

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

PARKTOWN, JOHANNESBURG

10

21 NOVEMBER 2019

DAY 191

20

PROCEEDINGS RESUME ON 21 NOVEMBER 2019

CHAIRPERSON: Good morning Ms Norman, good morning everybody.

ADV NORMAN: Good morning Chair. Chair before we commence with the evidence of Minister Nkoana-Mashabane might I just call – Chair call council for her to place himself on record?

CHAIRPERSON: Yes.

ADV NORMAN: Okay. Thank you.

CHAIRPERSON: Thank you.

ADV SIBEKO: Good morning Chair may it please you...

10 **CHAIRPERSON:** Good morning – yes.

ADV SIBEKO: My name is Tshepo Sibeko I represent the Minister in these proceedings.

CHAIRPERSON: Thank you.

ADV SIBEKO: I may just place on record that the Minister has come purely of your own volition pursuant to a request that was made to her and she is not under any subpoena. Thank you.

CHAIRPERSON: Thank you. Thank you.

ADV NORMAN: Thank you. Thank you Chair. Chair before you, you will have a document which is a presentation file marked Exhibit FF14.

20 **CHAIRPERSON:** One second. Bring them here. Bring the files. That is fine because they are not many.

ADV NORMAN: Yes Chair.

CHAIRPERSON: I was changing the norm because there are not many.

ADV NORMAN: Yes.

CHAIRPERSON: Like we sometimes have so I can manage them.

ADV NORMAN: No, no thank you Chair.

CHAIRPERSON: Yes.

ADV NORMAN: Thank you Chair. At your request Chair you – we had placed before the Registrar Exhibit FF3, FF8 and Exhibit FF which will be the transcripts of the proceedings relating to Ambassador Koloane.

CHAIRPERSON: Do – do we have the bundle that has got the report of that joint committee that was appointed by government to investigate this matter. Do we have it here?

ADV NORMAN: It is – it is included in FF – I think it will be in FF3 but
10 Ms [indistinct] is going to assist you that – the relevant page quickly.

CHAIRPERSON: Oh.

ADV NORMAN: Thank you.

CHAIRPERSON: But it is in one of the bundles?

ADV NORMAN: It is in one of the bundles, that is correct yes.

CHAIRPERSON: Oh okay no that is alright.

ADV NORMAN: Yes. Chair this – the Exhibit FF14 which is the evidence of Minister Maite Emily Nkoana-Mashabane might the exhibit be entered into the record?

CHAIRPERSON: The small file containing the statement by Ms Maite
20 Emily Nkoana-Mashabane will be admitted as Exhibit FF14.

ADV NORMAN: As you please Chair. And may the witness be sworn in?

CHAIRPERSON: Yes. Please administer the oath or affirmation?

ADV NORMAN: Chair – Chair might I just before the witness – just so we do not forget might Chair put FF3 and the report that Chair is

looking will be pages 52 to 88 – 82. Thank you.

CHAIRPERSON: I do not know what is happening with our microphone.

When you speak.

ADV NORMAN: Yes Chair.

CHAIRPERSON: I do not know if there is an echo or what it is but it is not as audible.

ADV NORMAN: Oh.

CHAIRPERSON: And as clear as it normally is. I do not know whether...

10 **ADV NORMAN**: Yes.

CHAIRPERSON: When I speak people hear the same problem whether I am clear and they can hear me well.

ADV NORMAN: Chair I – I can hear Chair very well. Yes – yes I believe Chair is quite audible.

CHAIRPERSON: Oh okay.

ADV NORMAN: Yes Thank you.

CHAIRPERSON: Okay. Okay. So just repeat what you were saying because I did not hear it.

20 **ADV NORMAN**: Oh Chair I was – it was just the – the report that you were looking for just before it is at pages 52 to 88 of FF3.

CHAIRPERSON: Okay.

ADV NORMAN: That is – thanks – thank you.

CHAIRPERSON: Thank you.

ADV NORMAN: Thank you.

CHAIRPERSON: Okay. You may administer the oath or affirmation.

REGISTRAR: Please place your full names for the record?

MINISTER NKOANA-MASHABANE: My name is Maite Nkoana-Mashabane.

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

MINISTER NKOANA-MASHABANE: No.

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

MINISTER NKOANA-MASHABANE: Yes.

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

MINISTER NKOANA-MASHABANE: So help me God.

CHAIRPERSON: You – you may sit Minister. I just want to say before
we start welcome and thank you for responding to the request that you
come and share with us information relating to the Waterkloof landing
that you may be able to share with us. I confirm that you are here
because I requested that you come and that you are not under any
subpoena so I thank you for responding positively to the request. I
thought it was important that we should have you to come and deal with
20 certain aspects because it is important that as far as possible the
commission gets all perspectives from role players as to certain things
before it reaches any conclusions. So that – that is why I requested
that you be asked to come here and thank you for responding
positively.

MINISTER NKOANA-MASHABANE: My honour Chair.

CHAIRPERSON: Thank you. Okay.

ADV NORMAN: Thank you Chair. Minister is it correct that you are the Minister in the Presidency, Minister of Women, Youth and person with disabilities?

MINISTER NKOANA-MASHABANE: Yes I am.

ADV NORMAN: Thank you. How long have you been a Minister in that Portfolio?

MINISTER NKOANA-MASHABANE: Five months plus – since the sixth administration started.

10 **ADV NORMAN:** Yes. Thank you. Is it also correct that during the period February 2018 to 29 May 2019 you were a Minister in the Department of Rural Development and Land Reform?

MINISTER NKOANA-MASHABANE: Yes.

ADV NORMAN: Yes. And then before that you were a Minister in the Department of International Relations for a period of about nine years from the 10 May 2009 to 26 February 2018?

MINISTER NKOANA-MASHABANE: Yes.

ADV NORMAN: Yes. Is it also correct that in 2011 you were the President of the United Nations Climate Change Conference?

20 **MINISTER NKOANA-MASHABANE:** Yes.

ADV NORMAN: Then lastly on – just on your brief summary of your career is it correct that during your tenure as the Minister of International Relations that is when South Africa became a member of Brics?

MINISTER NKOANA-MASHABANE: Yes.

ADV NORMAN: Is that correct? Yes. Minister then as the Chairperson is already allow – outlined the purpose for your presence today it relates to the Water landing – I beg your pardon Chair I see the technicians raising their hands.

CHAIRPERSON: Oh.

ADV NORMAN: They are requesting an adjournment Chair. They have a technical problem. They are requested an adjournment for five minutes>

CHAIRPERSON: Oh is it – is – is there still a problem? There is.

10 **ADV NORMAN:** Yes thank you.

CHAIRPERSON: Okay. How much time do they think they need to – five minutes?

ADV NORMAN: They say five minutes Chair.

CHAIRPERSON: Okay.

ADV NORMAN: Thank you.

CHAIRPERSON: I am sorry we will just have to adjourn for a short time to enable the technicians to fix whatever the problem is.

ADV NORMAN: Yes thank you.

CHAIRPERSON: We adjourn.

20 **ADV NORMAN:** Thank you.

REGISTRAR: All rise.

MEETING ADJOURNS

HEARING RESUMES

ADV NORMAN: Thank you Chair.

CHAIRPERSON: I understand the problem has been sorted out?

ADV NORMAN: That is what I was advised yes.

CHAIRPERSON: Yes okay.

ADV NORMAN: Thank you Chair.

CHAIRPERSON: You may proceed.

ADV NORMAN: Thank you very much. Minister I believe you also served as a High Commissioner in various countries. Could you just tell the Chairperson where did you serve as an Ambassador when during your time before you became the Minister of International Relations?

- 10 **MINISTER NKOANA-MASHABANE:** Thank you Chair. I was amongst – I had the honour to be amongst the first twelve Ambassadors or High Commissioners post 1994 appointed by our first President of the free South Africa. My posting was to Malasia in 1995. At the time when I served in Malasia I was concurrently serving as Ambassador in the Philippines and High Commissioner in Brunei. At the conclusion of my term then in 1999 I was transferred or re-appointed by then President Mbeki to India as High Commissioner. There I also served as non-resident High Commissioner and Ambassador to Sri Lanka, Maldives, Bangladesh and Nepal. Upon my return early – end of 2005 I was
- 20 appointed in my home province as MEC for then two departments and my big responsibility was to amalgamate both local government and housing which I would say myself and the team had the honour to accomplish that task. That is – my next appointment was to become the Minister of International Relations and Cooperations since May 2009.

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: Thank you.

ADV NORMAN: Thank you Chair. Minister just to put your evidence today in context and you are aware of the Waterkloof landing or what is the incident where a commercial aircraft landed at the Waterkloof Defence Force Base.

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: And I am not sure whether you had followed the evidence that has been led before the commission from various
10 witnesses including Ambassador Koloane's evidence. And that happened on the 30 April 2013

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: How did you get to know about that incident? Because at the time you were the Minister of International Relations.

MINISTER NKOANA-MASHABANE: Well I got to know of the landing of the aircraft on television.

ADV NORMAN: Yes. And was the...

CHAIRPERSON: I am sorry just repeat – repeat that.

MINISTER NKOANA-MASHABANE: I got to know that an aircraft had
20 landed on television.

CHAIRPERSON: Oh okay.

ADV NORMAN: Yes. And as a Minister what steps did you take?

MINISTER NKOANA-MASHABANE: I immediately called the DG – the then DG who is our Ambassador in New York now or a permanent rep.

ADV NORMAN: Yes so that would be Ambassador Matshela because he has also testified? Is that...

MINISTER NKOANA-MASHABANE: I hear he has also testified yes.

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: I saw him – was – yes.

ADV NORMAN: Yes alright.

MINISTER NKOANA-MASHABANE: Yes.

ADV NORMAN: Yes thank you.

MINISTER NKOANA-MASHABANE: Hm. And I wanted to understand
10 how did we get involved in this.

CHAIRPERSON: Oh maybe before you get there maybe you can just tell me the whole story that you heard on television. Because probably whatever was said might have included something about your department and then you reacted in a certain way bla, bla, bla.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: So maybe what did you hear on television and then how did you react bla, bla, bla?

MINISTER NKOANA-MASHABANE: Well when the news broke a private aircraft had landed in a – a – supposed to be a secure space for
20 government so I was not perturbed at first because many such incidences happen without us. We only get involved if there is – there was a diplomatic guest arriving. So that is when I – at first I was not perturbed – I was not really worried because we would not be involved.

CHAIRPERSON: So what – what was said on television?

MINISTER NKOANA-MASHABANE: What – what...

CHAIRPERSON: Did not include any reference to your department at least what you heard at that time?

MINISTER NKOANA-MASHABANE: At the time yes.

CHAIRPERSON: Yes okay.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: So your reaction was you know well at least there is nothing – it has got nothing to do with my department at that stage?

MINISTER NKOANA-MASHABANE: Yes Sir.

CHAIRPERSON: Yes. Okay please continue.

10 **ADV NORMAN:** Yes. Thank you Chair. And then – and then at what point then Minister did you realise that – you had to take steps now as the Minister of International Relations after you have heard = heard the report from the radio – ag from the TV?

MINISTER NKOANA-MASHABANE: Well we then heard – we heard that the Chief of State Protocol was present in the vicinity – in the area. So that is when I wanted to understand what was he doing there? So that is when I called the then DG and the former Ambassador and the Head of HR to understand what this was about.

CHAIRPERSON: So when you say you called the DG that was Mr...

20 **MINISTER NKOANA-MASHABANE:** Matjila.

CHAIRPERSON: Matjila – ja Matjila.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: And when you say the former Ambassador you referring to Mr Koloane?

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Yes and there is a third person that you say you called?

MINISTER NKOANA-MASHABANE: Mr Mohai who was the Head of HR then.

CHAIRPERSON: Yes okay alright.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Yes continue.

MINISTER NKOANA-MASHABANE: So to understand what this was about. From the outset we wanted to understand how did – because I –
10 we were not involved so I wanted to understand who sent him to Waterkloof. He said no-one. It had nothing to do with the department. He had not been sent. It was an oversight. So I said, okay now that we are not involved.

CHAIRPERSON: This is now Mr Koloane saying that to you?

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Yes okay continue.

MINISTER NKOANA-MASHABANE: So I said I am not happy. I then instructed DG that they – he has – and himself that he has to face a disciplinary process which ensued. Yes.

20 **ADV NORMAN:** Yes. Thank you. Thank you Chair. So just by – because of your – of your experience having been a Minister of International Relations.

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: Was this the first incident to occur where you would have an aircraft of this nature landing at an air base and you have your

Chief of State Protocol being part of that exercise and without you as the Minister having any knowledge of that?

MINISTER NKOANA-MASHABANE: Yes. Because if – if other aircrafts normally do not – or other visitors normally do not – if they were not visiting us but they are part of you know they are serving in their respective governments they will directly go to the relevant department and make applications there. So it is – we only got involved if this was a diplomatic mission and proper applications have to – had to be made.

ADV NORMAN: Yes.

10 **CHAIRPERSON:** So – so where an aircraft would bring in diplomatic personnel maybe they – I do not know if that is the correct name.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: But the kind of people that would require your department to be involved would you always know in advance or it would depend on the level of the diplomatic persons involved – as Minister?

MINISTER NKOANA-MASHABANE: Chair it would depend on the level of the guest.

CHAIRPERSON: Okay, okay.

20 **MINISTER NKOANA-MASHABANE:** Yes. But even with that we would have to check documentary proof if there would have been a need post.

CHAIRPERSON: Okay. Okay. You – you – the level at which you would have to know in advance would be from what? From Minister level?

MINISTER NKOANA-MASHABANE: Minister, Head of State.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: And Deputy President or Prime Minister and so on.

MINISTER NKOANA-MASHABANE: Yes Sir.

CHAIRPERSON: Okay. Thank you.

ADV NORMAN: Thank you Chair. And at the time then when you had – just before you had directed that disciplinary hearings proceedings be brought against Ambassador Koloane did he make any mention of why he did what he did?

- 10 **MINISTER NKOANA-MASHABANE:** Never save to own up. He has been owning up and not saying how did he get to do this. So he went through the disciplinary process. He opened up and again he owned up. And that is when he got sanctions that I had presented in my affidavit.

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: And – and he got to get the punishment he got.

CHAIRPERSON: Yes. Let us talk about the meeting because I take it to have been a meeting but you must tell me if I am wrong.

- 20 **MINISTER NKOANA-MASHABANE:** Hm.

CHAIRPERSON: Where you heard the then DG.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Mr Koloane.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: And the Head of HR.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: That meeting. It was a meeting, is that right?

MINISTER NKOANA-MASHABANE: Well -

CHAIRPERSON: Or was it not? Where you heard this story?

MINISTER NKOANA-MASHABANE: It was when – it was when Chair I was just trying to establish the facts.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: As to really did this happen? But I did not want to be – because I did not want to be.

10 **CHAIRPERSON:** To be too involved?

MINISTER NKOANA-MASHABANE: Because it is not my response – it is too involved because it is not my responsibility necessarily.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: The administration.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: But you – you did obviously want to know what happened and then in order to be able to make up your mind whether you should ask the DG to invoke some disciplinary processes?

20 **MINISTER NKOANA-MASHABANE:** Well I wanted to know the basics.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: But I did not want to Chair.

CHAIRPERSON: Get too involved.

MINISTER NKOANA-MASHABANE: Get involved.

CHAIRPERSON: ja.

MINISTER NKOANA-MASHABANE: When the process had not even started yet.

CHAIRPERSON: Yes

MINISTER NKOANA-MASHABANE: Yes Chair.

CHAIRPERSON: So at that meeting did he – you said – I think you said he owned up and you said he said it was oversight, is that right?

MINISTER NKOANA-MASHABANE: Yes. Because I asked.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: What task were you performing?

10 **CHAIRPERSON:** Hm, hm.

MINISTER NKOANA-MASHABANE: As Chief of State Protocol. He could not respond. He said it was an oversight.

CHAIRPERSON: Yes, yes.

MINISTER NKOANA-MASHABANE: So I thought this is a case for disciplinary process.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: So I must get out.

CHAIRPERSON: Yes, yes.

20 **MINISTER NKOANA-MASHABANE:** So that the government officials deal with the matter – senior officials properly.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: So at that stage did he say anything to you or did you know at that stage anything about the allegation that he had told some officials that the President knew about this aircraft that was going to

land or that instructions had been given either by the President, President or Minister of Transport or Minister of Defence. At that stage do you recall whether that was something that you had heard about or did he tell you about it or is that something that you might have got to know later?

MINISTER NKOANA-MASHABANE: I heard about that later.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Because like I said Chair I did not want to get myself.

10 **CHAIRPERSON:** Too involved?

MINISTER NKOANA-MASHABANE: Into the – too involved.

CHAIRPERSON: Ja.

MINISTER NKOANA-MASHABANE: So that we establish real facts.

CHAIRPERSON: Yes. Okay.

