.

**REVEREND CHIKANE:** H'mm.

20 **CHAIRPERSON:** That includes putting the interests of the people of South Africa above everything else in that capacity. I am not using the actual wording of the oath but I think there is something along those lines. Putting the interests of the people of South Africa or the interest of the country where they might feel that – I think what is good for the country is (a) but maybe that is not what my party thinks.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** What do I do here? Which is what we were talking about earlier?

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Now it may be that it becomes relevant to say – to look at how a party that is the governing party might deal with people whom it perceives – who it perceives to do things not the way it wants them to deal with certain things.

**REVEREND CHIKANE:** H'mm.

10 **CHAIRPERSON:** Does it punish people for doing their job? Should that be allowed?

**REVEREND CHIKANE:** No.

**CHAIRPERSON:** The values – the kind of society, the kind of country, the kind of government that the party itself proclaims it wants is that the kind of situation that it endorses? And if some – if things like that do happen what does the party do? Or does it live like that – leave you like that even if what is being done to you might be contrary to the values that it proclaims itself? Or its own – even its own constitution. What does one do? To what extent can one ignore maybe certain  
20 practices or certain things that may be done by the ruling party when they affect people who are in government? So I am just sharing with you.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Thoughts that come to mind from time to time. I do not know if you – I am just saying.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** When you – when I read – when I hear you give evidence about this I am just concerned you know with a situation where the ruling party, your own party might punish you for doing your job.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** And to what extent do those types of practices on the part of the ruling party affect corruption – influence corruption, promote corruption? To what extent may they have contributed to State Capture  
10 or may they have created an environment which made State Capture possible because people who wanted to say stop this, stop this felt they could not say so because they would not get the support of the party.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** Or they could even be punished. Those are some of the thoughts that come to mind and you might or might not be able to say anything.

**REVEREND CHIKANE:** *Ja* in a normal – I do not know what is normal society definition. In a normal society and democracy the party would  
20 not act in a way that would intend violating or breaking the law, constitution deliberately. In a normal society.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Unless there are people who are captured there for other purposes and then of course they would behave in a very strange way. And people do make mistakes. I mean the President

would come to the office after Monday they have been at Luthuli House or during some earlier times Shell House and would come and propose something. You know. But I would see my job as that of firstly protecting the President. Making sure we act constitutionally. Fortunately we had a good lawyer and I will look at what is being proposed. Even if it comes from the party. Because then people who propose it are not experts in law constitution. Then we would say to the President, no Mr President we have thought about this. There are serious implications and the Presidents I worked with would then say, is  
10 that case *ja*, okay, do not do it. You know what I am talking about? Because it not like a deliberate.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** It might be just because people feel in a particular way.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** In this particular case I make the case that the risk for the State which is in paragraph 17 if you could allow me to say that I say in the book.

**CHAIRPERSON:** Yes.

20 **REVEREND CHIKANE:** If this level of corruption of the system – because you are corrupting the system it is not just individuals had been achieved it would mean that the integrity of the State would have been totally compromised. And a faction in a party or another entity would effectively have taken control of the State. Because they run it from outside. And this would be the birth for me of a dictatorship. That

is how you end up with a dictatorship and a country controlled by mafia. You know there is a time when I had to start in the Italian mafia and found it very interesting. You know they take you from police, the prosecution authority, the political class and ultimately the judiciary. Once they get the judiciary then you are all gone. Because then they can determine who goes to jail, who does not go to jail and that to me it is what defines a State Capture in that regard. So a party – a normal party should not make decisions that suggest you ignore the law. It is – and indeed when they come to me I would say like on corruption.

10 President will make a statement of the ANC on January 8 every year we are against corruption. So I say well that is the position of the party. That is why you will not find me fighting with a party. That is not the issue. The issue is the leadership who then use their positions to achieve certain objectives. So I will always ask there is nothing even within a let alone government within the ANC that says you should be corrupt. There is nothing. And therefore you can ask me and if you say the leadership says so I must – who are these leaders, in which meeting did they make this decision? If you ask that question it will not be answered.

20 **CHAIRPERSON:** That is where it ends.

**REVEREND CHIKANE:** That is where it ends.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** That is why fortunately I was in the President's office and the President always it is either President of the party or Deputy or – so I can go to the President and say, President this is what

they are asking me to do? And I do not think that it would be within official positions of the ANC and they would say, *ja* you are right.

**CHAIRPERSON:** *Ja.*

**REVEREND CHIKANE:** And therefore take the position. But there are not many people who would have that.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** You know even a relationship with a President where you can engage and say, this is what I believe in.

**CHAIRPERSON:** H'mm.

10 **REVEREND CHIKANE:** And so the – if you could allow me in 18 because it explains.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** This that in the worst-case scenario the whole of the cabinet and its Presidents are compromised and syndicates operate without any fear. Because they will not be arrested. At this point the citizens have lost their government and I am quoting in the book because I wrote it before all that you see here.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** You could actually predict it.

20 **CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And that since the government now serves the interest of a particular syndicate or mafia and not those of the people. So once it is norm where a government of the people then we do not have a government. Because it is not serving the interest of the people. Then I add that I continue to say that business too may

compromise government and I do refer in some other parts where the Browse Mole Document which was – were asked to investigate because I chaired the National Security Council Committee. And without going to classified information but we found that there were businesspeople who targeting specific Ministers.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And if you have got a good intelligence service they will know that. That is businesspeople who are trying to corrupt Ministers. And you need to deal with that matter because otherwise it  
10 compromises the State. And at that time I was asked well talk to them, the relevant Ministers. Now it is because I had a relationship with them which is not – it is historical.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** So I can go to the Minister and say.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** You know this is the problem.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Please watch it.

**CHAIRPERSON:** H'mm. H'mm.

20 **REVEREND CHIKANE:** Businesspeople always work on the basis of how they capture the State to serve their interests.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** H'mm. Well I want to say this before you proceed so that I do not forget it. I do not recall whether the ruling party has taken



a position officially whether it says it itself had a problem of being captured or of certain important leaders within it being captured or not. I do not know whether it has taken that position. I have no recollection. But I think about it from this angle that where we are looking at the allegations of State Capture in this commission one of the things we are looking at is we must try and establish how it came about.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** If it did come – if it did happen, because we have  
10 been asked to investigate allegations of State Capture.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** At the end of the work of the Commission I must make findings whether it did happen and so on, but if I find that it did happen or maybe it might not be the same version as may have been seen elsewhere in the world or whatever ...(intervenes).

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** I have to look at how did it come about.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** What happened? Who could have avoided – who  
20 could have taken steps to make sure it did not happen.

**REVEREND CHIKANE:** It did happen.

**CHAIRPERSON:** It did happen.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** What should be done in the future to make sure it does not happen again, but if – assuming that the ruling party – current

ruling party might still be the ruling party for a long time to come ...*(intervenes)*.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** Within Government the State might do whatever it might want to do if the ruling party was captured or if important leaders or some of its leaders were captured and as a result it itself did not do what it may have – it was supposed to do to try and avoid and stop State Capture or stop the levels of corruption that have happened in the country ...*(intervenes)*.

10 **REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** If it has not had that introspection and has not taken a stand it could easily be – there could be a repeat within the party ...*(intervenes)*.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** And if it happens within the party and if it is still a rule – the ruling party at that time it could happen to the State.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** So I am just thinking about that. Of course you ...*(intervenes)*.