ADV NORMAN: Yes. Thank you. Thank you. Minister would it – ordinarily is it possible for any Ambassador –I am so sorry – for any Minister or Head of State at the level at which you have already identified that is senior Ministers and Heads of State, is it possible for them to arrive in the country without you knowing as a Minister of

20 International Relations?

MINISTER NKOANA-MASHABANE: Some do. They are on holding.

CHAIRPERSON: If it is not official?

MINISTER NKOANA-MASHABANE: If it is not official.

CHAIRPERSON: Ja.

MINISTER NKOANA-MASHABANE: They arrive.

CHAIRPERSON: ja.

MINISTER NKOANA-MASHABANE: And they go.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Some out of courtesy Chair.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Do say we are around.

CHAIRPERSON: Yes. Ja, ja.

ADV NORMAN: Yes thank you.

CHAIRPERSON: But if it is official you would know?

10 **MINISTER NKOANA-MASHABANE:** If it is official there will be a diplomatic note.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: That says here is an envoy – if it is an envoy of President so and so or is a Minister of this and that. Those things are normally dealt with by the Protocol Division. But if the guest was to come to me or to the President that is when I would then act because I would then have to participate in their process – in their program.

20 **CHAIRPERSON:** Does that mean that one could have a situation where a Minister comes into the country – a Minister from another country.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Comes into the country on official business and all the documentation has been done.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: But you might not know because he or she does not need to see you and does not need to see the President. In other words would you only know personally because the Minister concerned wants to see you while he or she is in the country or wants to see the President? If they do not want to see you or the President they might be in the country and you might not know of personally but officials in your department would know. Would that be possible?

MINISTER NKOANA-MASHABANE: It is possible. Like I repeat Chair there will be a paper trail of diplomatic notes between their respective
10 embassies and the Protocol and the department. Yes.

CHAIRPERSON: Okay thank you.

ADV NORMAN: Thank you. Thank you Chair. And then Minister moving then to – then after you then had directed that disciplinary proceedings should be levelled against him and then as you have told the Chair that happened.

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: Then when next did you get involved in the matter if you did?

MINISTER NKOANA-MASHABANE: I next got involved Chair when the
20 results came out of the disciplinary process. When – and I sanctioned – I signed off. And he went to serve his term and came back. By the way former Ambassador Koloane I first met him in 2007 meet - I mean see him for the first time in Spain during President Mbeki's time. He was Ambassador of South Africa in Spain. So when he came back I had become a Minister. This man had served in Kotovo for – representing

DTI in Japan, in China, Shanghai. So in all the areas that he had worked in he had excelled. So he came back and we needed to – he came back at the time when we were advising a post for the DDG for Protocol.

CHAIRPERSON: Okay I am sorry Minister.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Before we get to that point.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: You and I and Ms Norman and your council probably
10 remember some of the details because we have had to look at the documentation ahead of today.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: But other people might have forgotten certain things. I think let us start with what you established the result of the disciplinary process to have been?

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: In other words the disciplinary process concluded and you got to know. Tell us what you got to know had happened at the disciplinary process.

20 **MINISTER NKOANA-MASHABANE**: Hm.

CHAIRPERSON: And what the outcome was and – so that we can then follow everything properly?

MINISTER NKOANA-MASHABANE: Well the disciplinary process found that Chair he should be suspended for a period of three months. Two months – I am sorry. One of the three months without pay.

CHAIRPERSON: I saw – I saw your affidavit says that but I think the ruling says.

ADV NORMAN: Yes.

CHAIRPERSON: Suspension without pay for two months. It does not seem to make any reference to three months. You might be mistaken about that?

MINISTER NKOANA-MASHABANE: Let me get the Chair again?

CHAIRPERSON: Okay. I do not know whether my – there is a problem with my one now. You must tell me if there is.

10 **ADV NORMAN:** No Chair I can – I can hear you properly.

CHAIRPERSON: You can hear me?

ADV NORMAN: Yes.

CHAIRPERSON: Minister can you hear me quite clearly?

MINISTER NKOANA-MASHABANE: I can hear you Sir.

CHAIRPERSON: Okay.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: I am saying I saw that in your affidavit.

MINISTER NKOANA-MASHABANE: Hm.

20 **CHAIRPERSON:** You said that the sanction that had been imposed on him was three months.

MINISTER NKOANA-MASHABANE: Yes Sir.

CHAIRPERSON: I am saying that when I looked at the ruling of the Chairperson it said two months. There was no reference to three months as I – as I read it. So I am just wanting to check whether you might not be mistaken about saying three months.

MINISTER NKOANA-MASHABANE: I can go and check the records again.

CHAIRPERSON: Yes. Okay. Alright. As I understand I think Ms Norman also says the same.

ADV NORMAN: Yes it is. Yes Chair.

CHAIRPERSON: It says two months.

ADV NORMAN: Yes Chair.

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: May I just direct the Minister to the relevant page?

10 **CHAIRPERSON:** Okay.

ADV NORMAN: Thank you. Minister in – next to you, you will find that there is two lever arch files.

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: The one is marked Exhibit FF3. If you just turn it on the spine.

MINISTER NKOANA-MASHABANE: This one.

ADV NORMAN: On the spine – inside – outside the spine – outside the file – sorry.

MINISTER NKOANA-MASHABANE: Exhibit FF8?

20 **ADV NORMAN:** Oh sorry okay. Sorry.

MINISTER NKOANA-MASHABANE: Oh this one?

ADV NORMAN: Thank you. FF3 – yes thank you. If you may please turn to page 36, 36 of that bundle. Chair it will be under a divider marked.

CHAIRPERSON: I found it.

ADV NORMAN: Oh have you found it?

CHAIRPERSON: Ja.

ADV NORMAN: Yes thank you. Marked 6.

CHAIRPERSON: It is at page 36 at the top.

ADV NORMAN: Page – yes.

CHAIRPERSON: Hm.

ADV NORMAN: Thank you Chair.

CHAIRPERSON: It is under paragraph 12, can you see it?

ADV NORMAN: Yes.

10 **MINISTER NKOANA-MASHABANE:** Chair are you allowing me to proceed?

CHAIRPERSON: Yes.

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: Yes. Para 12.1

“Suspension without pay for a period of 2 months as an alternative to dismissal in terms of Clause 2.7 [4 of Chapter 7] of the SMS handbook. 12.2 – Final written warning which shall be placed on the employee’s personal file and shall remain valid for
20 six months.”

CHAIRPERSON: Yes.

ADV NORMAN: Yes thank you.

CHAIRPERSON: So the – your reference to the three months might have been

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Mistaken.

MINISTER NKOANA-MASHABANE: Yes Sir.

CHAIRPERSON: Yes okay.

ADV NORMAN: Thank you. Thank you Chair.

CHAIRPERSON: Thank you.

ADV NORMAN: Chair may the witness – may the Minister also read paragraph 11? Because it seems to tie in with the sanction above paragraph 12. Where you have just read on the same page. Paragraph 11.

10 **MINISTER NKOANA-MASHABANE:** Yes okay.

“Based on my consideration that is Mr – Advocate Matljesnr of the facts both parties aggravating and mitigating factors I strongly recommend that their employer seriously consider redeploying Koloane to another branch in order to revive the confidence, integrity and efficiency of sate protocol.”

ADV NORMAN: Yes.

CHAIRPERSON: Hm.

20 **ADV NORMAN:** Thank you. Then upon receipt of this then what did you do Minister?

CHAIRPERSON: Well maybe ...

ADV NORMAN: Sorry.

CHAIRPERSON: Before that.

ADV NORMAN: Yes.

CHAIRPERSON: I must just say this. That last page Minister which – in which the sanction appears.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Is page 9 of the disciplinary Chairperson's ruling on sanction. I do not page 8 of that ruling and also there is no page – I do not have page 6.

ADV NORMAN: Yes.

CHAIRPERSON: I do have page 7. I did not have these pages last time when there was a hearing. I understand that various attempts
10 have been made to try and obtain these pages. I take it and which Ms Norman will confirm including from the – from your former department probably you can do nothing about it now because you are not in that department.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: So – so – excuse me. One does not know what the Chairperson had said in page 8.

MINISTER NKOANA-MASHABANE: Hm

CHAIRPERSON: Which may have informed what he says or she says I do not know if it was a he or a she.

20 **ADV NORMAN:** It is a she.

CHAIRPERSON: At the top of page 9 of the ruling – page 36 of the bundle under paragraph 11. So – so I just mentioned that. I do not know whether you have any recollection whether when you previously saw the ruling if it was given to you at the time whether it had all the pages?

MINISTER NKOANA-MASHABANE: Well it had all the pages Sir.

CHAIRPERSON: Yes. Yes.

MINISTER NKOANA-MASHABANE: I am [indistinct] Chair.

CHAIRPERSON: Okay we have that disadvantage. Yes okay alright, continue.

ADV NORMAN: Thank you. Yes. Thank you Chair I confirm Chair the steps and we have prepared a small bundle for the Chair of the efforts that the commission had made but...

CHAIRPERSON: Maybe you should deal with that now so that we put it
10 aside.

ADV NORMAN: Yes Chair. May I just...

CHAIRPERSON: Just tell me what efforts have been made?

ADV NORMAN: Yes thank you. Thank you Chair. Thank you Chair. That is a document that consists of various emails but maybe we could start Chair – I know emails we have got to start backwards but I am advised that maybe we might need to just.

CHAIRPERSON: Well some of us

ADV NORMAN: You want to start with the basics?

CHAIRPERSON: When it comes to technology have certain challenges.

20 **ADV NORMAN:** Yes.

CHAIRPERSON: But start wherever it is convenient to start.

ADV NORMAN: Yes.

CHAIRPERSON: Ja.

ADV NORMAN: Thank you Chair. Chair may we start then at page 5 of that? Which is the latest communication again another last attempt

which we made yesterday to Advocate M B Matlejwane who was the Chairperson and I confirm that I spoke to her personally and she produced this email – sent this email to the commission. It says:

“Good day. It is addressed to myself and to Ms [indistinct] I refer to the matter. I was –

MINISTER NKOANA-MASHABANE: Chair?

ADV NORMAN: Page 5 I beg your pardon.

MINISTER NKOANA-MASHABANE: This that you have has 4 – it ends with page 4.

10 **ADV NORMAN:** It does not have page 5?

MINISTER NKOANA-MASHABANE: It does not have the – page 5 sorry.

ADV NORMAN: Thank you. May I just read into the record Minister? I am sorry I am sure it was in – copy notes.

CHAIRPERSON: Is there no spare copy of page 5?

ADV NORMAN: No unfortunately there were only three Chair. Only three.

CHAIRPERSON: Okay.

ADV NORMAN: Yes but..

20 **CHAIRPERSON:** She will read the whole ...

ADV NORMAN: We will make it available.

MINISTER NKOANA-MASHABANE: Okay.

CHAIRPERSON: Ja.

ADV NORMAN: Yes.

CHAIRPERSON: Yes thank you.

ADV NORMAN: Thank you. Page 5 she says:

“Good day. I refer to the above matter. I was the Chairperson in the disciplinary hearing of Ambassador VB Koloane in 2009. I was contacted by the Department of International Relations and Cooperation’s sometime in August 2019 seeking missing pages, page 6 and page 8 of the sanction. I did confirm to – I think she meant to say to the department that unfortunately I do not have the document anymore. My office was using a different system then and I do not have the file anymore. I was also contacted by Mr Mblambo several times from the commission and I informed him that I do not have the file anymore. Regards. Advocate M B Matlejwane.”

10

And then Chair would observe that page 4 of that document.

CHAIRPERSON: Yes.

ADV NORMAN: Is an – consists of emails – maybe I should – Chair if you would let me please start from page 1?

20 **CHAIRPERSON:** Yes.

ADV NORMAN: Because then that – that is a flow of emails from ...

CHAIRPERSON: Yes.

ADV NORMAN: Yes. Page 1 it is an email from Mr Pat Mlambo to myself for my information of – he had forwarded all the emails. We requested him to forward all the emails in relation to this matter which

he forwarded yesterday. But then below that there is an email which was sent on the 14 August 2019 at 17 minutes past 8 to the Advocate Joiney who is a legal advisor within the Department of DIRCO. I was copied and the subject – it was from Mr Pat Mlambo the investigator. And the subject was Re Ambassador V B Koloane's sanction.

10 “Morning All. I did get hold of Advocate Matlejwane just now and she informed me that they are still trying to find the document which unfortunately and he puts in brackets [and mysteriously] is missing from her file. Also that it has since been a while that she presided over the matter and in the process she has since had a new PA. I therefore advise that you [indistinct] this into your statement that she could not find the missing pages of the sanction instead of just a telephonic discussion about it. She undertook to do so as advised. The following is the email address she provided for future correspondence.”

Then Chair the next page, page 2, it is an email from Advocate Joyini from - from DIRCO. It is dated 13 August 15 - at 15:16.

20 “Dear Advocate Norman, thank you very much for your guidance. Much appreciated.”

And then in there I had sent an email to Advocate Joyini on 13 August.

“Dear Ambassador, thank you for your response. I suggest that you escalate the matter to the DG,

because Mr Putih is not responding. If that does not work DIRCO must write to the Presiding Officer and request a copy of the sanction.”

So the responses that we are getting are - is a result of that effort and then - then again on Tuesday on 13 August Advocate Joyini wrote to me.

10 “Dear Advocate Norman, thank you very much for your email. Our Labour Relations Section has been trying since July, the 31st. See the emails below dated 31 August, the 2nd and 5 August. Your guidance will be highly appreciated.”

There is an email Chair that is dated 31 August. The date reflects at page 2 and if Chair turns to page 3 that is the subject Ambassador V B Koloane’s sanction. That email is from Mr Jeffrey Mamabolo Director Labour Relations. This is what she said.

20 “Dear Mr Putih, our conversation earlier refers. Attached herewith is Ambassador V B Koloane’s sanction as discussed. You will notice that pages 6 and eight are missing. Hence my humble request for the said pages. Your assistance will be highly appreciated.”

And then it is followed by another email on 2 August.

“Dear Mr Putih ...”

This one is from Mr Mamabolo again.

“Dear Mr Putih, the email before and our

subsequent conversation refers. Please be reminded to check for pages 6 and eight of Ambassador Koloane's sanction. Thanks very much in advance."

And then again on 5 August Mr Mamabolo wrote.

10 "Please be informed that I tried to call your offices this morning without any success. I just wanted to follow up if whether you managed to locate the missing pages as per my request below. Your response would be greatly appreciated."

So these efforts Chair started way back in July as soon as - after the hearings of the - of the evidence of the witnesses that related to the Waterkloof, but Chair we have taken further steps now to approach the representatives of Ambassador Koloane. Unfortunately at the hearing Ambassador Koloane was not represented, but was represented by Labour Relations.

20 That - that is what the record shows, but we have directly now made contact with his current attorneys or at least those that represented him before the Commission. They have indicated that their documents are in - they have been archived and that they will look for that. They will respond to the Commission by Monday next week.

CHAIRPERSON: Okay.

ADV NORMAN: Yes. Thank you.

CHAIRPERSON: Thank you.

ADV NORMAN: Thank you Chair. Thank you. Then Minister - then you

then receive the sanction and you - you - what is the steps then that you took? Were you satisfied with the sanction and then if you were then what steps did you take?

MINISTER NKOANA-MASHABANE: Well the steps I took was to immediately remove - remember him from - Ambassador Koloane from being - since - since the saga started we shifted him, but we then made sure that he does not go back to Protocol.

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: When he came back after the
10 sanction he was ...

CHAIRPERSON: And - and when you say after the sanction you mean after the suspension?

MINISTER NKOANA-MASHABANE: After the suspension.

CHAIRPERSON: Yes.

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: After he had served the suspension.

CHAIRPERSON: The two months?

MINISTER NKOANA-MASHABANE: Yes. He was sitting in the DG's
20 office like really literally - we could not demote him. He is the DDG. He is sitting in the DG's office doing manual work that a Director could do for all the time period before we had to get - get him gainfully - yes, because salaries - salary was paid at that DDG level.

He had gone through this - the - the disciplinary process. He is back in terms of labour laws. So he never went back to where he

was - he was serving before as it is suggested that he should not in your - in the documents he ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: In the - in the conclusion of the disciplinary hearing that he should not go back to the position that he was in.

CHAIRPERSON: I want to just - I want to go back to the - to paragraph 11 of that ruling, but before that I want to confirm that you - you did understand as the department or as the Minister at the time that as far
10 as the sanction for his conduct was concerned. It was only the suspension for two months without pay ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: And the final written warning

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: That is all that you were required to do to comply with the sanction.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: You understood that part?

MINISTER NKOANA-MASHABANE: Yes Chair.

20 **CHAIRPERSON:** And then there was this other part which maybe - looks like a recommendation. I just want to read it again. In paragraph 11 of her rule - it was a "her" it was a "she" Ms Norman? The Chairperson of the disciplinary hearing.

ADV NORMAN: It was the Chairperson. That is ...

CHAIRPERSON: It was a lady?

ADV NORMAN: A lady Chair. Yes.

CHAIRPERSON: Yes.

ADV NORMAN: Thank you.

CHAIRPERSON: She says:

“Based on my consideration of the facts both parties aggravating and mitigating factors I strongly recommend that the employer seriously consider redeploying Ambassador Koloane to another branch in order to revive the confidence, integrity and efficiency of State Protocol.”

10

What was your understanding of this recommendation?

MINISTER NKOANA-MASHABANE: My understanding was that he should - because we would not have been involved in the landing of an aircraft somewhere if it was not that he had put himself there as - as Protocol. So the recommendation I understood it to mean that - exactly that.

He erred by being - by putting himself where he should not have and - and putting the integrity of State Protocol in a precarious situation. Yes.

20 **CHAIRPERSON:** So was your understanding that what you were obliged to do was to put him on suspension without pay for two months

...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: And have a final written warning on his file.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: That would be there for - that would be valid for six months ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: But that there was also a recommendation ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: With which you were not obliged to comply ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: But which you could consider in your own way and see whether you would go with it or not. Was that your understanding?

10 **MINISTER NKOANA-MASHABANE:** Yes. That - as a former Ambassador ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: I understood that ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Protocol is Protocol.

CHAIRPERSON: Hm. Hm.

20 **MINISTER NKOANA-MASHABANE:** So I took even the para before - 12 - into consideration. That is why he never returned back to being the - to Protocol and even when he came back as much as he was still at the level of a DGG, because that is now a - that is a position you apply an get appointed for.

He could not go back to that and I was convinced - like I said. As a former Ambassador that Protocol is to be respected as Protocol. Yes.

CHAIRPERSON: Yes. I understand that part, but I just want to

understand what your understanding was ...

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: At the time. Namely that as far as what appears in paragraph 11 is concerned.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: You did not take that or did you as binding upon you to do what is said there. You - you took it as a suggestion and you had to evaluate and see if you went along with it. Whereas with regard to in - what is in paragraph 12 putting him on suspension without pay for
10 two months and a - a final written warning whether that is what you took as obligatory upon you, but the other one as a suggestion/recommendation which you had to weigh and see if you were going along with it.

MINISTER NKOANA-MASHABANE: Chair ...

CHAIRPERSON: Or did you take all of them as obligatory?

MINISTER NKOANA-MASHABANE: Chair, I - I took 12 as obligatory. Yes, but I further took advice from paragraph 11, because we did not - I did not send him back to the position of Chief of State Protocol. As the paragraph says.

20 **CHAIRPERSON:** So you - you took paragraph 11 as advice?

MINISTER NKOANA-MASHABANE: Yes, sir.

CHAIRPERSON: Is that right?

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: And took paragraph 12 as obligatory?

MINISTER NKOANA-MASHABANE: Yes, sir.

CHAIRPERSON: Okay. Alright.

ADV NORMAN: Yes. Thank you Chair and then if - my calculation then if one interprets that sanction would be that because the sanction was dated 29 July 2013. Then and the written warning part which appears at paragraph 12 - 12.2 - would have expired on - in January 2014. That six month period.

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: Yes. So then at the expiry of that six months period then what happened?

10 **MINISTER NKOANA-MASHABANE**: Well ...

CHAIRPERSON: Oh Ms Norman do you ...

ADV NORMAN: Sorry.

CHAIRPERSON: Not want her to deal with what happened - which she has started dealing with - what happened when the suspension period of two months expired.

ADV NORMAN: Oh, yes.

CHAIRPERSON: She started dealing with it ...

ADV NORMAN: Oh.

CHAIRPERSON: But I do not think she had completed.

20 **ADV NORMAN**: Oh, yes. When ...

CHAIRPERSON: I think I interrupted here when she was talking about that.

ADV NORMAN: About - oh, thank you Chair.

CHAIRPERSON: Yes.

ADV NORMAN: Yes.

CHAIRPERSON: Maybe let us - let us go back to saying how did you effect the sanction that says - that said he should be on suspension without pay for two months? How did you effect that? How was that effected or implemented at a practical level?

MINISTER NKOANA-MASHABANE: Well at a practical level it had to be the responsibility as per my instruction to the officials that are responsible for undertaking such tasks. Yes.

CHAIRPERSON: Do - do you know how it was effected at a practical level or is the position that you conveyed an instruction as to what
10 should happen, but you do not know whether it did happen?

MINISTER NKOANA-MASHABANE: I trust that it did - it did happen.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: You do not know for sure?

MINISTER NKOANA-MASHABANE: Well I never got ...

CHAIRPERSON: A report?

MINISTER NKOANA-MASHABANE: A report that says it ...

CHAIRPERSON: It did not happen.

MINISTER NKOANA-MASHABANE: Did not happen.

20 **CHAIRPERSON:** Yes. Yes.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: But you also did not get a report to say Minister we have given effect to the sanction. This is what happened.

MINISTER NKOANA-MASHABANE: The report of giving effect ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Was verbal and it was ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Conveyed to me ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: By then - the then DG.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: My understanding of the suspension part of the sanction is that he was - the department was required to - not to allow
10 him to be at work for - for two months and not to pay him for that period of two months.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: Is - is that - is - was that your understanding as well?

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Yes and to the extent that you may have given instructions to officials. The instruction would have been along those lines?

MINISTER NKOANA-MASHABANE: Yes Chair.

CHAIRPERSON: Okay. Alright. Thank you.

20 **ADV NORMAN:** Thank you. Thank you Chair. Just for record purposes that part that Chair has just asked appears at pages 38 to 40 of the same bundle. Minister if you could just turn to page 38. There is a - a memorandum to the Director-General which - which is approved. That relates to the sanction without pay. I am not sure whether this is the answer ...

MINISTER NKOANA-MASHABANE: Yes.

ADV NORMAN: That you have given to the - to the ...

MINISTER NKOANA-MASHABANE: Yes Chair.

ADV NORMAN: Chairperson.

MINISTER NKOANA-MASHABANE:

CHAIRPERSON: Yes.

ADV NORMAN: Yes. Pages 38 and 39 Chair and it is signed by the Director-General and that signature appears at page 39.

CHAIRPERSON: Yes.

10 **ADV NORMAN:** Yes.

CHAIRPERSON: Now that is a memo. Is it from the Human Resources Unit of the department to the Director-General ...

ADV NORMAN: Yes Chair.

CHAIRPERSON: To approve implementation of the suspension without pay sanction?

ADV NORMAN: Yes Chair.

CHAIRPERSON: Ja. Okay. Alright.

ADV NORMAN: Thank you.

CHAIRPERSON: Okay.

20 **ADV NORMAN:** Thank you Chair. Thank you. Then - then Minister - then that is the first part of the sanction. Then the second part was the written warning part ...

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: And then if you go back. Then that written warning would have expired in January 2014.

MINISTER NKOANA-MASHABANE: Yes Chair.

ADV NORMAN: Yes. How does it work practically in - in civil service?
If there has been a written warning ...

MINISTER NKOANA-MASHABANE: Huh-uh.

ADV NORMAN: And then that period comes. It - it expires. Does that mean that it is expunged completely from the records? How does it work?

MINISTER NKOANA-MASHABANE: As it is stated in the sanction. He says:

10 “It shall remain in the personal file.”

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: So it means at the end of that period it should no longer - it - it is rendered having been removed from the file or because it - even if it remains the record, but it - it ceases to become what - you know it states as - gets ...

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: (Intervenes).

CHAIRPERSON: You - you do not give - you then - you do not pay attention to it after the expiry of the period. Is - is that your
20 understanding?

MINISTER NKOANA-MASHABANE: Well that is what labour law - we - we follow labour law.

CHAIRPERSON: Yes. No, no. I ...

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Understand, but I am just wanting to understand your

own understanding of what it means to say it has expired. Is it that you do not take - you do not pay attention to it after it has expired?

MINISTER NKOANA-MASHABANE: Yes Chair ...

CHAIRPERSON: Hm. Okay.

MINISTER NKOANA-MASHABANE: Because then I think the law advises so.

CHAIRPERSON: Ja. Well ...

ADV NORMAN: Thank you.

CHAIRPERSON: Sometimes there are all kinds of interpretations of the
10 law, but I do not think it is necessary for us to bother about that part.

ADV NORMAN: Yes.

CHAIRPERSON: Yes.

ADV NORMAN: Thank you. Thank you. Chair. Then Minister at page - if you go back to your statement now. Thank you. At page - in - in paragraph 4 of your statement Ambassador Matjila did give the Chairperson a background to the process, but we would like to understand the process at ministerial level when a person is to be posted now as - as an Ambassador and - and the consideration that you would have taken into account in dealing with Ambassador Koloane.

20 Could you just give the Chairperson how does the whole issue of vacancies that you make mention of in paragraph 5 - how does that happen and what do you mean by the cycle that you make reference to in both paragraphs 4 and five. If you could just explain that process.

MINISTER NKOANA-MASHABANE: Okay.

CHAIRPERSON: I am going to interrupt you Ms Norman.

ADV NORMAN: Yes.

CHAIRPERSON: I am sorry about that.

ADV NORMAN: Yes Chair.

CHAIRPERSON: But I think let us before we get there ...

ADV NORMAN: Yes.

CHAIRPERSON: Let us get they complete picture of what was happening with regard to Mr Koloane from the time he came back after the expiry of the two months of suspension to ...

10 **MINISTER NKOANA-MASHABANE:** (Intervenues).

CHAIRPERSON: The time when you recommended that he be appointed as Ambassador for The Netherlands. You have already started - you had already started saying he was sitting in the DG's office doing work that a Director could do, but being paid at the level of Deputy Director-General.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: So I do not know whether that is all you wanted to convey as to what was happening with him during that time. I just want to make sure that if there is more you want to tell me in regard to what
20 was happening. You - you are able to tell me the full story.

MINISTER NKOANA-MASHABANE: The answer Chair is yes, but he also show contrition, because ours was to observe him as he was sitting where he was sitting. Thank you Chair.

CHAIRPERSON: And maybe going back - one step back. With regard to the result of the disciplinary process did you get to know - I mean

you told me that you got to know what the sanction was. Did you get to know that he had pleaded guilty to three charges and to - did you get to know what those charges were? Did you see the documentation and all of that at that time?

MINISTER NKOANA-MASHABANE: I did, but I do not - I cannot recall each - what - what were they, but I ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Remember that I saw it.

CHAIRPERSON: At that time you - you ...

10 **MINISTER NKOANA-MASHABANE**: Yes.

CHAIRPERSON: You informed yourself fully ...

MINISTER NKOANA-MASHABANE: Yes Chair.

CHAIRPERSON: About what had transpired at the disciplinary hearing?

MINISTER NKOANA-MASHABANE: Yes Chair.

CHAIRPERSON: You might not be able to remember now, but at that time ...

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: You informed yourself fully?

MINISTER NKOANA-MASHABANE: Yes.

20 **CHAIRPERSON**: And I take it that you would then have seen that he pleaded guilty to three charges ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: And those charges - Ms Norman ...

ADV NORMAN: Yes. Yes Chair. The page ...

CHAIRPERSON: I think I would like us to refer to them.

ADV NORMAN: To - to them. I will give you the page now Chair.
Sorry.

CHAIRPERSON: They - they must be the same ...

ADV NORMAN: They appear at page 25 of the same bundle.

CHAIRPERSON: I was on ...

ADV NORMAN: I beg your pardon Chair. Page 5 of the - yes. Page 5.
I beg your pardon. What appears at 25 is ...(intervenes).

CHAIRPERSON: That is of FF3?

ADV NORMAN: Of FF3. That is correct.

10 **CHAIRPERSON:** Page 5?

ADV NORMAN: Page 5. Chair, yes. Page 5.

CHAIRPERSON: Have - have you got that page ...?

ADV NORMAN: Minister. Do you have the page Minister?

CHAIRPERSON: Minister.

ADV NORMAN: The relevant - page 5 on top.

CHAIRPERSON: The bundle that had the ruling of the Chairperson ...

MINISTER NKOANA-MASHABANE: I have six. I have six.

CHAIRPERSON: Of the

MINISTER NKOANA-MASHABANE: I have four - five. Yes.

20 **ADV NORMAN:** You do not have five?

MINISTER NKOANA-MASHABANE: No. I have four.

ADV NORMAN: There is something wrong with your bundle.

MINISTER NKOANA-MASHABANE: Six - seven.

CHAIRPERSON: I - I think maybe somebody sabotaging you Minister.

ADV NORMAN: Oh. You can do that. Thank you. Chair that one that

Minister - counsel is giving is - is the Commission's bundle, but it is an actual bundle.

CHAIRPERSON: May - maybe let us do this, because it is our - we are about to reach the time for the tea adjournment.

ADV NORMAN: Yes Chair.

CHAIRPERSON: Let me take the tea adjournment now.

ADV NORMAN: Yes.

CHAIRPERSON: Will somebody just make sure that the Minister has got ...

10 **ADV NORMAN**: The full set.

CHAIRPERSON: The same documents and bundles that we have ...

ADV NORMAN: Yes.

CHAIRPERSON: And that she has all the same pages.

ADV NORMAN: Thank you Chair.

CHAIRPERSON: We must not have pages that she does not have ...

ADV NORMAN: That she does not have. Yes.

CHAIRPERSON: And so on.

ADV NORMAN: Thank you Chair.

20 **CHAIRPERSON**: So we take the - the tea adjournment five minutes early. So that this can be sorted out.

ADV NORMAN: Thank you.

CHAIRPERSON: It is about nine minutes past now. We are going to resume at 25 past 11.

ADV NORMAN: Thank you Chair.

CHAIRPERSON: So that that can be sorted out ...

ADV NORMAN: We will do it.

CHAIRPERSON: Or maybe I will make it half past, because there might be time to sort that out and you must have time ...

ADV NORMAN: Thank you Chair.

CHAIRPERSON: For the tea - for tea.

ADV NORMAN: Thank you Chair.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

10 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: We were looking at the charges ...[intervenes]

ADV NORMAN: Yes thank you Chair.

CHAIRPERSON: I think I will prefer to go to the ruling of the Chairperson of the Disciplinary Inquiry ...[intervenes]

ADV NORMAN: Yes Chair.

CHAIRPERSON: Where she also repeated what the charges are.

ADV NORMAN: Yes Chair.

20 **CHAIRPERSON:** What the charges were, I think that appears, or the charge sheet appears at page 7 Minister, can you see page 7?

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: But I want to go ...[intervenes]

ADV NORMAN: That would be page 26 Chair.

CHAIRPERSON: 26.

ADV NORMAN: 26 yes.

CHAIRPERSON: Yes, okay let's go to page 26, yes that is the Chairperson's ruling, it starts at page 25.

ADV NORMAN: That is correct Chair yes.

CHAIRPERSON: Are you able to find it Minister?

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Yes okay, please switch on your mic so whatever you are saying can be recorded.

MINISTER NKOANA-MASHABANE: Yes Chair, thank you.

CHAIRPERSON: Okay, now the representative of the employer at the
10 disciplinary hearing is recorded as having been Dr H M Manzini, would
that be a person that you would have known at the time, or not really?

MINISTER NKOANA-MASHABANE: Nor really.

CHAIRPERSON: Oh okay, alright. Now at page 26 the chairperson of
the disciplinary inquiry records that the charges were as follows.

Charge one, it is alleged that during the period February
2013 to April 2013 the employee, that is Mr Koloane abused
diplomatic channels and took it upon himself to facilitate an
illegal request for landing of an international aircraft at the
Air Force Base Waterkloof on the 30th of April 2013 between
20 6h50 and 7h00 in the morning.

Charge Two, it is alleged that the employee misrepresented
facts in an endeavour to procure the illegal and unlawful
and/or wrongful landing.

Charge Three, the employee compromised the processes and
procedures of his employer in that 14.1 there was no review

and/or recommendation from the political desk in the department on this particular request and 14.2 the inter-departmental coordination process that normally ensues did not take place.

Those were the three charges. Now that I've read them and you have looked at them does that accord – do they accord with what you understood the charges to have been?

MINISTER NKOANA-MASHABANE: Yes sir.

CHAIRPERSON: Yes okay alright, maybe if you can give your answer
10 in such a way that can be recorded and heard, it accords with what you understood the charges to have been?

MINISTER NKOANA-MASHABANE: Yes sir.

CHAIRPERSON: Okay, alright. The actual ruling would you – do you remember whether it was – it may have been part or was part of the documents that you did see at the end of the disciplinary process. This particular ruling by the Chairperson, the document that we are looking at now, do you recall whether it was part of the documents that you saw that may have been given to you to apprise you of what happened at the disciplinary process?

20 **MINISTER NKOANA-MASHABANE:** Chair...[intervenes].

CHAIRPERSON: You can't remember?

MINISTER NKOANA-MASHABANE: I remember but I do know that the processes of the work that is done by professionals it's not necessarily what the executing authority should be chasing on a daily basis because you end up not providing proper leadership and it's – the

employer, number one for all the officials in the Department is the DG, the executing authority is the political head. So I focused on my political work and if I need something through the processes of the, you know, administration then I should ask properly so that we are in order, thank you sir.