20 **REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** You are a senior you know leader within the ruling party. So I am just thinking that you know there is that issue and I wonder to what extent they may have started looking or they plan looking within inside or not.

**REVEREND CHIKANE:** *Ja.* Well I am no more inside. I am not part of

the

**CHAIRPERSON:** You are no longer in the structures.

**REVEREND CHIKANE:** National Executive. *Ja.* The National Executive ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** But all the decisions of the party would be against corruption ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And therefore by implication cannot allow a  
10 State to be captured. The debate is what I think it is why you have this  
Commission ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Because there are those who say the State was not captured ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And there will be those who say it was captured ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And it is how you show that indeed it was  
20 captured.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Now my analysis which was before the Government of the last 10 years or so which is in my books was indicating that there is a risk. So the risk was there.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** It was clear ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And it would happen if you do not stop it.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** Now the only thing I can say is that now that they declared me that I am now a veteran. I meet the requirements of 60 years and 40 years of service. We have had a National Consultative Forum – Consultative Conference on this matter and recommended the organisation that they need to reflect deeply. Not just in terms of what  
10 Commissions do ...(intervenes).

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** But they themselves ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Because it is their organisation ...(intervenes).

**CHAIRPERSON:** H'mm. H'mm. H'mm.

**REVEREND CHIKANE:** And the documentation is there.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** It was a conference before the ...(intervenes).

**CHAIRPERSON:** Yes.

20 **REVEREND CHIKANE:** It was before the Nasrec Conference ...(intervenes).

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** In 2017 I think.

**CHAIRPERSON:** H'mm. H'mm.

**REVEREND CHIKANE:** So within there is ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Voices which are saying ...(intervenes).

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** There is something wrong.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** That is because this is very simple. If you get compromised – that is how I was trained during the struggle. It does not matter whether it is money or person – your personal life. If the person who compromises you can run your life ...(intervenes).

10 **CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Can come back and say we want you to do something ...(intervenes).

**CHAIRPERSON:** H'mm. H'mm.

**REVEREND CHIKANE:** And if you say no they say you remember.

**CHAIRPERSON:** *Ja.*

**REVEREND CHIKANE:** You did the following ...(intervenes).

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** And then you realise the person behaves in a strange way. Now in the things that could not be said. I have  
20 published a document that I sent to the President. Fortunately it was not classified, because it was at the party level.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** So I could publish it ...(intervenes).

**CHAIRPERSON:** H'mm. H'mm.

**REVEREND CHIKANE:** And indicated that there are people amongst us

who have been compromised in history.

**CHAIRPERSON**: H'mm. H'mm. H'mm.

**REVEREND CHIKANE**: It might have happened 20 years ago  
...(intervenes).

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: And now they become Ministers ...(intervenes).

**CHAIRPERSON**: H'mm. H'mm.

**REVEREND CHIKANE**: And the people who know that come to them  
and say ...(intervenes).

10 **CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: We would like you to do the following.

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: If you do not do it we will tell the ANC what  
...(intervenes).

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: You have done ...(intervenes).

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: And then of course ...(intervenes).

**CHAIRPERSON**: *Ja*.

20 **REVEREND CHIKANE**: They behave in a strange way.

**CHAIRPERSON**: H'mm. H'mm.

**REVEREND CHIKANE**: I think that is how a State gets ...(intervenes).

**CHAIRPERSON**: H'mm.

**REVEREND CHIKANE**: Captured.

**CHAIRPERSON**: H'mm. H'mm.

**REVEREND CHIKANE:** In – it is ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** More dramatic of course.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Where the State is so weak that you could actually take it over ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And make it do what you want.

**CHAIRPERSON:** Yes. No. No. Thanks.

10 **REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** Yes.

**CHAIRPERSON:** I just want to say in regard to the fact that as you say you know the policies would be clear within the ruling party. You know.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** We are against corruption and so and so on. You know the challenge is not so much to find decisions and policies that says no to corruption. The challenge is to find the will ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

20 **CHAIRPERSON:** To fight the corruption indeed rather than what people simply say.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** I very often say that even with this Commission you will find lots of people who will publicly pronounce how much they support it ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** But some of them you know ...(intervenes).

**REVEREND CHIKANE:** They do the opposite.

**CHAIRPERSON:** *Ja. Ja.*

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** So even with the ruling party the challenge will be whether they will be planning to do something much more than just have on paper that we abhor corruption blah, blah, blah, blah.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** *Ja.* Thank you.

10 **REVEREND CHIKANE:** Okay.

**ADV NORMAN:** Thank you. Thank you. You deal with the matters that the Chair raises in paragraphs 20 and 21 ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** But could you just summarise, because they were – that is when we are dealing with businesspeople. How business could corrupt those who are in office and you deal with that in paragraph ...(intervenes).

**REVEREND CHIKANE:** Page? Paragraph?

**ADV NORMAN:** I beg your pardon. Page 8.

20 **CHAIRPERSON:** I know that I said he can – he could read ...(intervenes).

**ADV NORMAN:** Yes.

**CHAIRPERSON:** But I have been having questions.

**ADV NORMAN:** Yes.

**CHAIRPERSON:** I am quite happy ...(intervenes).



**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** I am quite happy if he reads up to the end and then ...*(intervenes)*.

**ADV NORMAN:** Then ...*(intervenes)*.

**CHAIRPERSON:** Deals with questions after.

**ADV NORMAN:** Yes. Thank you Chair.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** If that is going to be convenient.

**ADV NORMAN:** Yes Chair.

10 **CHAIRPERSON:** Is that fine with you Reverend?

**ADV NORMAN:** Paragraph 20.

**REVEREND CHIKANE:** That is.

**CHAIRPERSON:** Yes.

**ADV NORMAN:** Paragraph 20.

**CHAIRPERSON:** Just read from ...*(intervenes)*.

**REVEREND CHIKANE:** So go through the ...*(intervenes)*.

**ADV NORMAN:** Paragraph ...*(intervenes)*.

**CHAIRPERSON:** *Ja.* Go – and then questions will come after.

**REVEREND CHIKANE:** If that is the case I will go to paragraph 19.

20 **ADV NORMAN:** 19 first.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Okay.

**REVEREND CHIKANE:** And say that ...*(intervenes)*.

**ADV NORMAN:** Thank you.

**REVEREND CHIKANE:** Things that could not be said. I make a point

which is concluding this corruption matter.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** “Corruption is devastating. It can compromise leaders to such an extent that they abandon their mission to serve the people and instead serve their own interests or the interest of those who have compromised them or those who know that they have been compromised.”

I think it is important because it is – once you are  
10 compromised you cannot go back. You are captured in a sense and then in the rereading of the scourge of corruption I make it clear that we understood the challenge the country was facing before the worst happened. In page 224. I indicate that that private sector players which is what I was referring to.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** Private sector players were always ready with bags of money to compromise the leadership and I have in bold there.

“There were a set of wealthy highly placed intellect -  
international and national businesspeople who targeted  
20 the leadership of or potential future leaders.”

They did not just target those who were in power, but potential. If they see you are rising up they target you.

“In this regard the involvement of strategically placed senior comrades gave members of these networks a sense of invisibility, because if the leadership then gets

captured then you know that nothing would happen to you whatever you do and the practice a certain credibility – in practice a certain credibility. It gives the ...”

So what is wrong becomes credible in a sense to do and of course I referred here to a warning I gave - paragraph 21.

“To the governing party based on experience as a deployee of the ANC and MEC in the North West Province.”