CHAIRPERSON: Yes, no, no I understand what you are saying, you know for me part of what I want to gain from your evidence is the benefit of what you knew and what you did not know about this Waterkloof landing incident and Ambassador Koloane as at the time
10 when you made the recommendation that you made. So I'm asking the question whether you recall whether you did see this document or you might not have seen the document but you knew important features about it, maybe because you were told in a memo or maybe you were told verbally or is the position that you can't remember whether you did see it or you didn't see it?

MINISTER NKOANA-MASHABANE: I might have seen it because it's 2013.

CHAIRPERSON: Yes it's a long time but that's why I'm asking so that I know if you say no I definitely saw it and I read or say, look I'm not
20 sure whether I saw it or not but I think somebody may have sent a memo to apprise me of what had happened or somebody gave me a verbal report and I understood what I needed to know about the process for purposes of my decisions.

MINISTER NKOANA-MASHABANE: Chair, like I said earlier on I tried to discharge my duties as far as I understood what my responsibilities

were on a daily basis until I left the department.

CHAIRPERSON: Yes, yes.

MINISTER NKOANA-MASHABANE: That's why even when I overheard about this – our involvement in another space, I immediately wanted to understand what it was but on what was happening on daily basis from that day till I left two years ago I would not be ...[intervenes].

CHAIRPERSON: There's lots of things you might not remember?

MINISTER NKOANA-MASHABANE: Yes.

10 **CHAIRPERSON:** Ja, no that I understand but it's important that I know what you remember and what you don't remember because I don't want to assume that you knew certain things because you were Minister of the Department when in fact you might not have known them. So that is why it's important to find out what you might have known and what you might not have known.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Maybe what we'll do – we should do Ms Norman, maybe let's continue when we talk about the recommendation we might have to come back to what the charges are and what happened
20 because I prefer that we will go through systematically but maybe we can jump, let's have that and then we can come back to it.

ADV NORMAN: Thank you Chair.

CHAIRPERSON: Alright.

ADV NORMAN: Thank you, minister you were at the point where you were just going to briefly explain the process of posting of

Ambassadors and who does the Minister consult and how does that process happen. So this is now after Ambassador Koloane had returned, I would imagine to the DG's office as you've already indicated to the Chairperson and you say in paragraphs four and five you deal with the process and how they can post of Heads of Nations are dealt with in a particular cycle, that is what we would like to understand.

MINISTER NKOANA-MASHABANE: Thank you Chair. Since 1994 when South Africa was re-admitted in the global space there was high demand for South Africa to make a contribution here and there and also
 10 high demand outside the country and even internally. The internally remains, our financial situation might not be able to make us maintain but wherever we go still, even where I am seated as Minister of Women, Youth and Persons with Disabilities, South Africa is still highly regarded and a voice is needed. So for the purpose of processing things in the Department at the time when I was there was that when you post officials, starting from Ambassador to whatever senior/junior official we had to decide that we have two cycles. That there's a cycle of those who would leave beginning of the year or if not mid-year so that we're able to keep track of what, you know – and these people
 20 move with families, I've gone through that. Children are taken out of school and so on and so on, nevertheless politically it gives you chance to consult broadly and then the DG will, every six months, bring the – a list of vacancies that needs to be filled in the six months to come. So the Minister would go and show the President our...[intervenes].

CHAIRPERSON: I'm sorry Minister to interrupt you, maybe I'm not the

only one feeling a little hot will somebody attend to the aircon but it shouldn't be too much, okay I'm sorry Minister I interrupted you, you had just said you have to take the list that you got from the DG to the President, continue from there.

MINISTER NKOANA-MASHABANE: Yes and then posts that – we also have a second opportunity, then we invite the invitees, they're still invitees even if they're nominated for a six-month orientation. That six-month orientation gives us even an opportunity for waiting for the receiving country to also reflect on whoever is going to be sent to their

10 country. Also the other agencies in government gets an opportunity to check. So this six months' orientation doesn't say, I was posted before, I shouldn't go through this, it's until I left, almost like rudimentary. You have to go through that, if I may detour a bit, I remember the late Ambassador, former Minister Skeyeso when he was to be posted to London, he came to my – he walked into my office and said, wait are you serious, you want to train me as an Ambassador, I said I don't know how to not follow this procedure but when he was to leave after six months we also organised that they come together and reflect on the experience of sitting for six months and sharing

20 experience and being shown the routes, this way and that way, he volunteered to speak on how much he did not know about this work and he felt very, very angry with himself because he's now former Minister and he's been Minister for so many years and he did know what he should have known prior to. So it also humbled me that here is a very senior leader who says this is a very stressful task. So even this

Colonel...[intervenes].

CHAIRPERSON: Maybe just to complete that detour maybe – was he raise that question of Minister, are you serious that you want to train me as an Ambassador was it because he had served as an Ambassador at some stage in the past or because of any particular experience or was it simply because how senior he was as a Minister?

MINISTER NKOANA-MASHABANE: Senior Chair as a Minister but also once Minister of Public Service and Administration.

CHAIRPERSON: Yes okay.

10 **MINISTER NKOANA-MASHABANE:** So senior political also but there are things that – a knowledge that has to be gained to become a fine diplomat, it's like you can't buy a car license and get on the road and start driving.

CHAIRPERSON: Okay, okay.

MINISTER NKOANA-MASHABANE: Yes, so – but even for those who have served as Ambassadors, like Ambassador Koloane they – if they were nominated they also still have to go through that six months like I said it gives other countries where they are sent an opportunity to also reflect on them. Draft letters of recommendation from the Minister to
20 the President's approval are generated from the office of the Minister and sent to the President. This is after consultation again with the DG. Once chosen the nominees would attend the orientation that I had referred to, run by the Diplomatic Training and Research Development – you want me to continue?

ADV NORMAN: No.

CHAIRPERSON: Well she's guiding you she must – ja.

ADV NORMAN: Thank you Minister, let's just take this situation where we have this particular nominee that would have been Ambassador Koloane and on the charges that the Chairperson has already referred to then it became known that in fact, he admitted before this Commission that he had name dropped not only the President's name but the name of the Minister of Transport and the Minister of Defence. So would that ...[intervenes].

CHAIRPERSON: May I interrupt you again Ms Norman, I'm sorry.
10 Before we get there I would like to know what the purpose is of taking the names that you get from the DG to the President at the stage which seems to me to be the beginning of that six-month process, as I understand you and you must tell me if I don't understand you correctly it seems that the first step you get a list from the DG of vacancies. Now I don't know whether you said you get – that's what, that's all you get from the DG or you also get names from the DG of potential candidates or is it only the vacancies you get from the DG?

MINISTER NKOANA-MASHABANE: It's both.

CHAIRPERSON: You get both?

20 **MINISTER NKOANA-MASHABANE:** The DG can propose names but in every country you will have a portion of political appointees and a portion of career diplomats. I strived to try and – because career diplomats, many of them are – they don't always get in but many of them...[intervenes].

CHAIRPERSON: They don't always get?

MINISTER NKOANA-MASHABANE: Chair they don't always get to the top because you don't apply to become a diplomat in order to become an Ambassador it's a prerogative of the President as to who he sends out but I strived also, as I had said as an Ambassador I came in as a political appointee but I also saw what the late Ambassador Skeyeso that it's also important to give space to those who are also former activists who also had served the country well and can be good Ambassadors. Now former Ambassador Koloane had done both and had served two departments, the DTI and also DIRCO and like I said, 10 when we started, when I met him he was an Ambassador appointed by former, former President in Spain. I'm sure the Spanish even if they see him today none of them would say they can associate him with what you say but post that there was a disciplinary process which he went through...[intervenes].

CHAIRPERSON: Yes I'm sorry you are getting into the part that she is still going to – I just wanted to clarify the procedure or process that leads to the appointment of any particular person as an Ambassador. So you get both the posts that are vacant and the list from the DG, list of names but the DG doesn't propose or nominate anybody but he or 20 she gives you a list of potential candidates.

MINISTER NKOANA-MASHABANE: Internally.

CHAIRPERSON: Ja you say internally does that mean he has a list somewhere or there's a pool of career diplomats who are available and there's a pool of potential political appointees from whom the President could appoint, in other words where does he get the list that he gives

you, how does it come about?

MINISTER NKOANA-MASHABANE: Well the list from the DG's side I wish I could say she, whoever is appointed...[intervenes]

CHAIRPERSON: Yes well I'm talking he – I'm talking in general but the particular one that you had was a he.

MINISTER NKOANA-MASHABANE: Was a he, yes.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: So as Minister of Women, Youth and Persons with Disabilities I was complaining to the President the
10 other day whispering to him that we have less than three DG's in government because he had made us happy by appointing 50% Ministers, I benefited but he always correct us, no we spoilt it me and the Deputy so I whispered to him, I said hey we were also very happy but when I looked at the list of DG's we are not doing very well, we're just out of so many departments we have less than three....[Intervenes].

CHAIRPERSON: Yes that's what it's about.

MINISTER NKOANA-MASHABANE: That's why I verbalise it even in wrong spaces.

CHAIRPERSON: Well that's fine, it sounds like what was said about
20 the Constitutional Court for quite some time that we only had two women judges for a long time of course we have more now, not enough but also we are quick to remind everybody that the JSE which interviews and makes recommendations Judges make a very small number of percentage of people who are in that body a lot of them are politicians and politicians who are in parliament. Okay alright, so that

is what you were saying when you said you wish it was a she, you could say a she?

MINISTER NKOANA-MASHABANE: Well in this case here it's a he. Where would he derive the pool from it's of career diplomats who now qualify to be Ambassadors or who have accumulated enough experience to become Ambassadors. Both male and female, during my term have done exceptionally well, not that political appointees don't do well but they are giving space to also appointing those who had vowed to spend their lifetime as representing South Africa, it's been good. So former
10 Ambassador Koloane had been such...[intervenes].

CHAIRPERSON: So the DG would know career diplomats who are available for posting.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: And would he also know politicians, in other words people – and other people who might not be politicians who may be eligible that could be considered, is that correct?

MINISTER NKOANA-MASHABANE: Yes we could also get suggestions from, maybe your portfolio or to say, you know, so and so can also, on the part of the political appointees. Like some country has just sent
20 ...[intervenes].

CHAIRPERSON: I hope you don't get any recommendation from the Judiciary as to what politicians should be appointed as an Ambassador, that would be improper.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: So – but ..[intervenes].

MINISTER NKOANA-MASHABANE: But the attempt we made was to at least – I'm sure it's still the preoccupation of the current Minister that, ideally we should have 70%, 30% from outside, 70% from internal and 30% from outside because it's good to also have experiences but yes.

CHAIRPERSON: So when you say 70% from internally, is that a reference to career diplomats?

MINISTER NKOANA-MASHABANE: Yes sir.

CHAIRPERSON: Okay alright but you – are you saying that the DG
10 would not have a list kept somewhere of people who are available or would he have such a list?

MINISTER NKOANA-MASHABANE: He can't keep a list permanently.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: He has six months to think, the six-month cycle gave us an opportunity to collect information to know in the next coming six months we'll have these vacancies. It has not always been possible, half the time you're caught off guard and you've got many vacancies and ...[intervenes].

CHAIRPERSON: Not enough people.

20 **MINISTER NKOANA-MASHABANE:** Not enough people.

CHAIRPERSON: Okay so are you therefore saying there might not have been a standing list that he had to consult each time there were vacancies but every six months he would need to create a list in the sense that he would need to be ready whenever you say there's a need he would need to be able to say here's a list. How he got that list is

his business, in other words, how he got the names other than the career diplomats who are internal, anyone who was not part of the career diplomats, how he got those names was left to him?

MINISTER NKOANA-MASHABANE: Not at all sir.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Chair I am saying the concern of the DG is to work with the Minister because you are talking about people who are going to represent the President and the country.

CHAIRPERSON: Yes.

10 **MINISTER NKOANA-MASHABANE:** So he can't have a...[intervenes].

CHAIRPERSON: A free reign.

MINISTER NKOANA-MASHABANE: A free reign but he can have a free reign of those who are career diplomats to say – to avail the names to say, here are career diplomats with experience. They also go through the check and I think the six-month period and the six months, yes, that we had created helped us a great deal yes.

CHAIRPERSON: Now I understand from what you are saying that as far as career diplomats are concerned, he would know them. He would know who's available, who's not available and what level of experience
20 they have and so on, is that right?

MINISTER NKOANA-MASHABANE: Yes sir.

CHAIRPERSON: Now I'm interested in knowing how he would get names of those who are not career diplomats, now...[intervenes].

MINISTER NKOANA-MASHABANE: Those who are not career diplomats Chair, can come from all senior citizens in the country who

would approach us and we put the names on the list and send where they should be sent because after all it's the prerogative of the President to appoint [indistinct] as Ambassador at the end.

CHAIRPERSON: Yes that's what I'm trying to understand how somebody who is not a career diplomat would – could end up on the list. This is just for general understanding, I know that maybe Ambassador Koloane's situation might be different but I want to understand the generalities first. So somebody might approach the department, let's say a politician or former politician, I'm not sure and
10 say, I want to put down my name if there is a post for Ambassador I would be available and they could give their name to the DG, is that right, could it happen like that or not really?

MINISTER NKOANA-MASHABANE: Not really. It can – the DG collates the lists from the internal and from those that would have approached government to say we are ready to serve, we can share our experience. And all those who would have been nominated or verbally nominated by any – any leader of society to say, we think so and so can help in becoming an Ambassador.

CHAIRPERSON: Yes. But at a protocol level what I think I would do if
20 I was DG and people were free to approach me and say, I am happy to serve. I would put down their names and get their CV's and keep those for when it may be necessary. So I am trying to understand whether as far as those who would end up being on the list that would be taken to the President but who were not career diplomats whether the DG was free to say for example to the ANC, have you got names of people that

can be considered either now or for the future. Where there was a free to go the – any political party for example because I think it – I think it does happen that sometimes an Ambassador is...

MINISTER NKOANA-MASHABANE: From the opposition.

CHAIRPERSON: Is somebody from another party. You know I think there have been...

MINISTER NKOANA-MASHABANE: Several.

CHAIRPERSON: An Ambassador too who used to be in the DA.

MINISTER NKOANA-MASHABANE: Hm.

10 **CHAIRPERSON:** I think Mr Gibson and I think Mr Tony Leon.

MINISTER NKOANA-MASHABANE: And Mr Mr Leon.

CHAIRPERSON: If I am not mistaken.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: So – so I am thinking whether it was part of his job in order to collate names to make an approach to some organisations including civil societies or how did this list come about? That is what I am trying to understand. The career diplomats I understand.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: I do not have a problem it is just the other ones.

20 **MINISTER NKOANA-MASHABANE:** Well political parties may approach the President with the names you have – the examples you have made which reminds me of another lady who was from your profession Sheila Camara. They approach – they can approach the political office and say, we have got these people available.

CHAIRPERSON: Okay alright thank you.

ADV NORMAN: Yes thank you Chair. Thank you Chair. Minister if you may take – just turn – the same Volume FF3 – Exhibit FF3. If you could just turn to page 45 please?

CHAIRPERSON: Okay. Are we back to FF3?

ADV NORMAN: Ff3 yes Chair.

CHAIRPERSON: Okay.

ADV NORMAN: Yes. Page 45.

CHAIRPERSON: No I am sorry I ended up not getting an – the answer to the original question that I actually wanted.

10 **ADV NORMAN:** Yes.

CHAIRPERSON: And I think both the Minister and I forgot about that or maybe I forgot and the Minister thought she gave me the answer. So the original question was, what is the purpose of taking the list of names to the President at – after the – the DG has given to – given them to the Minister? What is the purpose of that? Is it for the President at that stage to say, I am happy about these people or to make the selection of who as far as he is concerned – I wanted to – I was thinking whether I should say he or she? Whether it is to get the approval at that stage of the individuals for the different postings or
20 whether it is to get an idea whether he has any issues with them but he is not at that stage making any final approval. It is just to get an indication or what the purpose is?

MINISTER NKOANA-MASHABANE: The purpose Chair is to get an indication to say, we have got so many vacancies and we have got this approaches and this is our recommendation. So he – from the time of

President Mandela – well I was an Ambassador I do not know.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: But from the time of President Mbeki and President Zuma they would say, go back.

CHAIRPERSON: Ja.

MINISTER NKOANA-MASHABANE: And do your work.

CHAIRPERSON: Ja.

MINISTER NKOANA-MASHABANE: Because they had the liberty to know that you still have six months.

10 **CHAIRPERSON:** Hm.

MINISTER NKOANA-MASHABANE: To process these people before they went. During my time when I was appointed Ambassador.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: It took us three months.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: To know everything and pack and wait for the agreema.

CHAIRPERSON: Hm.

20 **MINISTER NKOANA-MASHABANE:** But as time went on we realised we need more time to bring the fairness. Yes.

CHAIRPERSON: Hm. So...

MINISTER NKOANA-MASHABANE: So the final – the final yes or nod from the President comes with when he signs off.