10           When I was there, there were young people who were organised to disrupt the meetings. Especially if you are about to make a decision that is not in their interest. They will come and disrupt the meeting. You actually realised money was being spent to even get them drunk overnight ready for this type of activity the following day and ...(intervenes).

**COURT:** To be disruptive?

**REVEREND CHIKANE:** Sorry.

**CHAIRPERSON:** To be disruptive?

**REVEREND CHIKANE:** To be disruptive ...(intervenes).

20           **CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And I then in 22 I conclude by advancing a view that – a view about what is called political corruption which I say is more than – more toxic than the traditional understanding of bureaucratic corruption, because political corruption gives you space to do what you are supposed to do whereas bureaucratic you use the

bureaucracy to try to find whatever you would want to achieve and I reported this, because I am a deployee in North West.

So I reported this to the MEC. So you will have documents that indicate that there is a problem within the party and there are people who are doing these things to achieve their own interest and for that reason the law and the regulatory framework falls off. Businesspeople fund these groups so that they can get tenders once so and so gets elected.

So the problem starts from the ground up into Government.  
10 By the time these leaders arrive in Government they are already corrupt and they are there for other purposes than what it is meant to be. That would take you to ...(intervenes).

**ADV NORMAN:** The interface. Yes. There you deal with how many Ministers ordinarily got appointed. How they got into Cabinet. That is one of the things that you deal with in page ...(intervenes) .

**REVEREND CHIKANE:** *Ja. Ja.*

**ADV NORMAN:** From paragraph 24. Could you just outline the paragraph ...(intervenes)?

**REVEREND CHIKANE:** Page – paragraph 20.

20 **ADV NORMAN:** I was just saying at page 10 Reverend you deal there with how ordinarily – we deal with separation of powers.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** And then you also deal with how Ministers get appointed. Maybe you could just – so I take it that when you deal with this process you deal with it during President Mandela's time.

**REVEREND CHIKANE:** *Ja. Ja.*

**ADV NORMAN:** During President Mbeki's time ...(intervenes).

**REVEREND CHIKANE:** Mbeki's time.

**ADV NORMAN:** And finally during President Zuma.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** Could you just take Chair through that process? Yes.

**REVEREND CHIKANE:** *Ja.* Unfortunately with President Zuma I was with him when he was Deputy President.

**ADV NORMAN:** Yes.

10 **REVEREND CHIKANE:** So he was not President.

**ADV NORMAN:** Oh. Yes. Yes.

**REVEREND CHIKANE:** When he became President I was out of the system. What I am – the point I am making is that because I was in the MEC in Government Cabinet I had a window through the system and I was not involved in appointing Ministers, but I understood that when the President appoints a Cabinet and I was the one who got the list before they knew to be informed for – to come and be – meet the President.

20 The President would consult with the Secretary General of the party, because the Secretary General of the party is not appointable. The – it is the only one who is not appointable. The rest are appointable as Ministers.

**CHAIRPERSON:** Oh.

**REVEREND CHIKANE:** So he would not consult ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Anybody except ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** *Ja*, but that consultation for me would be this thing about in consultation with and after consultation with that you consult, but the President has the constitutional responsibility to appoint a Minister.

**CHAIRPERSON:** Has the final say?

**REVEREND CHIKANE:** Has the final say.

**CHAIRPERSON:** H'mm.

10 **REVEREND CHIKANE:** It cannot be the party that dictates that. If you are sworn in President you have the final say. Whatever decision you make you cannot blame the party ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Because you have the final say, but the risk is that you have to then balance things up which are more related to party – you know there are Ministers you appoint because you are balancing – you know there is a ...(intervenes).

**CHAIRPERSON:** Certain party interests?

**REVEREND CHIKANE:** Party issues.

20 **CHAIRPERSON:** *Ja*. Party issues. *Ja*.

**REVEREND CHIKANE:** And they could influence the way you – although it is still your decision ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** But it could influence who you appoint.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Not based on the safest these people would offer ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** But it might be based on the balances that you need to achieve which can work and that is where the deployment policy becomes a problem as well and I will not have to read it. Just to have explain that we managed during my time this Deployment Policy.

If you have got somebody you think can do well that is – there is nothing wrong, but we apply – we advertised the post  
10 ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And that person must apply ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And we will have a panel.

**CHAIRPERSON:** Like everybody?

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** If they are the best.

**CHAIRPERSON:** H'mm.

20 **REVEREND CHIKANE:** Then they will get the job ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** But they are not going to get it because they are just coming from the party.

**CHAIRPERSON:** H'mm. H'mm. H'mm.

**REVEREND CHIKANE:** Then you impact negatively on the

administration where you have people who may not be able to do the job and service delivery suffers etcetera and so forth and so the State is always at risk in terms of the relationship between the State, the party and the Government, but the Presidents I worked with I mean particularly President Mandela and President Mbeki.

It was short with President Kgalema Motlanthe. It was like six months. Understood the differences and so Mbeki would say I am now speaking as Head of Government not party not Head of State.

**CHAIRPERSON:** H'mm.

10 **REVEREND CHIKANE:** Oh. I am speaking as party and now I am speaking as Head of State. It is a very important differentiation. So that when you act as Head of State the party could not dictate to you what you need to do which may not be in the interest of the State or the people of South Africa, because the interests of one group could work against the interest of the rest of the people of South Africa and the Head of State must be there for the people.

Not even just for those who voted him in power or her in power, but the Head of State must be there for even those who do not like him or her. So it is – the differentiation is very critical and so I do  
20 deal with it in that chapter. I have not taken it ma'am paragraph by paragraph, but ...(intervenes).

**ADV NORMAN:** Yes, but you just ...(intervenes).

**REVEREND CHIKANE:** It is just to make the point.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** So the risks will always be there. It is how



strong the President is. What support he has in the party and, but the President cannot abdicate responsibility to the party and this is where the resolutions of Polokwane are very challenging, because they say the centre of power is not in the State. It is in the party and once you say that it means the President is a figure head whereas ...(intervenes).

**CHAIRPERSON:** *Ja.* The decisions will be taken at the party level.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** That is what you mean when you say that.

10 **REVEREND CHIKANE:** And you implement at Government level. My understanding is that the centre of power for the party is in the party. The centre of power for the State ...(intervenes).

**CHAIRPERSON:** The State. *Ja.*

**REVEREND CHIKANE:** *Ja.* It is in ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Government.

**CHAIRPERSON:** Huh-uh.

**REVEREND CHIKANE:** It is not in ...(intervenes).

**CHAIRPERSON:** H'mm.

20 **REVEREND CHIKANE:** A party ...(intervenes).

**CHAIRPERSON:** H'mm. H'mm.

**REVEREND CHIKANE:** And if we – I dealt with it. Party will have a manifesto and we watch which party is likely to win. We look at the first three. Study their manifesto. Once they win you must translate the manifesto to policy and it is a technical professional job

...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And if you do not handle it carefully. You end up – I do not remember which paragraph ma'am about that poverty.

**ADV NORMAN:** It is on page ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** You deal with it, paragraph 31.

**REVEREND CHIKANE:** 31, yes.

**ADV NORMAN:** Page 12, but you – I think you – yes.

10 **REVEREND CHIKANE:** Where I make this example. It is very interesting, because the party does the manifesto. When they finish they use the machinery of Government when they are in Government to translate manifesto to policy, because parties do not capacity.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** They may say it is policy, but you know policy has got more detail. You may find that what you thought is good purpose policy. When you go to the details it does not work like that. So you then do that, but in the transition between President Mandela and President Mbeki we managed that transition in such a way that  
20 there was no gap.