CHAIRPERSON: Yes after he had the recommendation of the Minister?

MINISTER NKOANA-MASHABANE: Yes. Well yes. After the – and

then he signs off the names and then we quietly wait for the agreema from the receiving country. But at the initial stages we will say, these are the vacancies. We would not say, this one must go to work at Duggu, this one must go anywhere. It is just to say here is a list of vacancies. Because – well maybe in the spirit of [indistinct] you just make yourself available you cannot say I also want to go there. Not even Ambassadors [indistinct] said that to us. He did not say, I want to go to London. No. He just avails him – availed himself and it was the prerogative of the President to say, I am sending you to this country.

10 **CHAIRPERSON**: So – so the purpose of that initial meeting between the Minister and the President where you bring the ...

MINISTER NKOANA-MASHABANE: Yes

CHAIRPERSON: The number of posts and the names.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Is for the President to give some indication if he has any problem with any of the names, is that right?

MINISTER NKOANA-MASHABANE: Yes. Yes.

CHAIRPERSON: And if he has no problem you then go back to do some further work?

20 **MINISTER NKOANA-MASHABANE**: Yes Sir.

CHAIRPERSON: Is that right?

MINISTER NKOANA-MASHABANE: Yes Sir.

CHAIRPERSON: And you – you said that during the time of President Mbeki and I think you said President Zuma as well they would say, go back and do your work.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: I got the impression and you must tell me if my impression is right? I got the impression that what you were conveying was they would not be too interested in looking at details or names at that stage. They would say, go and do your work. Is that what you mean?

MINISTER NKOANA-MASHABANE: Well the details it is the work that – if I – there is political work that the Minister has to do the Minister has the executing authority to do that work. The career diplomats are
10 the responsibility of the also the DG to say, I have these men and women who have served the country. Maybe they have been serving also at headquarters for the past so many number of years or so many and so many and – or sometimes we do – we did and we – and I see the practice is continuing of shifting ambassadors from one area to the other because some would have been good in this and then shift them to the other areas where they could help.

CHAIRPERSON: So would you at that stage of that initial meeting with the President to get an indication of his attitude towards the filling or appointing the people there. At that stage would you have their CV's
20 and so on and would that information be sent to him ahead of the meeting so that when you meet he has had a chance to look at them? Or how would that work normally?

MINISTER NKOANA-MASHABANE: We – we will – we will deposit the CV's but we will have to talk to the CV's.

CHAIRPERSON: To the CV's yes.

MINISTER NKOANA-MASHABANE: Yes Sir.

CHAIRPERSON: Okay. Okay.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: And so when you leave that meeting you have an – if the President has not indicated any difficulty with any particular name you would take it that in principle he has no problem with anybody but then you would know that you must still go and do political work about these names and later on you would then make a recommendation.

MINISTER NKOANA-MASHABANE: Hm.

10 **CHAIRPERSON:** And it is after that recommendation that you would know whether finally he approves or not. Is that right?

MINISTER NKOANA-MASHABANE: Yes. Because he will sign off.

CHAIRPERSON: He would sign off ja.

MINISTER NKOANA-MASHABANE: Thank you Sir.

CHAIRPERSON: Okay. No thank you very much. And then maybe because – before Ms Norman continues. Also the – you know when – when Ambassador Koloane was appointed there were talks about him being promoted. What is the level or ranking of an Ambassador compared to a DG and also maybe even a – I do not know – maybe I
20 want to say even compared to the Minister because I understand that once somebody is an Ambassador to a country they represent the President but also I think they are referred to as Your Excellency and all of that. So I just want to understand the ranking you know. Is it a promotion if you have been at DG level? Is it a promotion if you have been a Minister or is it a demotion if you have been a Minister? Is it

promotion – where does it rank?

MINISTER NKOANA-MASHABANE: Chair I would say it is an honour to carry a letter that says, Maite Nkoana-Mashabane represents the country in the whole of Malasia. It is an honour.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: So it can be former Minister.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: It can former Ambassador.

CHAIRPERSON: Yes, yes.

10 **MINISTER NKOANA-MASHABANE:** It can be a former preacher.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: But it is an honour. It is never a demotion or a promotion.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: But I think it is an honour. But for postings like New York where you represent South Africa at the UN the practice has always been it must be someone with really real diplomatic experience.

20 **CHAIRPERSON:** It – does it like carry a particular prestige sometimes because of the location where you are posted? Maybe prestige is a wrong name, is a wrong word. I am saying – I said – I asked the question whether if you are posted to the UN.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Whether it carries a particular prestige, your posting and I am – I just said maybe prestige is a wrong word.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: But you wanted to talk about that part if you are posted to certain countries or certain bodies you say you might need special expertise and experience to be appointed to those ambassadorships?

MINISTER NKOANA-MASHABANE: Well to – just to be an Ambassador.

CHAIRPERSON: Is an honour itself.

MINISTER NKOANA-MASHABANE: Is an honour.

10 **CHAIRPERSON:** Yes, yes.

MINISTER NKOANA-MASHABANE: So I think I over-extended the responsibilities, the heavy responsibilities.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: That you carry as you move on.

CHAIRPERSON: Yes. Yes.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: But I guess the point you are making is you may have a country which is such that in order for the representative of the President of the country there to be able to carry out his or her responsibilities properly they should have a certain level of experience in that kind of job which might not be the same if it is another posting and so on depending on the demands and the responsibilities?

20 **MINISTER NKOANA-MASHABANE:** From my little experience Chair I said it is an honour to serve.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Because I do not remember where you would say this is a small [indistinct] Ambassador.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: This is one – this is a big one.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Because when you arrive.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: They first – it is not automatic that when you are nominated by the President you will get a nod from the receiving country. So when they receive you they have already done their homework and they would be knowing who they are receiving.

CHAIRPERSON: Hm. Hm.

MINISTER NKOANA-MASHABANE: So – but I do not remember any other country. Because I said earlier on because of the stature of our country.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Where an Ambassador is sent and ignored.

CHAIRPERSON: Hm.

20 **MINISTER NKOANA-MASHABANE:** In fact more and more as we grow into a democracy even the neighbourhood becomes very, very, very critical.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: So whether it is near or far.

CHAIRPERSON: Yes. Ja. Ja.

MINISTER NKOANA-MASHABANE: It becomes just that it is an honour.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: To carry the name.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Of the country.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: With you.

CHAIRPERSON: Would I be correct in understanding your evidence in
10 this regard to be to this effect? That it may be something special to be
appointed as DG of a department, as Deputy DG of the department.
Maybe it is even an honour okay. But when you are appointed as
Ambassador to represent the President, the Head of State and to
represent your country in another country it is a special honour. Is my
understanding of what you are saying correct or not really?

MINISTER NKOANA-MASHABANE: Chair I think you are correct but
also equally as soon as they pack up their bags and get into wherever
they will be posted.

CHAIRPERSON: Yes.

20 **MINISTER NKOANA-MASHABANE:** They also have to be responsible
for the PFMA.

CHAIRPERSON: Yes, yes.

MINISTER NKOANA-MASHABANE: So it is an honour.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: But because we are South Africa.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: You run...

CHAIRPERSON: Yes, yes.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Okay no thank you.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Ms Norman.

ADV NORMAN: Thank you Chair. Just on the point Minister when you are an Ambassador in a country do you receive a salary from that country or do you retain your salary in South Africa?
10

MINISTER NKOANA-MASHABANE: In fact if – if we hear Chair that you have received anything from another country where you are supposed to be – even if you are hungry you have to pretend that you are full. So we just hear that you are beginning to take...

CHAIRPERSON: Receive.

MINISTER NKOANA-MASHABANE: Receive things you come back home.

CHAIRPERSON: Ja.

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: So even if you go for three months or four months and there is austerity measures and there is no food at home.
20

CHAIRPERSON: Ja.

MINISTER NKOANA-MASHABANE: The discipline of the Ambassador is keep – keep your flag

CHAIRPERSON: Ja tighten the belt.

MINISTER NKOANA-MASHABANE: Flying and...

CHAIRPERSON: Ja.

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: Yes.

ADV NORMAN: Thank you.

CHAIRPERSON: Okay. Well I do not know whether Ms Norman...

MINISTER NKOANA-MASHABANE: So you do not receive – to respond to your question.

10 **ADV NORMAN:** Yes.

MINISTER NKOANA-MASHABANE: We – Ambassadors do not get paid by foreign countries.

CHAIRPERSON: Yes. Okay thank you.

ADV NORMAN: Thank you Chair.

MINISTER NKOANA-MASHABANE: They live on what they get from their own countries.

CHAIRPERSON: Yes. Okay.

ADV NORMAN: Thank you. Minister at page 45 of FF3. Are you there?

20 **MINISTER NKOANA-MASHABANE:** Yes.

ADV NORMAN: Yes thank you. There is a list of heads of nation posts June 2014 cycle.

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: When you were talking about this deployment are we referring to that list and when you answered to the Chairperson that

you would have received a list from the DG, would that be the list of the countries that had vacancies?

MINISTER NKOANA-MASHABANE: Yes. Yes Sir.

CHAIRPERSON: Maybe a question I should have asked earlier Minister. The list of names that you would have – you would receive as Minister from the DG every six months or as I understand the position.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Would it be a list – would the names as a norm be required to be more than the posts or would it need to be – there
10 should be as many names as there are posts or there was no specific rule?

MINISTER NKOANA-MASHABANE: We – we have now been so lucky as a – to have enough names at a given time.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Because of the maybe the – the fact that South Africa requires...

CHAIRPERSON: They...

MINISTER NKOANA-MASHABANE: Some [indistinct] but we...

CHAIRPERSON: Yes.

20 **MINISTER NKOANA-MASHABANE:** The list actually cautions that you need people but not.

CHAIRPERSON: No nothing specific

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Okay.

ADV NORMAN: Thank you.

MINISTER NKOANA-MASHABANE: But also not everybody can be an Ambassador waking up in the morning.

CHAIRPERSON: Of course I am sure ja.

MINISTER NKOANA-MASHABANE: Yes.

ADV NORMAN: Thank you.

CHAIRPERSON: Yes.

ADV NORMAN: Thank you Minister. And then if you turn over to the next page of the – page – from page 45 you have the letter – the submission that you made to the President.

10 **CHAIRPERSON:** What page must we go to?

ADV NORMAN: Page 47 Chair.

CHAIRPERSON: 47.

ADV NORMAN: Yes 47 of page of Exhibit FF3. Now at this point then when you write to the President because you have already answered to the Chairperson that you would go to the President, you would discuss the vacancy list, possible nominees, at this point then when you the as a Minister start putting down a submission to the President would the country where the particular incumbent is going to be posted to, would that have been decided already by the President at this point when you
20 make the submission?

MINISTER NKOANA-MASHABANE: Not necessarily.

ADV NORMAN: Yes. And then in this instance of the – of the letter which is dated 3 June which relates to Ambassador Koloane. Would you have chosen that country for him?

MINISTER NKOANA-MASHABANE: We – we had a DDG sitting where

there were Chair if you may allow me?

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: DDG's apply on a regular – any DDG in any other department, regular applications. DG's apply regularly like all others. When...

CHAIRPERSON: Apply for appointment?

MINISTER NKOANA-MASHABANE: For the – for the positions.

CHAIRPERSON: To be Ambassadors?

MINISTER NKOANA-MASHABANE: No.

10 **CHAIRPERSON**: Oh.

MINISTER NKOANA-MASHABANE: To be DDG's.

CHAIRPERSON: Oh.

MINISTER NKOANA-MASHABANE: To be DG's.

CHAIRPERSON: Oh okay.

MINISTER NKOANA-MASHABANE: Like I said.

CHAIRPERSON: Yes

MINISTER NKOANA-MASHABANE: I am saying internally they compete like anyone else. But – so they can be...

20 **CHAIRPERSON**: I am sorry Minister again. I do not know whether an attempt was made to put on the air conditioner.

ADV NORMAN: Yes.

CHAIRPERSON: I think it is on but maybe it should be increased a little bit. Yes, yes. I am sorry you may proceed Minister. DDG's apply bla, bla, bla.

MINISTER NKOANA-MASHABANE: They apply and compete for the

positions but Ambassadors are appointed internally and externally.

CHAIRPERSON: Without applying?

MINISTER NKOANA-MASHABANE: Without applying. You cannot apply to become an Ambassador.

CHAIRPERSON: Yes. Yes. You just make yourself available to serve that is all.

MINISTER NKOANA-MASHABANE: Indeed.

CHAIRPERSON: Okay.

MINISTER NKOANA-MASHABANE: Yes Sir.

10 **CHAIRPERSON**: Yes.

MINISTER NKOANA-MASHABANE: So the Ambassador Koloane happened to have been available when we had the vacancy in that particular country and because he had gone through all the processes which we referred to earlier on we put his name also. And even the receiving country did not reject him.

CHAIRPERSON: Yes Ms Norman.

ADV NORMAN: Yes thank you Chair. I see in paragraph 15 of the statement you – if I may just read that quickly?

20 “During the June 2014 cycle placement he was considered for the posting together with 17 others.”

So were these 17 considered also for the Haigh or were they considered for the various countries that appear at page 45?

MINISTER NKOANA-MASHABANE: There would have been 18 vacancies.

CHAIRPERSON: 18?

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: Yes Sir.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: But we had to immediately fill in the 17. But also then we had to look at as usual experience. How do – after having sent the list and come back with the list, how do we deploy – how does the experience count on? Because now we have internal people and external but we also have to consider experience. That is how the name of Ambassador Koloane came

10 **ADV NORMAN:** Yes. So at this point then when you made the recommendation is it correct Minister that in this submission that I have referred you at page 47.

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: There is no mention of any disciplinary hearings, charges against him, having served any sanction, is that correct?

MINISTER NKOANA-MASHABANE: That would have been I think post punishment punishment. When you nominate you nominate. If there is a – we have six months to get queries as people go through training to say this one can go but this one had served if you like, if it is a jail
20 time a time. But he is also an experienced Ambassador. So we had no other way of keeping him paid, sitting at home doing nothing and we – we cannot say go home because we had no reason.

ADV NORMAN: Yes.

CHAIRPERSON: I think – I think Ms Norman it is important to read into the record the Minister's letter to the President.

ADV NORMAN: Yes Chair. Thank you Chair.

CHAIRPERSON: Maybe we could ask you Minister if you can read that letter?

ADV NORMAN: If you could read – yes thank you.

CHAIRPERSON: At page – you letter to the President at page 47. Have you got the page?

ADV NORMAN: Yes thank you. Have you got it Minister page 47?

MINISTER NKOANA-MASHABANE: No.

ADV NORMAN: 47.

10 **MINISTER NKOANA-MASHABANE**: No.

ADV NORMAN: It is in the file – oh FF3 that file.

MINISTER NKOANA-MASHABANE: FF3.

ADV NORMAN: Yes, yes that is the one. Yes if you could just turn to page 47.

MINISTER NKOANA-MASHABANE: Can you...

CHAIRPERSON: 47 would be at the – at the beginning.

ADV NORMAN: Yes it is.

CHAIRPERSON: Okay where is your – somebody helping you.

ADV NORMAN: I am sorry I have just...

20 **CHAIRPERSON**: Did they just absent?

ADV NORMAN: Yes, yes 47.

CHAIRPERSON: Thank you Mr Sibeko.

ADV NORMAN: Thank you.

CHAIRPERSON: Thank you.

ADV NORMAN: Thank you Chair. Yes.

CHAIRPERSON: Yes would you just read that letter aloud?

MINISTER NKOANA-MASHABANE:

“Dear Mr President. I have the honour to submit the following nominations for the Head of Mission Post at the South African Embassy in the Haigh country, Netherlands, the Haigh. Nominee, Mr Vusi Bruce Koloane. Mr Vusi Bruce Koloane was born on the 22 August 1962. After completing his schooling he pursued his interest in education by completing an Honours Degree in Economics. He began his career as an Assistant Director the Department of Trade and Industry and then served Admissions in Egypt, Japan and China both Shanghai as Consulate General and Beijing as [indistinct]. During his career he played an active role in promoting trade, tourism, technology transfer and attracting investments to South Africa. From 2007 to 2010 he served as Ambassador to the Kingdom of Spain. He was also a founding member of the DCO Matiwane Youth League, So Bantu Youth Organisation and Imbali Youth Organisation. In 2011 he was elected as Deputy Director General where he served in different portfolios including being Chief of state protocol a position he occupied until October 2013. He was then appointed as the Deputy Director General

Operations in the office of the Director General where he still serve. Mr President should you approve the nomination the Department of International Relations and Cooperation will request agreement from the country in question within accordance with the international practice. Once approval has been granted the usual public announcement of appointments will be made. Signed Maite Nkoana-Mashabane on this date and proceeded to the President”

10

ADV NORMAN: Yes and also signed by the President on the 4 June 2014?

MINISTER NKOANA-MASHABANE: Yes. Also signed by the President on the 4 June 2014.

ADV NORMAN: Yes thank you.

CHAIRPERSON: Yes – your letter itself is dated 3 June 2014, is that right, on the first page?

MINISTER NKOANA-MASHABANE: Yes.

ADV NORMAN: Yes. Thank you.

20 **CHAIRPERSON:** Yes.

ADV NORMAN: Thank you Chair. May I just ask Minister to turn to page 35 of the same bundle?

CHAIRPERSON: Did you say 35?

ADV NORMAN: 35 yes Chair.

CHAIRPERSON: Okay.

ADV NORMAN: Although – although it is incomplete.

MINISTER NKOANA-MASHABANE: You have pages I have [indistinct].

ADV NORMAN: But I will just take – page 35. Have you got it Minister? 35.

MINISTER NKOANA-MASHABANE: If you just refer to the document it is better ...

ADV NORMAN: Oh. Sorry.

MINISTER NKOANA-MASHABANE: Because here it is ...

ADV NORMAN: Okay.

10 **MINISTER NKOANA-MASHABANE:** Numbers.

ADV NORMAN: Alright. Okay.

MINISTER NKOANA-MASHABANE: Yes.

ADV NORMAN: She is going to assist. Just turn to page 35.

CHAIRPERSON: Oh. I - I am sorry.

ADV NORMAN: Thank you.

CHAIRPERSON: Minister you - you cannot see the page numbers?

MINISTER NKOANA-MASHABANE: No.

ADV NORMAN: Okay.

MINISTER NKOANA-MASHABANE: The file I have is ...

20 **ADV NORMAN:** It is - it is ...

CHAIRPERSON: I said they must not ...

ADV NORMAN: No, no.

CHAIRPERSON: Sabotage you.

ADV NORMAN: I - I think what confuses the - the Minister is that they had actually numbered the dividers themselves.

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: So sometimes when you get to the divider you do not know whether there is actually a document underneath, but ...

CHAIRPERSON: Oh. Then you - maybe when you ...

ADV NORMAN: (Intervenes).

CHAIRPERSON: Refer ...

ADV NORMAN: (Intervenes).

CHAIRPERSON: When you refer her to a page maybe you must mention the divider ...

10 **ADV NORMAN:** The divider number.

CHAIRPERSON: And under what - what divider the page ...

ADV NORMAN: Yes.

CHAIRPERSON: The document is.

ADV NORMAN: Thank you Chair. I will do that.

CHAIRPERSON: Hm.

ADV NORMAN: Are - are you there?

MINISTER NKOANA-MASHABANE: Okay.

20 **ADV NORMAN:** Page 35. Although that paragraph is incomplete, but there is something that I would like to just deal with in response to some of the questions that you gave to the Chairperson's questions, but in paragraph 7 ...

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: It is stated by the Chairperson of the disciplinary.

“The facts show that Ambassador Koloane abused diplomatic channels and took it upon himself to

facilitate the illegal request of - for the landing of the aircraft. In mitigation Ambassador Koloane admitted hereto error - due to error of judgment. He failed to verify if the Indian High Commission provided a note verbal to the department. That was despite the fact that he is expected to be well versed with diplomatic protocol.”

And then you went further by directly speaking to the common post Airforce Base Waterkloof and say that:

10 “There would be four or five Ministers on the flight and furthermore dropped the names of the Minister of Transport, Minister of Defence and the President in order to pressurise the command post to issue the clearance for the illegal landing of the aircraft.”

But just taking all of the answers to the questions by the Chairperson you had said that the person - being a diplomat is an honour ...

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: And the person actually represents the country.

20 **MINISTER NKOANA-MASHABANE:** Hm.

ADV NORMAN: Now there is as finding that already he had abused diplomatic channels.

MINISTER NKOANA-MASHABANE: Huh-uh.

ADV NORMAN: When you made the recommendation where you not at least - even in the very least concerned that having abused his

diplomatic powers when he was State of Chief Protocol. Would he not do the same when he was posted elsewhere?

MINISTER NKOANA-MASHABANE: Well this is post all the sagas. So you either - how do I bank a person in a department forever, because there is pre ...

CHAIRPERSON: Pre Waterkloof?

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: *Ja.*

ADV NORMAN: Yes.

10 **MINISTER NKOANA-MASHABANE:** Yes.

CHAIRPERSON: And there is post Waterkloof and there is post disciplinary processes.

MINISTER NKOANA-MASHABANE: There is a post disciplinary process. So how do you - and post six months - how do I keep the person coming to work and doing nothing and have experience, because even now he is now retired, but we do not have any record of anything untoward as to where he post the posting that is under discussion.

ADV NORMAN: Yes.

20 **CHAIRPERSON:** I am not sure if I follow what you are conveying Ms - Minister. Just start again.

MINISTER NKOANA-MASHABANE: I am saying Chair this is 2019. We are still on the case of post disciplinary process of 2013. He had been posted and he is back home and we have not had post the disciplinary processes and all that and post the post diplomatic posting. There is

no - like I said he showed contrition when he came back and we said him - and we had a vacancy and he was not selected out of - he was not the only nominee.

There were 17 others at that time. So if you - if you are a political person you would know that at The Hague there is no - there is no freestyling. It is - it is about ...

CHAIRPERSON: There is no?

MINISTER NKOANA-MASHABANE: There is no freestyling.

CHAIRPERSON: *Ja.*

- 10 **MINISTER NKOANA-MASHABANE:** It is - if - if it is about somebody who can abuse diplomatic immunities there is absolutely nothing to have, because it is not like being sent to a country where focus is on - on all the other things and save to say that it is - it is a place where we can send people who just understand diplomacy.

- So he was not sent to a big country or whatever, but that nomination was like any other but the considerations, because you are asking what consideration did you make also that we sent him to a limited space where there will be - that this contrition continued to be for this - for this for my career diplomat who is or current career
20 diplomat who had had a mishap and had also sat and came back.

So we had no other way of keeping him at home and doing nothing, but we also were considerate of the fact that it - it cannot be that he is going to be in a space where he could have you know the opportunity to repeat the same mistake. What I was trying to emphasis Chair was from what I am hearing he is now retired even from The

Hague while we are still on the nomination.

He has served and he has come back and there is no - there is no tell-tale evidence that he continued with the pre Bruce and we are on the post - post period.

CHAIRPERSON: Are you saying that there is no record or indication that he - after he had been posted to The Hague he repeated what he had done?

MINISTER NKOANA-MASHABANE: I do not have ...

CHAIRPERSON: Is - is that what you - you are saying?

10 **MINISTER NKOANA-MASHABANE**: Yes.

CHAIRPERSON: Because it is - it is important that I understand ...

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: What you are saying. It is important that I understand your perspective.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: How - how you viewed the whole situation ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: Because I do want to try and put myself as far as it is humanly possible ...

20 **MINISTER NKOANA-MASHABANE**: Hm.

CHAIRPERSON: In your position ...

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: As you made that recommendation, because I do have difficulties with it. So that I can tell you, but I am interested in understanding your perspective ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: How you saw things so that I can see how that fits in.

So that - that is why I keep on asking you ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: If you mean this or you mean that.

MINISTER NKOANA-MASHABANE: Yes, sir.

CHAIRPERSON: Okay. Alright. Continue Ms Norman.

ADV NORMAN: Yes. Thank you Chair. I beg your pardon. Thank you Chair and then - so in other words if I - if I really - just to summarise
10 the answer you have given to that Minister is that the fact that he had abused previously diplomatic powers that he had was not a factor that - that you considered when you prepared your submission, because according to you there had been charges. He had served his sanction so to speak?

MINISTER NKOANA-MASHABANE: If you - if we look at all the nominees. Even those, because when countries decline a nominee they do not do it in writing. It is like if you apply for visa. The country - the receiving country would not put it on your passport to say you are not passing here, but post the sanction I had no evidence - I still do not
20 have - that he had not learned, but also there is not a single nominee that even as a receiving country where they will say here are the good things about Maite. Here are the sins.

It is for the receiving country to say we cannot receive so - Maite because of the following, but that Waterkloof saga was all of the country. It was known. It was not a top secret. He had been

suspended. He had served. We had put a letter in his file. The six months have passed and as we are sitting here I do not have evidence of him having done or abused or did this or that.

I was trying to say Chair nominees from country A to E including South Africa do not say these are the good things that somebody has done. These are the bad things he has done. It is for the internal machinery to say so if we said we have suspended so and so. He has done this.

10 Post that what we do with the experience when it is necessary for us to utilise that. Here we are also referring to the joint disciplinary process that did not say fire him. That did not say send him to jail. None of the processes said he could not continue being a DDG.

So if he qualified to continue being a DDG we saw no reason why he could not - we could not utilise his experience in that space for that time. Like I was saying earlier on Chair with humility post that if the gates were closed in the other departments I am sure we would be speaking of a different thing today, because protocol - as I entered your gates here - here I am.

20 This is protocol of your building. So if I can observe this, because your staff says so. There is no way I could bring my own even as a Minister. I have to comply. So all departments also have their own rules and procedures. If you all were to keep them tied I cannot work in there and say I am Minister of Woman, Youth and People with Disabilities.

Do not ask me to bring this and I get in here. I was shown sit here. You will have tea here. Go there. Wait. This is protocol in short.

CHAIRPERSON: I - I ...

MINISTER NKOANA-MASHABANE: Professionalism it is professionalism, because if all our civil servants were to do nothing after disciplinary procedures. We would have nobody working. If we were to follow also South African laws and labour laws and our Constitution and abide by it. We are guided by the leadership.

10 We are guided by the Constitution and our labour laws, but also - so we - we are unable to punish post punishment. This is where I humbly submit my appreciation of the ...

CHAIRPERSON: Yes.

ADV NORMAN: Thank you.

CHAIRPERSON: Ms Norman I thought your question was about the fact that the - Mr Koloane's role in the Waterkloof landing ...

ADV NORMAN: Yes.

CHAIRPERSON: And the disciplinary process was not mentioned in this letter to the President ...

20 **ADV NORMAN:** That is correct. Yes.

CHAIRPERSON: And - and maybe the Minister has answered. That maybe it is just that she went wider, but ...

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: Yes.

CHAIRPERSON: You - you see how you take it further.

ADV NORMAN: Yes. Thank you.

CHAIRPERSON: Ja.

ADV NORMAN: Thank you Minister. That - that answer you have given relates to now communicating to the outside world ...

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: What he had done ...

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: But then insofar as the President is concerned, because the portion that I read out in the sanction relates to him had
10 abused his - his diplomatic powers and also having abused the name of the President and Ministers.

MINISTER NKOANA-MASHABANE: Huh-uh.

ADV NORMAN: In that regard was there a reason why you did not place that information before the President? I know you have answered that it was known countrywide, but in your submission now as a Minister ...

MINISTER NKOANA-MASHABANE: Hm.

ADV NORMAN: Was it not something that you said you would say to the President? I would also want you to consider this. This is the man
20 that has actually abused your name, but I want - I - I would recommend that you place him in The Hague.

CHAIRPERSON: In other words if I can add ...

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: To - to that question. What - what counsel is saying

is did you not consider it appropriate or necessary to inform the President that this person that you were recommending for appointment to receive this honour that you talked about.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: To represent the President ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: And the country outside South Africa. Did you not consider it necessary to bring it to his attention that this person you are recommending is somebody who played this particular role in regard to the Waterkloof landing which was such a big topic ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: And then you could say if you so choose, but notwithstanding that I recommend that you appoint him because of A, B, C, D. You did not say that here and the question is did you not consider that it was necessary to place that before the President. So that the President has a - had a full picture of this person you were recommending he should give this special - this honour to represent him in another country.

MINISTER NKOANA-MASHABANE: Chair the question you had - you are putting to me it is what I had already responded to ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: But - but let me ...

CHAIRPERSON: Please repeat.

MINISTER NKOANA-MASHABANE: Let me ...

CHAIRPERSON: Because it means I did not understand it.

MINISTER NKOANA-MASHABANE: Yes. Nominations are standard, but discussions about names are also - like I said earlier on - if we put your name - if you apply for a visa you still need the passport. If we stamp you know you are - an undesirable person. The country that had issued the passport has the responsibility to say undesirable or to - or the individual can also say I had served my disciplinary process.

So beyond the punishment what other punishment - all I am trying to say is that nomination letters are standard. It is about the credentials of the person you are nominating. The trespassers are the
10 ones that we discuss. So there was absolutely nothing secret about the Waterkloof issue and that the joint disciplinary process and has gone through all the processes about him and he had come back now as a - so - you see.

We - can we trust a person with being a DDG in a department and not have recommended firing him but find it difficult to nominate him. The President had all the powers to say not this one.

CHAIRPERSON: Well if you say to me you did not include that part in your letter to the President namely Ambassador Koloane's role in the Waterkloof landing including what he was found guilty of in the
20 disciplinary process and that he pleaded guilty to the three charges - what those charges were.

If you say I did not include it in the letter, because prior to writing the letter I had a discussion with the President where I informed him of all of those things. Therefore I did not see the need to put it in the letter. It is one thing, because then you are telling me I did inform

the President of all of those things, but not in the letter.

In a discussion. If you say no I did not tell the President all of those things even verbally and I did not put it in the letter, because I believed that he knew those facts, because of A, B, C, D whatever A, B, C, D is. Then I understand as well. So the question relates to your own judgment of what to tell the President before he could make such a decision, but also it will - it relates to what did the President know about Mr Koloane's role in the Waterkloof landing before he approved his appointment himself.

10 Did he know that he pleaded guilty to these charges? Did he know that he had been found guilty and there had been sanction or did he not know about that, because it maybe that people might know what is in the public domain, but that disciplinary process might not have been in the public domain. I am not sure. So that ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: That is - that is where I would like you to clarify.

MINISTER NKOANA-MASHABANE: Chair let me just with humility repeat that a nomination letter is procedural.

CHAIRPERSON: I am sorry.

20 **MINISTER NKOANA-MASHABANE:** A nomination letter ...

CHAIRPERSON: Yes. Yes.

MINISTER NKOANA-MASHABANE: That we firmly write ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: It is a - it is a process, but each individual gets discussed, but when you write a nomination letter as a

Minister. You are saying the things that you think the person who can do in that particular area. So tell the President, remind the President about the processes. Yes.

Every President has to be reminded of who Maite is. She served as an MEC in Limpopo. This is her role. This is her - so it - it was not hidden. So it was not - he was not appointed in secret. Chair we also said earlier on post nomination there is a six month period where the Head of State can change his mind.

He is not obliged because there was a nomination. In fact a
10 nomination is a suggestion. He can say no to anybody. Like - as he appoints Cabinet. He can say no. I am putting this one here, there.

CHAIRPERSON: But he - whether he says no or yes.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: Depends on what he knows ...

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: And what he is told.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: About the particular candidate.

MINISTER NKOANA-MASHABANE: Yes.

20 **CHAIRPERSON:** Hence the importance of the question. Why is it that you did not in your letter of recommendation to the President see it necessary to tell the President that this person that I am recommending has the following things that may be seen as negative, but here are my reasons why.

That notwithstanding I am recommending that you should

appoint. So that you make sure that the President has a full picture about this person who must if appointed represent him in another country.

MINISTER NKOANA-MASHABANE: Chairperson we have had many nominations. Not all of them have gotten (indistinct) across the borders. So when we nominate we nominate and we feel the discussion about the name. That is a discussion with the Head of State so that he has full picture - as Chairperson is asking - of who is going where.

So the nomination it is not an appointment, because Ministers
10 do not have ...

CHAIRPERSON: No, no. That I understand Minister.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: That I understand.

MINISTER NKOANA-MASHABANE: So - so the - your ...

CHAIRPERSON: But - but ...

MINISTER NKOANA-MASHABANE: Question Chair.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Was did we tell the President or remind him?

20 **CHAIRPERSON:** Well maybe - maybe we should start this. Did you - do you accept that when you nominate - when you nominated any candidate for appointment as Ambassador to ...

MINISTER NKOANA-MASHABANE: Wherever.

CHAIRPERSON: A President.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: You needed to - you give the President concerned as full a picture of that person as possible. Obvious in terms of things that are relevant.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Okay.

MINISTER NKOANA-MASHABANE: I do accept that Chair.

CHAIRPERSON: As a principle?

MINISTER NKOANA-MASHABANE: I also know that ...

CHAIRPERSON: Yes.

10 **MINISTER NKOANA-MASHABANE:** As a principle ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Like I said I kept repeating that the nomination letter ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: It is like if I apply for a visa. So if I had trespassed somewhere. It is for the - those who deal with issues on that level who must say trespassers will become a problem and it is the responsibility of the Minister of DIRCO to also talk to the President about each nominee.

20 So, but it is the prerogative of the Head of State to say yes or no. He can say yes to the nomination and two months later says no to the actual appointment. That is his prerogative. So the nomination it is not the end.

CHAIRPERSON: Yes. No, no I understand that. Let me ask the question pertinently. Did you at any stage before the President at the

time approved the appointment of Mr Koloane as Ambassador for The Netherlands? Did you at any stage inform the President that this is the man who played quite a significant role in the Waterkloof landing and that this man had been subjected to a disciplinary process?