In the transition between President Motlanthe and President Zuma, because of the decisions in Polokwane the planning was done at the party headquarters. I was still there, because I was handling the project and I watched – if you read that paragraph 31  
...(intervenes).

**ADV NORMAN:** It is at page 12 Chair.

**REVEREND CHIKANE:** Up to page 12 – up to page 14. I will not read it. I will just summarise it.

**CHAIRPERSON:** Yes. That is fine. Yes.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** We had this war on poverty and we – research told us poverty in urban areas is becoming deeper. Even compared or worse than rural areas, because the poor people who are unemployed the farming does not work. They end up in the city and there is deep  
10 poverty.

So we developed a policy on war on poverty for rural and urban and when I hear this debate in Alexandra about urban renewal and they say what happened to the money. I say they should ask us, because we planned for that, but when the takeover in 2009 happened the good comrades were really thinking very well. Thought poverty is a rural matter.

They moved war on poverty from the President's Office which we said it must be at the centre, because it deals with every department. They moved it to rural development.

20 **CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** So because when I left Government I used this policy. I believed it works. Get society to be involved with Government – civil society – multiparty. You know. Everybody. Then we found that it has been moved from the President to Rural Development.

I went to Rural Development and the DG – DDG then did not

know what to do with this, because what does he do with urban renewal in Alexandra or Soweto and then six months later they redeployed all that staff from the President's Office who went to Rural Development to do rural work ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And suddenly there was nothing.

**CHAIRPERSON:** And the townships and Alexandra ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** They fall outside of the program now?

10 **REVEREND CHIKANE:** Yes and it tells you that if you do not manage the relationship between the party and the State. You are likely to make very disastrous mistakes that are not intentional, but just happen, because of the way in which you handled this relationship. That relationship can lead to corrupting the system if it is not managed properly and I think that explains that ...(intervenes).

**CHAIRPERSON:** So money might – that might have been intended for both rural and urban ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** Might have ended up working only for rural.

20 **REVEREND CHIKANE:** But it would have been better if it did, but I do not think that money ended up there. I think that is part of the problem.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** That is why in Alexandra they are debating where did the money go to ...(intervenes).

**CHAIRPERSON:** *Ja.*

**REVEREND CHIKANE:** And nobody is answering this question ...*(intervenes)*.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** But if they ask us who were there.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** I would be able to tell them ...*(intervenes)*.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** The renewal happened this far ...*(intervenes)*.

10 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And something happened ...*(intervenes)*.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And then nobody now knows where.

**CHAIRPERSON:** H'mm. H'mm.

**REVEREND CHIKANE:** I am just making an example.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** So it is critical to have managed the relationship in a way that respects the Constitution, because it is our Constitution. It is not somebody's Constitution.

20 **ADV NORMAN:** Thank you.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** And you deal Reverend with the war on poverty right up to paragraph 35.

**REVEREND CHIKANE:** Yes.

**ADV NORMAN:** You have summarised it. Well unless there is a

particular point that you wish to highlight in those paragraphs, but I think you have covered the gist of what you wanted to convey to the Chairperson there.

**REVEREND CHIKANE:** I am – I mean I do conclude there that:

“As a result and notwithstanding available information that poverty had become deeper in some of the major cities in the country.”

Page 34.

**ADV NORMAN:** Yes.

10 **REVEREND CHIKANE:** Paragraph 34.

**ADV NORMAN:** 34. Yes.

**REVEREND CHIKANE:** “The war on poverty program was moved to the Department of Rural Development. This cut off the urban renewal development part of the program.”

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

**REVEREND CHIKANE:** And it may not be obvious, but the failures of – in the townships becomes part of the problem and people would not even remember that you had a problem like that and ...(intervenes).

20 **ADV NORMAN:** Yes.

**REVEREND CHIKANE:** And I mean I go through them in terms of the issue about giving the one proved pilot study in Soweto which is the one that we were doing.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** This program suffered and said in this the

agreement signed with the department. The Government failed in the process.

**ADV NORMAN:** H'mm.

**REVEREND CHIKANE:** That takes you to 35.

**ADV NORMAN:** Thank you.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** And then we have already dealt with the Gupta matter and how you met them.

**REVEREND CHIKANE:** *Ja.* We have dealt with that.

10 **ADV NORMAN:** Yes. We have dealt with that, but then there is and you also dealt with the Maseko matter, but I think there are paragraphs which I think you might want to place on record, because they deal with sort of the summation of what you have observed insofar as this whole Gupta family issue is concerned.

**REVEREND CHIKANE:** *Ja. Ja.*

**ADV NORMAN:** And if I may take you there to page 18 ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** Because I believe you have observed the proceedings of the Commission at some point and, because you summarise it and  
20 you deal with it at paragraph 47, but please tell me if you want to go ...(intervenes).

**REVEREND CHIKANE:** *Ja.* For record I can do that. *Ja.*

**ADV NORMAN:** I think 47 does – yes.

**REVEREND CHIKANE:** I say:

“With evidence that has come to the attention of this

Commission and the public I am now ...”

Which I have said earlier.

“I am now convinced that the Gupta family was not an accident of history.”

You know. My observations.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** “The effort to reach out to me and many others directly or through family members such as that there was more intelligent operation to reach out to  
10 leaders who were strategically placed or had the potential to occupy strategic positions in the future or their relatives including their children and create relationships or corrupt them in preparation for a larger project to capture the State and use it for personal gain or for the benefit of those collaborated with them.”

And in 48 I say:

“If such an intelligence operation was in place I would have been surprised if our National Intelligence Services would have missed it.”

20 I know I have worked with them. They should have known. If they did not I would say that we had no intelligence services. That would be the implication and thus very vulnerable as a country if anything like this would happen over such a long period and you miss it. Then you are very vulnerable as a nation.

My expectation is that the intelligence agencies must have



had this information. Except that it would be within the realm of classified information. Public information we have now is that two key senior intelligence officers did report this matter to the President, but it did cost them their jobs. That is my information and it is public information.

**ADV NORMAN**: Yes.

**REVEREND CHIKANE**: For the purposes of this Commission there should be a legal way in which this could be confirmed, because it is very important in terms of ...(intervenes).

10 **CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: Did we have knowledge of ...(intervenes).

**CHAIRPERSON**: *Ja*.

**REVEREND CHIKANE**: What is happening?

**CHAIRPERSON**: Yes.

**REVEREND CHIKANE**: And I would be surprised.

**CHAIRPERSON**: *Ja*.

**REVEREND CHIKANE**: I worked with these teams in intelligence. There are weaknesses ...(intervenes).

**CHAIRPERSON**: Yes.

20 **REVEREND CHIKANE**: But they would not have missed something like this.

**CHAIRPERSON**: H'mm. H'mm. Well there are going to be witnesses who will testify before this Commission in due course probably before the end of the year who previously occupied senior positions within the Intelligence and I have reason to believe that they will throw some light

on these issues. *Ja. Ja.*

**REVEREND CHIKANE:** Okay.

**ADV NORMAN:** Thank you and thank you that is the end of the statement and we have touched on the chapters in your book as you were summarising. Is there any particular aspect that you would like to highlight which you might feel that maybe I have omitted which you would want to mention to Chair which is perhaps contained in your references?