He had pleaded guilty to three charges which included misrepresenting facts and which included that he had falsely told official - officials in the Defence Force that the President knew about the Waterkloof landing or had given instructions and that the Minister of Transport at the time and the Minister of Defence at the time had no
10 objection or also said they had been instructed.

He pleaded guilty to - to that. He was found guilty by - in a disciplinary hearing. Did you ever place - obviously not necessary in these words that I am using, but the substance of what I am saying - did you place that before the President in a - in a discussion on any other form?

MINISTER NKOANA-MASHABANE: Chair, all nominees including Ambassador Koloane are or were discussed. The nomination letter normally does not carry all the details about an individual be it ...

CHAIRPERSON: I am sorry. Did you say normally carries or did you
20 say does ...

MINISTER NKOANA-MASHABANE: Does not ...

CHAIRPERSON: Normally does not carry?

MINISTER NKOANA-MASHABANE: Does not ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Carry, but the discussion do.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Earlier on we also referred to how open we are on nominations of Ambassadors that even those who are brought by political parties are brought in. The check - you do not write the check - checklist on a nomination, because there are other agencies who have to do the checklist on the Minister.

CHAIRPERSON: Yes. Minister no I must interrupt you.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: My question is simple.

10 **MINISTER NKOANA-MASHABANE:** Huh-uh.

CHAIRPERSON: Did you or did you not ...?

MINISTER NKOANA-MASHABANE: I did.

CHAIRPERSON: At any stage inform the President of it?

MINISTER NKOANA-MASHABANE: I did.

CHAIRPERSON: You did?

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: So he was fully aware ...

MINISTER NKOANA-MASHABANE: He was.

CHAIRPERSON: Of who Koloane was ...

20 **MINISTER NKOANA-MASHABANE:** Yes.

CHAIRPERSON: And that he is - he had gone through a process. He had pleaded guilty blah, blah, blah.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: He knew about that?

MINISTER NKOANA-MASHABANE: Yes, sir.

CHAIRPERSON: No thank you. So - so the fact that you did not put it in the letter does not mean that you did not tell him?

MINISTER NKOANA-MASHABANE: No.

CHAIRPERSON: No. Thank you Minister.

MINISTER NKOANA-MASHABANE: No Chair.

ADV NORMAN: Thank - thank you Chair and then just maybe lastly Minister there is at page 50 if you just turn over the page. There is that - the agreement is that what you referred to from the - from The Hague. At page 50 Minister there is from - do you have it?

10 **MINISTER NKOANA-MASHABANE:** Page 50.

ADV NORMAN: (Intervenues).

CHAIRPERSON: Did you say 5-0 - 5-0?

ADV NORMAN: 5-0.

CHAIRPERSON: I think somebody must assist the Minister.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: *Ja.* Go and assist the Minister.

ADV NORMAN: Thank you.

MINISTER NKOANA-MASHABANE: Yes ...(intervenues).

20 **ADV NORMAN:** Is - is that the agreement that you referred to earlier that then after the nominees then - that the receiving country then sends that - that agreement to South Africa?

MINISTER NKOANA-MASHABANE: Yes Chairperson.

ADV NORMAN: Yes. Thank you and then at the last paragraph at page - if you go back to your statement Minister - page 16. You have also mentioned other factors that made you recommend

Ambassador Koloane. Although you have dealt with that aspect, but I would want you to just put those on record so that we do not leave out anything in your statement.

CHAIRPERSON: I am - I am sorry. Did you page 16?

ADV NORMAN: Back to the statement Chair.

CHAIRPERSON: Ja.

ADV NORMAN: Paragraph 16 - 1-6.

MINISTER NKOANA-MASHABANE: Which - which statement.

ADV NORMAN: Your - this one - this one.

10 **MINISTER NKOANA-MASHABANE:** Oh. This one? Yes.

ADV NORMAN: Yes. That one. Yes your statement.

MINISTER NKOANA-MASHABANE: Paragraph 16.

ADV NORMAN: I - I apologise. Sorry.

MINISTER NKOANA-MASHABANE: Okay.

ADV NORMAN: At page - that will be the last page of your statement.

MINISTER NKOANA-MASHABANE: Hu-uh.

ADV NORMAN: Yes. There ...

CHAIRPERSON: I am - I am sorry Ms Norman. Page 3 of the statement?

20 **ADV NORMAN:** Yes Chair.

CHAIRPERSON: Okay.

ADV NORMAN: That is page 3 and paragraph 16.

CHAIRPERSON: Yes.

ADV NORMAN: Yes.

CHAIRPERSON: Okay.

ADV NORMAN: Thank you. So could you just read out those are the considerations that you placed in paragraphs 16, 17 and 18.

MINISTER NKOANA-MASHABANE: Chair, I have said in the affidavit that:

10 “It must be noted that Mr Koloane was the most -
the most eligible amongst DDGs since he was not
assigned to any departmental branch. Therefore
his nomination could not have affected the
department’s operation or any vacancies within the
department. At that time he also had a top secret
clearance certificate. Therefore meeting all the
criteria for the placement. When Mr Koloane was
nominated or recommended for the posting to The
Hague he had already completed his sanction.”

ADV NORMAN: Thank you.

MINISTER NKOANA-MASHABANE: I just want to emphasise ...

ADV NORMAN: Yes.

MINISTER NKOANA-MASHABANE: The paragraph 17 ...

CHAIRPERSON: Yes.

20 **MINISTER NKOANA-MASHABANE:** For the record.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Thank you.

ADV NORMAN: Yes.

CHAIRPERSON: Yes. Do - oh, you - you want to high - highlight that.

“At that time he also had a top secret clearance

certificate. Therefore meeting all the criteria for the placement.”

MINISTER NKOANA-MASHABANE: Yes sir.

CHAIRPERSON: Yes.

ADV NORMAN: Thank you.

CHAIRPERSON: Okay.

ADV NORMAN: And - and Minister one thing I did not ask you right at the outset when you started testifying was whether this is your statement, but could you do that now? That - is that your signature
10 that appears there?

MINISTER NKOANA-MASHABANE: Chairperson, this is a copy of an affidavit of as a witness ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: To this hearing ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Chaired by your good self.

CHAIRPERSON: Yes and that ...

MINISTER NKOANA-MASHABANE: And the signature is mine.

CHAIRPERSON: Is yours ...

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

CHAIRPERSON: And ...

ADV NORMAN: And you deposed to that affidavit on 18 September 2019 in Cape Town?

MINISTER NKOANA-MASHABANE: Yes sir.

ADV NORMAN: Yes. Thank you.

CHAIRPERSON: Hm.

ADV NORMAN: Thank you Chair.

CHAIRPERSON: Yes.

ADV NORMAN: That is the evidence.

CHAIRPERSON: Minister I - I had thought that we would finish earlier than - than lunchtime. We have taken longer than I thought and maybe I also contributed to that, but we reach the lunch time at a time when I still have some questions to - to put to you. So I thought we would be able to finish before lunch and we will disperse. So - so we are going
10 to take the lunch break, but I would like us to come back. Is that fine with you?

MINISTER NKOANA-MASHABANE: (No audible reply).

CHAIRPERSON: Yes, okay.

ADV NORMAN: Thank you.

CHAIRPERSON: So we - we are going to come back at 2 o' clock, because there

ADV NORMAN: (Intervenes).

CHAIRPERSON: There are still quite some things that I would like to hear the Minister on.

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

CHAIRPERSON: Okay. We adjourn. We will come back at 2 o' clock. We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: ...of what a top secret clearance certificate says about a person who holds it. What is your understanding of what possession a top secret clearance certificate means for the holder of that certificate?

MINISTER NKOANA-MASHABANE: It means...[intervenes].

CHAIRPERSON: I think the aircon might be creating some problems, if you can lower it a little bit, maybe let me repeat the question Minister so you can understand.

MINISTER NKOANA-MASHABANE: Yes.

10 **CHAIRPERSON:** So my question is what is your understanding of what it means about a person if it is said he or she has a top secret clearance certificate, what does that convey to those who know that this person has got that certificate?

MINISTER NKOANA-MASHABANE: It will be that the department or the agency that does this work of checking had done their job on that particular person. For every senior SMS you are appointed after the appointment then there's a thorough going on your status.

CHAIRPERSON: Yes but that's what I want, obviously there's some work that the people who issue the certificate must do before they
20 issue it but I want to try and understand in the context of the position of Ambassador but maybe that applies to everyone who gets the certificate whether it means you are highly educated, whether it means you are a person of integrity, whether it means you are hard-working, whether it means you are very particular about doing your job the right way. So I'm wanting to get, when you emphasise as you do this

requirement, there must be something that is important about it in the context of an Ambassador and I'm trying to understand, exactly what that is.

MINISTER NKOANA-MASHABANE: You have to have all those...[intervenes].

CHAIRPERSON: It's all of the above?

MINISTER NKOANA-MASHABANE: All of the above but also it's done regularly, it's not like – because ...[intervenes].

CHAIRPERSON: You got it ten years ago...[intervenes].

10 **MINISTER NKOANA-MASHABANE:** Ten years ago it's okay, if I'm given another assignment I must be checked.

CHAIRPERSON: Yes, yes.

MINISTER NKOANA-MASHABANE: And I must be cleared.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Okay.

MINISTER NKOANA-MASHABANE: That's why it is said at that time
Chair.

CHAIRPERSON: Yes.

20 **MINISTER NKOANA-MASHABANE:** Yes.

CHAIRPERSON: And how regularly do they do – re-do them do you know or at that time did you know how regularly they would do them if...[intervenes].

MINISTER NKOANA-MASHABANE: For every appointment.

CHAIRPERSON: Okay.

MINISTER NKOANA-MASHABANE: Before the Ambassador designated, leaves the country.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Because we had, had some areas where we had to bring back somebody who was already on a posting and it wasn't cheap.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: So every nominee had to wait for that clearance.

10 **CHAIRPERSON:** Oh so when you have been issued it in regard to a particular appointment it doesn't necessarily mean...[intervenes].

MINISTER NKOANA-MASHABANE: Forever.

CHAIRPERSON: There is going to be – they'll do another checking after a year or two or three, it just means you have it until there is another appointment, if there is another appointment then you must be subjected again.

MINISTER NKOANA-MASHABANE: No even if you would have gotten it a year earlier, if you are going to a new assignment they come back, yes because we just found it to be important.

20 **CHAIRPERSON:** Yes, now all of the above that we talked about that you've got to have them that's in terms of a top secret clearance certificate but I take it that also for being appointed as Ambassador all of the above applies there as well, is that right, is that correct?

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Yes, okay now in your own words are you able to say

to me – to tell me what the factors or requirements are that are expected to be taken into account before a person is recommended to the President for appointment as Ambassador. Now I know that maybe, all of the above that we have said apply but I just want you to, in your own words to say, these are the factors or requirements that, as far as you understood at the time that you were Minister of International Relations were applicable?

MINISTER NKOANA-MASHABANE: That you can stand for your country against all odds.

10 **CHAIRPERSON:** That you can serve your country...[intervenes].

MINISTER NKOANA-MASHABANE: You can serve and stand for the interest – for the National interest of your country.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Against all odds.

CHAIRPERSON: All odds, okay so that's the overall one?

MINISTER NKOANA-MASHABANE: That's the overall.

CHAIRPERSON: Okay but you say included in it...[intervenes].

MINISTER NKOANA-MASHABANE: Included in that Chair I did say earlier on that if we know that you can or you have accepted an airline
20 ticket at – not two years ago but as you were serving in that foreign country you come back.

CHAIRPERSON: If you accepted a?

MINISTER NKOANA-MASHABANE: An airline ticket from Cape Town to Durban.

CHAIRPERSON: Oh okay, you come back immediately?

MINISTER NKOANA-MASHABANE: Yes you come back.

CHAIRPERSON: Yes because that's unacceptable.

MINISTER NKOANA-MASHABANE: Yes because you cannot be – you are a guest you are there to build relations yes even if you're a vegetarian and they give you Pork, you find a way to say I'm allergic so that you don't sound – yes.

CHAIRPERSON: Yes alright. So there may be many factors that come in but the overall one is whether that person can serve the country and stand for his or her country against all odds.

10 **MINISTER NKOANA-MASHABANE:** Yes.

CHAIRPERSON: Okay, no that's fine. Now I just want us to go back to FF3 will be written on the spine FF3 and then I want us to go to the document – the ruling of the Chairperson of the disciplinary inquiry relating to – the one relates to sanction the other one relates to whether or not Mr Koloane was guilty of the charges. So I want us to go to the one relating to whether he was guilty of the charges and I think it is to be found at page 25 of that bundle. If you need assistance somebody can come and assist you, I think approach the Minister and assist her. You've got it, okay.

20 **MINISTER NKOANA-MASHABANE:** Yes.

CHAIRPERSON: We already dealt with what the charges were and they included charge two where the Chairperson recorded at paragraph ten which is at page 26 that,

“it is alleged that the employee misrepresented facts in an endeavour to procure the illegal and unlawful and/or wrongful

landing”,

And that refers to the landing of the commercial aircraft at Waterkloof. In paragraph three on that page, the Chairperson records some objection that Mr Koloane seems to have expressed and then in – at page 27 he refers to the fact that the employer representative argued that the charges are as stated above and the evidence in support of the charges was intended to show the employee the evidence that was going to be led to prove each charge, then under four it says,

10 “the parties asked for the adjournment of the proceedings in order to deliberate among themselves on the point raised by the employee”,

Then at paragraph five – I think five and six are quite important and seven he says,

“when the matter resumed the employee informed me that he is ready to plead to the charges as captured above with the exclusion of the facts and evidence in support of the charges”,

And then in six he says,

20 “The employee pleaded guilty to all three charges, I went through each charge in order to satisfy myself that the employee understands the elements of each of the charges, the employee persisted with his guilty plea on each charge, then he says under seven, I consequently find the employee guilty of charges one, two, thee”.

Now it seems to me that what this tells me – tells us is that Ambassador Koloane pleaded guilty to, among others, a charge that he had misrepresented facts in an endeavour to procure the illegal and unlawful and/or wrongful landing. My understanding of his evidence, because he did give evidence here, I did not understand him to dispute that part but also one of the things that he said when he was giving evidence here was that he admitted that in effect, he had told some officials that the President knew about the aircraft that was going to come and land or had given instructions or had put him under pressure.

10 One of these might be wrong but in effect, he admitted that he had conveyed to certain officials at Waterkloof that he – the President knew about what he was trying to get them to do to facilitate the landing of the aircraft. Now – and he said here that, that was not true, in other words what he had told those officials was not true.

My understanding is that that, that's what he also said in the disciplinary hearing, I think when he was here he may have said – he said the same thing at another forum and I can't remember the Committee that he talked about what it is called. Now it seems to me that he had been dishonest in saying to those officials anything along
20 the lines that the President had either asked him to assist or had put him under pressure or had instructed him. Now that is on his version, if he – if we take his version, namely the President never instructed me, the President never put pressure on me, the President did not know about the landing as far as I know, that is Mr Koloane here before me, if that is true he had said something contrary to that, to the officials

and it seems to me that he had been dishonest, would that be your understanding of what it amounted to, what he said, namely the President gave instruction or knew about this but then he comes and says, no the President didn't know about this, I didn't speak the truth when I said that to the officials?

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: That would be your understanding as well?

MINISTER NKOANA-MASHABANE: Yes Chair.

CHAIRPERSON: Yes now was that your understanding also at the
10 time, after the disciplinary process that he had actually acted dishonestly by invoking the names of the President and the Ministers, the two Ministers in order to try and get this landing approved or cleared?

MINISTER NKOANA-MASHABANE: My answer Chair, is yes.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: But to add on that is that, in fact I recall now that there were two disciplinary processes, the one in the department and the joint one. So none of the two disciplinary processes had said let's punish beyond this. So because there were
20 two, one was a DCPS one was a departmental one, none of them had concluded that he needed to be however fired or you know sent to jail or something. So what leg would I be standing on when they said now – he had served the term he's back in the department so what do you do with this DDG because none of those two processes could strip him of the status...[intervenes].

CHAIRPERSON: His position.

MINISTER NKOANA-MASHABANE: His position, so because I mean if I had stolen I'd go to jail so the person confesses, he shows remorse and I think that's what we need, how many people are we rehabilitating in our Criminal Justice System who we can point at and say, that one we gave a chance and look at him now, he is straight and proper. So we had to weigh the two because here is a man who doesn't hide from my sitting or my understanding behind every whatever, he – I was watching him on television when he was ...[intervenes].

10 **CHAIRPERSON:** When he gave evidence.