10 **REVEREND CHIKANE:** *Ja.* I picked up the references Chair ...*(intervenes)*.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** From the book, because it is quite – they elaborate.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** By the way the first book Eight Days In September cost me dearly as well.

**CHAIRPERSON:** Yes. Well is it – the job that you told me about only or there is much more?

20 **REVEREND CHIKANE:** *Ja.* There is – I think it is – there is much more about the job ...*(intervenes)*.

**CHAIRPERSON:** There is much more.

**REVEREND CHIKANE:** And other things ...*(intervenes)*.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** But in terms of just writing the story ...*(intervenes)*.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** It was not welcome ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Because you – and as I am saying I was very careful. I was – if you read my books carefully I am – it is not about the party. It is about leadership and if you get leadership – if the leadership gets compromised then of course the party becomes a victim. So I do not have more to say. I just extracted ...(intervenes).

**CHAIRPERSON:** Yes.

10 **REVEREND CHIKANE:** Some of the elements ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And details ...(intervenes).

**CHAIRPERSON:** *Ja.*

**REVEREND CHIKANE:** In the ...(intervenes).

**CHAIRPERSON:** In the book.

**REVEREND CHIKANE:** In the book which...(intervenes).

**CHAIRPERSON:** *Ja.*

**REVEREND CHIKANE:** I mean we could spend more time ...(intervenes).

20 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** On them, but I did not think that ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** It would help the Commission. It should suffice now to say that I think although we saw the signals. The State and party were not able to arrest it, because we could have arrested this

process and it was not and it cost the country dearly and something needs to be done to make sure we never, never ever end up in that space.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** *Ja* and I did not talk about there, because the VBS it is a recent thing. I actually looked at it. I talk to Motau who did this report ...(intervenes).

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And it ...(intervenes).

10 **CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Became clear to me ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Same problem.

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** The leadership – whoever this leadership is ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** Says we are going to change the law.

**CHAIRPERSON:** H'mm.

20 **REVEREND CHIKANE:** So you can put money there ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** But they do not change the law ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** But they put the money in anyway and the DG signs. He signed the documents ...(intervenes).

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** And I say before you sign any document you say now which laws are affected. Before I sign anything which laws are affected? Have you met this requirement that requirement and if they did that none of the money of the Local Government would have been put in the VBS Bank in terms of the law, because they had not changed it, but people do not – if the leadership whoever this leadership is says we are going to change the laws so you can put money there. I would wait and say where is the law.

10 **CHAIRPERSON:** Yes. Where is the change in the law first?

**REVEREND CHIKANE:** Ja. Where is the change in the law ...*(intervenes)*?

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** Before you risk people's money?

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And that was not done because there is no respect for the law.

**CHAIRPERSON:** Yes. Yes.

**REVEREND CHIKANE:** People think they can run Government without  
20 worrying about the law ...*(intervenes)*.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And that is a pitfall that would destroy our future ...*(intervenes)*.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** And the sooner – we have got the laws.

**CHAIRPERSON:** H'mm. H'mm.

**REVEREND CHIKANE:** It is not like they are not there.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** It is the disregard and if you are compromised you cannot even raise the question. *Ja*. That is all I would like to say.

**ADV NORMAN:** Thank you.

**CHAIRPERSON:** Well I think one has heard of situations where people have said when something illegal or irregular was about to happen and a leader said it must be done and somebody said no, but it will be  
10 against the law. One has had situations where it is said some leaders would say do not tell me about the law.

**REVEREND CHIKANE:** *Ja*.

**CHAIRPERSON:** This must be done.

**REVEREND CHIKANE:** *Ja*.

**CHAIRPERSON:** So it is a serious situation when any leader says do not tell me about the law. You know. If you have that situation and it is confirmed as true it is – it would be a serious situation, but one has heard stories ...(intervenes).

**REVEREND CHIKANE:** *Ja*.

20 **CHAIRPERSON:** In the public domain and elsewhere, but of course even when that does happen so often people know what the law is.

**REVEREND CHIKANE:** H'mm.

**CHAIRPERSON:** People know what is right.

**REVEREND CHIKANE:** *Ja*.

**CHAIRPERSON:** People know what is wrong ...(intervenes).

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** But they do what is not right or they are instructed to do that is wrong and they do it. *Ja. Ja. Okay.*

**ADV NORMAN:** Thank you Chair. Just to authenticate copies that were made I would – the references that you made Reverend in your book. If you could just turn to the divider marked 1.3.

**REVEREND CHIKANE:** 1.3?

**ADV NORMAN:** Yes. That will start from page 23. That is the extract from the Eight Days In September.

10 **REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** Yes and those are the extracts from your book. I just want to authenticate it and then – those and then also from The Things that Could Not be Said. That will start from page 50.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** Yes and of course the Chair has been favoured with the actual copies of the books.

**REVEREND CHIKANE:** *Ja.*

**ADV NORMAN:** They are – they have been placed before the Chairperson. Yes.

20 **CHAIRPERSON:** I did not know whether we – the Commission bought these ...(intervenes).

**ADV NORMAN:** We ...(intervenes).

**CHAIRPERSON:** Or whether we ...(intervenes).

**ADV NORMAN:** Yes Chair.

**CHAIRPERSON:** Oh, okay.

**ADV NORMAN:** They were bought by the Commission.

**CHAIRPERSON:** Oh, okay.

**ADV NORMAN:** Yes Chair.

**CHAIRPERSON:** No. Yes. Thank you.

**ADV NORMAN:** Yes.

**CHAIRPERSON:** So ...(intervenes).

**ADV NORMAN:** Thank you.

**CHAIRPERSON:** Certainly I have been reading some portions ahead of today, but the one on Eight Days In September I read it some years

10 back.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** I cannot claim to have read the whole of it, but I read I think a substantial part of it. Yes.

**REVEREND CHIKANE:** *Ja.*

**CHAIRPERSON:** H'mm.

**REVEREND CHIKANE:** I – so I looked at the attachments.

**ADV NORMAN:** Yes.

**REVEREND CHIKANE:** I have got the books in my bag, but they look authentic.

20 **ADV NORMAN:** Yes.

**CHAIRPERSON:** Yes.

**REVEREND CHIKANE:** They look very authentic. It can be ...(laughing).

**ADV NORMAN:** Thank you Chair. Thank you Chair. That is the evidence ...(intervenes).



**CHAIRPERSON:** Thank you.

**ADV NORMAN:** From this witness.

**CHAIRPERSON:** Reverend thank you very much once again for having come to give evidence and to share with the Commission your perspectives and observations on some of the matters falling within the terms of reference of the Commission and some of the things that happened in our country and for your views. We appreciate it very much. Once again thank you very much and you are excused.

**ADV NORMAN:** Thank you. Thank you Chair. We have the next  
10 witness Chair. I ...(indistinct) we still unless you would prefer them to adjourn.

**CHAIRPERSON:** How much time do we need to start with the new witness?

**ADV NORMAN:** No. That witness should not be a long witness at all Chair.

**CHAIRPERSON:** *Ja.* I mean to start. How much break do you need?

**ADV NORMAN:** Oh. To start with that witness. No Chair. If Chair says we could take the lunch now then we could – we could start at – it is 12:45. I am not sure whether ...(intervenes).

20 **CHAIRPERSON:** Well ...(intervenes).

**ADV NORMAN:** I am following the question.

**CHAIRPERSON:** Well I was thinking ...(intervenes).

**ADV NORMAN:** Yes.

**CHAIRPERSON:** Whether you need five minutes or 10 minutes.

**ADV NORMAN:** Oh. Just to set up for that witness.

**CHAIRPERSON:** Huh-uh.

**ADV NORMAN:** Oh. Yes Chair. We will – yes.

**CHAIRPERSON:** And then maybe we can use ...(intervenes).

**ADV NORMAN:** Five minutes.

**CHAIRPERSON:** We can use 15 minutes before we take the lunch break.

**ADV NORMAN:** Yes Chair.

**CHAIRPERSON:** Is that alright?

**ADV NORMAN:** That is alright. Yes.

10 **CHAIRPERSON:** So five minutes will be fine?

**ADV NORMAN:** Five minutes Chair. Yes.

**CHAIRPERSON:** Okay. Alright.

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

**CHAIRPERSON:** Okay.

**ADV NORMAN:** (Intervenes) adjourn.

**CHAIRPERSON:** We will adjourn then for five minutes.

**ADV NORMAN:** Thank you Chair.

**CHAIRPERSON:** We adjourn.

**ADV NORMAN:** Thank you.

20 **REGISTRAR:** All rise.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes are you ready?

**ADV NORMAN:** Thank you Chair, yes we are ready. Chair in front of you, you would have a presentation file which is marked Exhibit D9

which has the statement of Lieutenant General Yolisa Matakata, in fact it has got two statements from her and we will identify them after she has been sworn in. May that be admitted then Chair as Exhibit D9, her evidence relates to the evidence Mr Mcebisi Jonas.

**CHAIRPERSON:** Yes, the file containing the first statement you see is that of Mr Jonas.

**ADV NORMAN:** Yes I beg your pardon Chair, it will be under 2, the divider marked 2.

**CHAIRPERSON:** *Ja*, but since this is about her, her one should have  
10 been on top.

**ADV NORMAN:** On top, oh yes, it should have been the other way yes Chair.

**CHAIRPERSON:** It should have been the first one to see when you open the file.

**ADV NORMAN:** Yes.

**CHAIRPERSON:** You see now if I say I have to say statement containing Mr Jonas's – the file containing Mr Jonas statement and that is not about him.

**ADV NORMAN:** Yes.

20 **CHAIRPERSON:** It is going to be difficult to change it.

**ADV NORMAN:** No Chair it can be changed because we can see – we had put in Mr Jonas's for reference purposes so that can be – we can simply take that one out and then what is number 2 will be number 1, it will be easy, it will be easy to change the index, that can be done with ease yes.

**CHAIRPERSON:** Okay, I will say the file containing the notice of motion and affidavit of Major General Lezintle Luticia Nonope will be marked as Exhibit D9.

**ADV NORMAN:** Yes thank you Chair, might I ask for a slight amendment to that Chair, that we term it Exhibit D9B that of Lieutenant General Matakata.

**CHAIRPERSON:** Just repeat that, I'm sorry.

**ADV NORMAN:** Chair?

**CHAIRPERSON:** Just repeat what you have just said.

10 **ADV NORMAN:** That Chair instead of chair naming General Nonope that Chair names it as Exhibit D9 to be the statement of General Matakata.

**CHAIRPERSON:** Yes, no I think I ...(intervenes).

**ADV NORMAN:** Yes, Chairman.

**CHAIRPERSON:** Okay I think it comes from the fact that her statement is not at the top, if it is at the top that makes it easy, but also this might not be the only file where there is a statement by her because there might be another one from which you got this.

**ADV NORMAN:** Yes Chair, but – yes.

20 **CHAIRPERSON:** The file marked Yolisa Matakata containing among others an affidavit by Ms Yolisa Matakata will be marked as Exhibit D9.

**ADV NORMAN:** Thank you Chair, yes thank you.

**CHAIRPERSON:** I think just for the future the first statement should be that of the witness who is giving evidence then.

**ADV NORMAN:** Yes, thank you Chair. We will rectify that.

**CHAIRPERSON:** Okay.

**ADV NORMAN:** Thank you Chair, may the witness be sworn in.

**CHAIRPERSON:** Yes thank you.

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

**LIEUTENANT GENERAL YOLISA MATAKATA:** Yolisa Matakata.

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

**LIEUTENANT GENERAL MATAKATA:** No.

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

10 **LIEUTENANT GENERAL MATAKATA:** Yes I do.

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

**LIEUTENANT GENERAL MATAKATA:** So help me God.

**ADV NORMAN:** Thank you Chair.

**CHAIRPERSON:** Yes, thank you.

**ADV NORMAN:** Thank you, Lieutenant General is it correct that you are currently in the employ of the South African Police Services and you're holding the position of Lieutenant General?

20 **LIEUTENANT GENERAL MATAKATA:** Yes that is true.

**ADV NORMAN:** Yes, could you please just look at the file that is in front of you and turn to page 35 of that file, it is two pages, 35 and 36 and do you see there's a signature at page 36?

**LIEUTENANT GENERAL MATAKATA:** Yes I can see it yes.

**ADV NORMAN:** Is that your signature?

**LIEUTENANT GENERAL MATAKATA:** That is my signature.

**ADV NORMAN:** Did you depose to that affidavit on the 22<sup>nd</sup> of August 2018?

**LIEUTENANT GENERAL MATAKATA:** Yes I did Chair.

**ADV NORMAN:** Yes thank you and then could you please turn to page 84, there is a signature at page 85 it's also a two-page statement.

**LIEUTENANT GENERAL MATAKATA:** Yes.

**ADV NORMAN:** Affidavit, I beg your pardon, did you depose to that affidavit on the 18<sup>th</sup> of November 2019 which is yesterday?

10 **LIEUTENANT GENERAL MATAKATA:** Yes I did Chair.

**ADV NORMAN:** Yes, thank you now after you had – this statement of yours, it is common cause that it formed – it served before the Chairperson as C1 because it was attached to General Nonope's statement but in your statement you deal with a telephonic conversation between General Ntlemeza and the former Minister Mcebisi Jonas, could you just tell the Chairperson where are you based within the police service?

**LIEUTENANT GENERAL MATAKATA:** Thank you Chair, I am based at the Directorate for Propriety Crime Investigation which is located at  
20 Silverton it is the head office of the DPCI as it is referred to.

**ADV NORMAN:** Yes and what is the – do you have, as a Lieutenant General is there a specific position that you hold within that department?

**LIEUTENANT GENERAL MATAKATA:** I'm a Lieutenant General in terms of the rank of the Police and in the DPCI I am the Deputy

National Head.

**ADV NORMAN:** Yes and what sort of matters get referred to your section?

**LIEUTENANT GENERAL MATAKATA:** In the Directorate for Propriety Crime Investigation we investigate corruption related matter, commercial crime related matters and also organised crime matters.

**ADV NORMAN:** Yes how long have you been within that section?

**LIEUTENANT GENERAL MATAKATA:** I am nine years within the Directorate now.

10 **ADV NORMAN:** Yes, within that Directorate yes and if you could turn to page 35 because that's where your first statement is.

**LIEUTENANT GENERAL MATAKATA:** I am there.

**ADV NORMAN:** Yes, you say you can't recall the date when there was this conversation you were at General Ntlemeza's office. Could you just tell the Chair in your own words what happened at that meeting and your recollection of the events?

**LIEUTENANT GENERAL MATAKATA:** Okay, Chair I was in a meeting in General Ntlemeza's office and with me was General Ntlemeza and General Nonope. There were two meetings but I'll first refer to the first  
20 one. In the first one it is where General Nonope raised the concern with General Ntlemeza that she has been trying to get hold of the Deputy Minister then Mr Jonas for him to depose an affidavit in relation to an investigation that was within her environment and she requested General Ntlemeza to intervene and maybe try and get hold of the Deputy Minister himself. On being informed about that General

Ntlemeza immediately called the Deputy Minister who responded immediately to the call. General Ntlemeza indicated to him that General Nonope who has been assigned to this matter is really looking for him and is raising a concern that she's been trying to get hold of him to depose an affidavit. The Deputy Minister then asked, what do you want from me as the Hawks because I'm not a witness, I'm not a complainant, I didn't open a case and therefore I'm not going to give a statement. So General Ntlemeza had to explain that this is – there are two cases that have been opened by a Mr Mayne from the DA and Mr  
10 Bloem from the COPE and these are related to his, I think, interview in the media about being at the Gupta household and therefore this is why he is looking for him and he is a witness to that effect.

**ADV NORMAN:** Yes and then what was the – how did that conversation end?

**LIEUTENANT GENERAL MATAKATA:** He agreed that he will meet with the General but subsequently, if I may continue ...(intervenes).

**ADV NORMAN:** Yes.

**CHAIRPERSON:** Before the subsequently, you were not on the phone with Mr Jonas, General Ntlemeza was.

20 **LIEUTENANT GENERAL MATAKATA:** Yes Chair.

**CHAIRPERSON:** How come you heard what they were saying was there – were they speaking on – did Mr Ntlemeza put the phone on speaker?

**LIEUTENANT GENERAL MATAKATA:** Yes Chair, what happened was General Ntlemeza put him on the speaker and therefore that is how I



could hear the whole conversation and also what would be Mr Jonas' response to the issues raised by General Ntlemeza.

**ADV NORMAN:** Yes thank you and then you say – sorry could you continue, you were going to continue before Chair asked you the question, yes.

**LIEUTENANT GENERAL MATAKATA:** Yes I then would like to refer – because this was the first call that was made by General Ntlemeza.

**ADV NORMAN:** Yes.

**LIEUTENANT GENERAL MATAKATA:** Then I'm not sure and I can't  
10 recall after this call when did General Nonope ...(intervenes).

**CHAIRPERSON:** I'm sorry again, I just want to be sure. In summary, was the conversation between General Ntlemeza and Mr Jonas to the effect that General Ntlemeza said to Mr Jonas, General Nonope who has been assigned to this investigation has been looking for you and then General Ntlemeza wanted to see what could be done to make sure he was available to meet with General Nonope. Is that what – the gist of what he was saying to him was?

**LIEUTENANT GENERAL MATAKATA:** Yes that is gist Chair, what  
20 General Ntlemeza was doing was to just indicate the frustration, if I may refer to that by General Nonope of not getting hold of the Deputy Minister to meet and get a statement from him. So therefore General Ntlemeza was intervening in that regard and indicating to him that he has to meet with her and explaining after the Deputy Minister wanted to know but why must he meet that he's not a witness, he's not a complainant in the matter so why must he give a statement, that was

the gist of the conversation.

**CHAIRPERSON**: And the gist of how the call ended was what I know you were asked this, just repeat that please.

**LIEUTENANT GENERAL MATAKATA**: Yes the Deputy Minister didn't object when he was informed that General Nonope is the person and has been looking for him to submit this statement to her. So he didn't object, he said, no it's fine.

**CHAIRPERSON**: Did the conversation end simply like that or did they talk about the way forward what would then happen for General Nonope  
10 and Mr Jonas to meet?

**LIEUTENANT GENERAL MATAKATA**: No there were no discussions further on that particular day when this first call was made in my presence that how would they meet and when there was no such discussion ...(intervenes).

**CHAIRPERSON**: *Ja* it was just left on the basis that the Deputy Minister was saying it's okay, in other words he was agreeing to meet with General Nonope.

**LIEUTENANT GENERAL MATAKATA**: That is true Chair.

**CHAIRPERSON**: That's how you understood it?

20 **LIEUTENANT GENERAL MATAKATA**: Yes.

**CHAIRPERSON**: Okay, alright continue.

**ADV NORMAN**: Thank you and then was there a second conversation?

**LIEUTENANT GENERAL MATAKATA**: There was a second call that was made sometime after which I cannot recall how long after the first call but again we were in a meeting and after the meeting General

Nonope raised the concern again, frustration, that she has tried even after the first call that was made in my presence to get hold of the Deputy Minister and he's not taking the calls and had sent messages to him. Then General Ntlemeza again took the phone immediately, his phone, and he called the Deputy Minister who responded immediately to the call and again he indicated, General Nonope is concerned and frustrated because she's been looking for you and – to take the statement that we had referred to earlier in the first instance that I was present when he mentioned this call. So the Deputy Minister said, no  
10 it's fine and he indicated that you must come to the office and you would be meeting with General Matakata and General Nonope where they can have the statement taken from you.

**ADV NORMAN:** Yes and then did the Deputy Minister come?

**CHAIRPERSON:** Maybe – is that how that telephone conversation ended?

**LIEUTENANT GENERAL MATAKATA:** Yes that is how it ended, he agreed that he would come and the statement would be taken from the office.

**CHAIRPERSON:** So was the arrangement in that telephone  
20 conversation that the Minister would come to the offices of the Hawks?

**LIEUTENANT GENERAL MATAKATA:** That is how it was arranged Chair, that he will come to the offices of the Hawks.

**CHAIRPERSON:** Yes was a date arranged during that conversation?

**LIEUTENANT GENERAL MATAKATA:** There was no date arranged Chair and my – it would be my assumption that General Nonope would

have had a follow up with him to make the necessary arrangements of the date when to meet.

**CHAIRPERSON:** Yes, during that second telephone conversation which you witnessed, did the Deputy Minister indicate why it was that General Nonope may have experienced difficulties in getting hold of him?

**LIEUTENANT GENERAL MATAKATA:** No there was no such was raised.

**CHAIRPERSON:** No such?

10 **LIEUTENANT GENERAL MATAKATA:** Yes.

**CHAIRPERSON:** Okay continue.

**ADV NORMAN:** Thank you Chair, and then – so did you ever – because now you had been – General Ntlemeza had indicated that the Deputy Minister would meet with yourself and General Nonope. Did you, yourself make any attempts to reach the Deputy Minister to have a meeting with him or did you – how did that work out?

**LIEUTENANT GENERAL MATAKATA:** No I didn't because it was not my investigation as such because it was already mentioned that General Nonope is the person and that would be making the contact  
20 with the Deputy Minister. So mine was to wait for a date from General Nonope that is confirmed that we will be meeting with the Deputy Minister.

**ADV NORMAN:** Yes so did that meeting take place?

**LIEUTENANT GENERAL MATAKATA:** It never took place Chair.

**ADV NORMAN:** Yes, thank you and then at page 37 ...(intervenes).

**CHAIRPERSON:** I'm sorry the fact that you were going to meet the Deputy Minister with General Nonope was there a particular reason why you were added or is it normal that there will be two officers dealing with an investigation?

**LIEUTENANT GENERAL MATAKATA:** Chair I think at the time maybe General Ntlemeza just wanted to demonstrate – because being a Deputy Minister there would be two senior people that would be meeting with him. The mere fact that even the matter was handled by General Nonope not maybe junior members I think it was maybe just  
10 courtesy and showing respect at the time.

**CHAIRPERSON:** Okay.

**LIEUTENANT GENERAL MATAKATA:** Yes.

**ADV NORMAN:** Thank you, Chair the time is now 13:00 I'm not sure whether Chair would like us to finish this witness?

**CHAIRPERSON:** I was thinking maybe we should go up to ten past or quarter past, what do you think?

**ADV NORMAN:** Yes Chair, maybe we do that.

**CHAIRPERSON:** Okay let's do that *ja*.

**ADV NORMAN:** Yes thank you, then General at page 37 there is a  
20 letter that is signed by yourself but you signed it on behalf of General Ntlemeza, could you just turn to page 38, is that your signature?

**LIEUTENANT GENERAL MATAKATA:** Yes that's my signature Chair.

**ADV NORMAN:** And that letter is dated?

**LIEUTENANT GENERAL MATAKATA:** The letter is dated  
...(intervenes).

**CHAIRPERSON:** I'm sorry you talk about a letter and are you talking about page 87?

**ADV NORMAN:** 37 I beg your pardon.

**CHAIRPERSON:** 37?

**ADV NORMAN:** 37 yes and the signature is on 38.

**CHAIRPERSON:** You sticking to the red numbers hey?

**ADV NORMAN:** To the red numbers, that is correct Chair.

**CHAIRPERSON:** Okay I see it now.

**ADV NORMAN:** Thank you Chair. What – first of all did you write this  
10 letter or did you simply sign it?

**LIEUTENANT GENERAL MATAKATA:** No I signed the letter it was not written by me.

**ADV NORMAN:** Yes, and why did you end up signing it and not the person who was the author of the letter?

**LIEUTENANT GENERAL MATAKATA:** I was called by General Ntlemeza Chair and requested me that I sign a letter on his behalf that would be – that he would have signed but he was not in the office at the time so he requested me to sign the letter on his behalf, he's aware of the contents in the letter.

20 **ADV NORMAN:** Yes, what was this letter all about, I see it is addressed to the Speaker, House of Assembly, Parliament Cape Town and addressed to Honourable Ms Baleka Mbete, what was the letter about?

**LIEUTENANT GENERAL MATAKATA:** The letter was a request to the speaker of Parliament, Ms Baleka Mbete at the time to intervene due to

the non co-operation of the Deputy Minister in the investigation that the Hawks were busy investigating at the time, after it has been arranged several times to get a statement from him. So the request was for the speaker of Parliament to intervene because there's not been any positive response from the Deputy Minister at the time.

**ADV NORMAN**: Yes, and I see there's reference in paragraph four of that letter that there was a letter or communique that had been addressed to the Minister are you aware of that, on the 6<sup>th</sup> of March 2017?

10 **LIEUTENANT GENERAL MATAKATA**: Sorry is it paragraph?

**ADV NORMAN**: Paragraph four of that letter at page 37.

**LIEUTENANT GENERAL MATAKATA**: Yes, I'm not aware of the letter because I was not part of the investigations Chair but it is obvious that there is correspondence to that effect and as evidence in the docket of the investigators.

**ADV NORMAN**: Yes, General this affidavit together with the letter on the instructions of the Chair was given to Mr Jonas recently for him to comment on what you stated and his comment appears, Chair, at page 75 but what is relevant for the purposes of this session Chair, because  
20 in that response he deals largely with what happened between him and General Nonope and General Ntlemeza but where he deals with General Matakata Chair would find at page 79 paragraph 23.

**CHAIRPERSON**: Yes.

**ADV NORMAN**: And he – if I may read the paragraph he says,

“Turning to the affidavit of Lieutenant General Matakata

she claims that she was in General Ntlemeza's office when he called me on two occasions. I was never told that she was a participant in any of these calls"

That seems – you have read that affidavit, it was given to you as well for you to read and you responded yesterday to that paragraph I would imagine, and your response appears at pages 84 and 85 and then what do you say in that short paragraph – that short affidavit in your response?

**LIEUTENANT GENERAL MATAKATA:** May I read the whole  
10 ...(intervenes).

**ADV NORMAN:** Yes you'll just start from paragraph three.

**LIEUTENANT GENERAL MATAKATA:** Okay thanks,

"The purpose of this affidavit is in compliance with a request from the Commission's Investigating Team to reply to Mr Mcebisi Jonas' response to my supporting affidavit dated 22<sup>nd</sup> August 2018 to corroborate the affidavit of General Nonope who was served with a notice in terms of Rule 3.3 of the Commissions rules."

In paragraph four:

20 "My supporting affidavit is set out as set out above, was limited in particular to corroborate General Nonope's assertion to deny the idea of dissuading Mr Mcebisi Jonas from making a formal statement to the Hawks regarding an offer of Cabinet Minister as Minister of Finance by the Gupta family. Reference is



made herewith in paragraph three read with paragraph four of General Nonope's affidavit attached herewith as Annexure AA1.'

From the response I paragraph 5.

"From the response of Mr Mcebisi Jonas' affidavit there is no indication to the effect that he is in dispute with my supporting affidavit except for refuting that he took an undertaking to come to our offices to provide statement as outlined in paragraph five of my supporting affidavit annexed herewith AA2."

10

Paragraph 5.1:

"In regard to his denial set above I stand by paragraph five of my supplementary affidavit."

**ADV NORMAN:** Yes, can I just find out from you, General when the meeting actually took place because Mr Jonas has testified about a meeting taking place between him and his lawyers and General Nonope, were you present?

**LIEUTENANT GENERAL MATAKATA:** No I was not present Chair.

**ADV NORMAN:** So in other words you would not know what transpired at that meeting?

20

**LIEUTENANT GENERAL MATAKATA:** No I wouldn't know.

**ADV NORMAN:** Yes, thank you. Chair that is all from this witness.

**CHAIRPERSON:** Yes so basically it's about the two telephone calls.

**ADV NORMAN:** Yes that's all Chair.

**CHAIRPERSON:** *Ja* and that's all *ja*. Okay no that's fine, if you have

no further questions, I'm happy to excuse the Lieutenant General.

**ADV NORMAN**: Yes thank you Chair.

**CHAIRPERSON**: Thank you very much Lieutenant General for coming to give evidence if we need you again, we'll ask you to come again, but thank you very much and you are excused.

**LIEUTENANT GENERAL MATAKATA**: Thank you Chair.

**CHAIRPERSON**: Thank you.

**ADV NORMAN**: Chair those were the witnesses for today.

**CHAIRPERSON**: Okay we are going to adjourn for the day, we will not  
10 have a hearing tomorrow but we will have a hearing on Thursday when  
we'll hear the evidence of Minister Nkoane Mashabane who was  
Minister of International Relations at the time of, I think, Waterkloof  
landing – the Waterkloof Landing who will give evidence about the  
promotion of Mr Koloane to the position of Ambassador.

**ADV NORMAN**: Yes Chair.

**CHAIRPERSON**: That will be on Thursday, for today we stop here and  
we adjourn.

**INQUIRY ADJOURNS TO 21 NOVEMBER 2019**

20

**TRANSCRIBER'S CERTIFICATE FOR COMMISSION OF INQUIRY INTO STATE  
CAPTURE  
HELD AT  
PARKTOWN, JOHANNESBURG**

DATE HELD : 2019-11-19

DAY: : 190

TRANSCRIBERS : B KLINE; M NETTA; D STANIFORTH

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