MINISTER NKOANA-MASHABANE: Gave evidence yes it was the same, same that I asked the day I saw him, did you remember you're the Minister he cried. So I am now here before you wondering, when there were two disciplinary processes when DIRCO does not own an airport when those two processes, the JPCS cluster one was like a panel meeting. None could come out with this man had confessed to what he had done wrong, he had never wasted anybody's time so why is – at least one of the disciplinary processes not saying, this one don't touch ever again but he must remain in his position. It's not like he
20 had run away or hidden anywhere, suspend he does – there's nothing that we said he must not do or do that he didn't do but also the people who know the law the ones who ran the two processes none of them said, this man we decide he must never serve. Did not say he deserves to be fired so the wrongdoing it's not what I can ever stand up and defend but I am still saying, did we rehabilitate him, did we manage to

– as a country as a community squeeze something good out of this, I think that’s what was the [indistinct] at the time yes.

CHAIRPERSON: Yes well you have gone ahead to a part that I was still going to come to but that’s fine. I just want to read some excerpts of how one of the witnesses who came here, former Minister Ramatlhodi viewed this whole Waterkloof landing. I’ll just really read some excerpts from his evidence he says,

“now my attitude, I did not know these people, they came in to South Africa and one day I met correctional services that a private jet
10 lands at Waterkloof Air Force Base carrying wedding and
people, wedding people. That for me was the last insult, I mean
it was a stab at the back for those who died because there were
many who died when I was there with them that we should get
foreigners, they come in here and then they land a wedding charter
in our Air Force Base. So we had a meeting of the Security Cluster
because I was sitting in correctional services, I told my fellow
Ministers that this is the last insult, this cannot happen in our
country from then inside we told the President, do not attend that
wedding, do not do it because you have just messed up”,

20 And then later on he was asked whether the President did attend and he said,

“Not only did they land there they actually got even the escorts of the security everything to that place there”

And then later I put a question to him,

“Was it your understanding that the landing of those

aeroplanes there could not have happened without his knowledge or approval or not necessarily, I'm just asking that because you are saying that you said to him, you know I think you must tell me if I did not hear you properly, you said to him you have messed up this is not acceptable. This is not done or something like that then Minister Ramatlhodi says, we said to him, Mr President it is unacceptable that a private jet carrying wedding party from another country lands at our Air Force Base, we had fought for this base to be under our command so it is not acceptable, so do not grace this thing by going to the wedding, in addition to what has already happened and then he says, I had a feeling that it could not happen without his knowledge and in fact there was talk like that because the Chief of Protocol in the Presidency, Ambassador, I forget his surname, he was in Holland now because after that he had to be redeployed to Holland and then later he says, so apparently that fellow got a call from number one as they called him those days and then he says, then he authorised the landing, then he says – he was asked, where did you hear about that if I may ask, how did you learn about what you have just told us, that number one was called then he says, well we have meetings in the ANC we spoke most of us. I cannot say I got it from so and so or the other one but my impression was precisely that he actually authorised it and then later he says, you see Chair, Presidents

I've got friends in the business community and so on they do see people and so on but these ones, I felt they were insulting even the President because what they were doing was to show off, you know that they had captured the Republic it is theirs. They are not Presidents but they can land at an Air Force Base, later he says, so it's just important that we get that full picture, so I just invite you – oh that's me talking to him, he says, Chair what happens at the Air Force Base of South Africa is only Heads of States land there and when they land we receive them with all the protocols either one Minister or the other is sent to go and do that but on this occasion, this aeroplane from India just landed there. There was preparations because even the traffic cops were escorting those busses which were going to North West, so he says, so it was well planned reception which could not happen without higher authority knowing, while they mobilised even the Municipalities to provide security for those busses that went there".

I think those are the parts I wanted to read. On his evidence he viewed this Waterkloof landing of a private aircraft in a very, very serious light, many people did, from what you said, I think you also – you viewed it very seriously because you say, what he did, that you cannot condone, I think you say but you talk about what to do after that has happened. So he – Minister Ramatlhodi was saying this was very serious, now I understand him to – when he says they were showing off, I understand him to be saying in effect, you know that place is a

special place, Heads of State land there, these people are not Presidents but look at what they do in our country. They want to show that, look we are in charge, we land where the Presidents land and when you view it like that, certainly for me how bad it was, comes back. Is that also the way you see it or maybe you might put it in your own way to see how seriously you view it?

MINISTER NKOANA-MASHABANE: Chair I view it as seriously as you're saying but I also say to myself, the high security zone cannot be run by one man in a suit and he's allowed. We should be sitting here
10 talking about how they could not land even with Koloane but we are having a different conversation. Something went not so right but if it went right the joint cluster could have come out with a sanction that says something else that would have made it difficult, even for the name dropper to escape it. So if it's just about name dropping and all of us came back to this...[intervenes].

CHAIRPERSON: But Minister I am sorry to interrupt you.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: There are times when I just want you to talk in general.

20 **MINISTER NKOANA-MASHABANE:** Yes.

CHAIRPERSON: On the principle.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: In general not whether it is Koloane or whatever.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Then when we talk about Koloane we can talk about

him.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: I just want at this stage how you viewed this thing irrespective of who made it possible?

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: That is what I want at this stage.

MINISTER NKOANA-MASHABANE: I – Chair could only represent what I see as a wrong doing particularly what you are quote – you are quoting a man I worked with Ramathodi who was once my Premier who
10 served in the DCPS at that time and post that he became Minister of Mining. So all those who said this was wrong remained in positions. So I think it was a lesson for all of us not to lower our guard and take all our security responsibility to 1% because I do not know how we all thought he should be carrying the security of the country.

CHAIRPERSON: Who are you talking about now?

MINISTER NKOANA-MASHABANE: I am talking about the entire people who were supposed to be supporting the President.

CHAIRPERSON: Okay. Okay.

MINISTER NKOANA-MASHABANE: The entire gambit. The officials,
20 political otherwise.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: It really shamed us.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: But it also gave us a wakeup call.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: So that is all I want to say.

CHAIRPERSON: Yes okay. No thank you. That ...

MINISTER NKOANA-MASHABANE: But I really do not want to represent other Ministers and former.

CHAIRPERSON: No I accept.

MINISTER NKOANA-MASHABANE: And current.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Because...

CHAIRPERSON: You talk for yourself?

10 **MINISTER NKOANA-MASHABANE:** I will be saying things.

CHAIRPERSON: Ja.

MINISTER NKOANA-MASHABANE: That they will say.

CHAIRPERSON: Ja.

MINISTER NKOANA-MASHABANE: You know she was trying to represent us.

CHAIRPERSON: Ja.

MINISTER NKOANA-MASHABANE: I do not want to do that.

CHAIRPERSON: Yes. Yes.

20 **MINISTER NKOANA-MASHABANE:** But I was raised with norms that say no is no.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Yes is yes and that I respect it.

CHAIRPERSON: Hm. No that – that is helpful Minister. Now I think what could have been done and what could not have been done with regard to Ambassador Koloane afterwards would be influenced in part –

I am not saying it is the only thing. But in part by how we view the incident.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: That is at one level. Then there is the question of him having misrepresented facts in order to get the landing to be approved as I understand his position. So part of my difficulty with your decision to recommend him for appointment as an Ambassador stems from this that I understand that in order to be an Ambassador – in order to be conferred with this honour that you talked about which
10 you get when you are appointed by the President as Ambassador to represent the President in a foreign country, to represent the nation of the country in another country. That honour requires that at least you must be somebody of integrity. You must be somebody who is honest. Now I do not know about you but my thinking is that somebody who uses the name of the Head of State in this way of Ministers and says, the President knows about this aircraft. Or the President is putting pressure on me or the President has instructed that this should be done when actually he knows that is not true is not honest. Is that – is that your thinking as well?

20 **MINISTER NKOANA-MASHABANE:** Chair my response is yes. But all the leaders who were at the helm at the time will say I think – I am talking particularly about Ministers. There is a sign of – there is at the end the one who must say yes and no after two disciplinary hearings could not say, take this man to jail. Like – could not say, it was like he gave you a wakeup call that you are not doing what you are supposed

to be doing. So how I wish we could be sitting here and I am responding to how the GCPS cluster – how everybody who had had a view on this matter had suggested something else and there was no discussion about a DDG going back to work. Why are we not equally worried about what does a DDG do in a government department? I believe all departments are sensitive and the little I know is that in the absence of a DDG, in the absence of DG the – a DDG acts. So the entirety of government was still okay with him serving as a DDG. So I agree with you fully but I think we even saved that space by just
 10 removing this person out of that big responsibility of still being sitting here in the area. But he also helped us by confessing. He did not have to jive and bring lawyers and things and run this way or that way. But at the end this one voice guided by all this disciplinary hearings that he said. I actually am humbled that you reminded me of Ramatlhodi my big brother. Because half the things you are saying you are saying he was referring to I did not read about. I was part of them. I do not – I did not read about Ramatlohodi [indistinct]. We slept in the same – under the same roof. So the way he felt should be the way I felt because we believed in one cause.

20 **CHAIRPERSON:** Now – no I understand that Minister. I think we – we are on the – up to a certain point at least so far we are on the same level I understand what – how you viewed the situation. It seems to me that what you would do with him as somebody occupying the position of DDG in the long term was something that was an important factor in your mind. Am I right? In making the decision to recommend him.

MINISTER NKOANA-MASHABANE: I would say part of because he had gone through all the processes.

CHAIRPERSON: Ja.

MINISTER NKOANA-MASHABANE: The disciplinary hearing of the department.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: And of the joint security cluster.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: None of them said, take him to jail.

10 **CHAIRPERSON:** Yes. Now let ...

MINISTER NKOANA-MASHABANE: But send him back to the department.

CHAIRPERSON: Yes. Let us talk about the joint security cluster. I do not know whether that was the correct term for the committee.

MINISTER NKOANA-MASHABANE: Yes

CHAIRPERSON: But we know what – which committee we are talking about. My understanding is that they were investigating what the facts were.

ADV NORMAN: Hm.

20 **CHAIRPERSON:** Excuse me. I have not refreshed my memory on their report recently but I do not think they would have had power to say he must be dismissed or not. And I – I doubt whether in their report they – they were going – they would go that far. Because they would – were not the disciplinary committee of the department.

MINISTER NKOANA-MASHABANE: Yes Sir.

CHAIRPERSON: So to the extent that you say there were two disciplinary...

MINISTER NKOANA-MASHABANE: Hearings.

CHAIRPERSON: Hearings.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: And you mentioned that committee.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: That might be – that might not be correct because they were not a disciplinary process. You accept that? They were a
10 fact finding committee not for purposes of disciplining anybody. Is –
are you with me?

MINISTER NKOANA-MASHABANE: Chair my understanding is in fact finding you could also document that you know if things were equal this could have happened. You cannot say I am fact finding but you are running very serious security of the matters of security in a country and we just say, no everything else can go let us ask this woman why did she recommend this man. And – but he can be let loose even with the – the fact – they were not fact finding period. They could not lock him up but they could have made it easier.

20 **CHAIRPERSON:** They could say he should be – they could say something along the lines that your department should consider initiating a disciplinary process. They could say that I would imagine.

MINISTER NKOANA-MASHABANE: We had already in fact Chair.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: We were ahead.

CHAIRPERSON: Oh you were already?

MINISTER NKOANA-MASHABANE: We were ahead.

CHAIRPERSON: Okay.

MINISTER NKOANA-MASHABANE: Because we appreciated.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: The veracity.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Of the matter.

CHAIRPERSON: Yes.

10 **MINISTER NKOANA-MASHABANE:** Yes.

CHAIRPERSON: No but what I am saying is it would not have been their place to say what the sanction should be for him in circumstances where there was a separate disciplinary process that would deal with that issue. They – they – it would not have been right for them to – that is what I am thinking and you can just tell me.

MINISTER NKOANA-MASHABANE: Chair.

CHAIRPERSON: You – for them to pre-empt.

MINISTER NKOANA-MASHABANE: Chair – I – I am listening to you.

CHAIRPERSON: Yes.

20 **MINISTER NKOANA-MASHABANE:** And I am listening to what you saying my brother said.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Here.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: And knowing him if all those were

sat there and they felt they have the right to all walk at the same time and go to the President and say, President this is not on. It did not happen. So it cannot be that the whole – I do not know if Chairperson indeed we can say the security of the country can be relegated to one individual and we say we are all safe.

CHAIRPERSON: No not necessarily. I do not know whether when you talk about one individual you refer to Ambassador Koloane I am not talking about – that is the only.

MINISTER NKOANA-MASHABANE: I am actually not referring to him
10 but I am saying.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: The reason why we have – we should be having so many of us guarding the interests security, economic, well-being of our citizens is that all of us take this 24 hour job serious. And that if they say if President says Maite this is your responsibility for now. I leave no stone unturned and I cannot have somebody visiting and doing something and I explain later how that person used name dropping and so on and so on. I do not want to get into that Chair. But I am just saying that I think me, you we need to do
20 more to be secure. All of us.

CHAIRPERSON: Well you see – you see Minister part of what needs to be done when a problem has arisen when something like this Waterkloof landing has happened is to establish the roles of different people.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: In order to see who did not do his or her job properly. And we are not going to see that if we – if we do not look at the roles of individuals. We just deal with people collectively. We have got to see what did you do? What were you supposed to do? Did you do what you were supposed to do? Did you not do what you were supposed to do? Why did you not do what you were supposed to do? Because we have got to find out how did this happen. I do not know about you but on the evidence that I have heard and what I am saying about some of these things is what I am thinking at this stage and it is not my final
10 thoughts. They are not my final thoughts. My final thoughts will be when I finish the whole work of the commission. But what – what – part of what I am thinking at this stage provisionally is that whatever we say Mr Koloane played – to say the least – a very significant role.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: In enabling Waterkloof landing to happen.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Because he told certain key officials something to the effect that this is what the President wants. So that is – we are therefore legitimately trying to enquire if this is the role that this
20 person played and subsequently he was appointed as Ambassador. A position with such honour. What was the understanding of those who had a role in his appointment? What were they – what did they know about his role and what was their perspective? Maybe they saw matters differently and that is part of the reason why I am trying to benefit from your own perspective to say, look I was the Minister who

recommended – who made the recommendation to the President. This is what was in my thinking. Yes I see that what he did was very wrong. See actually that maybe he played a very significant role but nevertheless this was my thinking. I think we are one at saying he played to say the least a significant role in enabling the landing to happen.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: We are one on that?

MINISTER NKOANA-MASHABANE: Yes.

- 10 **CHAIRPERSON**: Yes. And we are one – we have already reached agreement that he had acted dishonestly in telling officials that the President and the other Ministers had –knew about this or had instructions. We are one on that as well, is that right?

MINISTER NKOANA-MASHABANE: Chair.

CHAIRPERSON: Ja.

MINISTER NKOANA-MASHABANE: We are one and also

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: I have worked with government officials for the past I do not know twenty years.

- 20 **CHAIRPERSON**: Yes.

MINISTER NKOANA-MASHABANE: Or since we became ...

CHAIRPERSON: 25 years or more.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: They can actually exhaust you

Minister in demanding paper.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: So how telling and telling and telling.

CHAIRPERSON: Ja.

MINISTER NKOANA-MASHABANE: Could make everybody believe, believe, believe.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Actually says.

10 **CHAIRPERSON:** Hm.

MINISTER NKOANA-MASHABANE: Like I said.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Officials should have – have taken responsibility together at the time.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: We suspended him.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Without pay.

CHAIRPERSON: Hm.

20 **MINISTER NKOANA-MASHABANE:** We put him or on his file for six months something else that says, this man must be watched. But when he has to come back into the department and become the same, same – not Chief of Protocol but DDG we felt maybe if he is somewhere in a corner we will be more – we can be thinking straight. I think lessons learnt is what do officials do with paper and processes where they can

actually frustrate a well-meaning Minister or what can they not do by just saying, we were told? This one told this one that. This one told this one that. And one person becomes the teller of the stories – others I do not care because the outcome of our process was about the official in the department. But as Chair had said earlier on we almost put the country at risk.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: It could have been bigger.

CHAIRPERSON: Hm.

10 **MINISTER NKOANA-MASHABANE**: But if there was no post-mortem that says besides giving this man all the powers again.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Be a DDG. And let us go all go be happy. Who else was being interested in doing [not speaking into the microphone].

CHAIRPERSON: Oh I am sorry the microphone was off.

MINISTER NKOANA-MASHABANE: Oh sorry.

CHAIRPERSON: Yes, yes.

MINISTER NKOANA-MASHABANE: Yes.

20 **CHAIRPERSON**: Continue.

MINISTER NKOANA-MASHABANE: I am saying that lesson learnt would be that we need to secure ourselves with our learned officials. So if we had recommended that he goes somewhere and they – we are serving the same government. They could have said no. We had – this man did not leave the following day. There were six months in between

where if anyone had a feeling that he should be stopped could have. They were all there and just a nomination alone of a person who everybody was happy with him going back to where he came from I do not know whether this contrition, this sense of remorse could have borne some few or little fruits for the country. But I think lesson learnt we have not – I do not think we – we are – I do not know if this – through your process we will say – we will say lesson learnt. Let us use bureaucracy for the good and for the security of our country.

CHAIRPERSON: When you said that they were all there, they knew
10 about his nomination I take it you meant the cabinet, you meant security, peoples officials, high officials in security – in the security cluster that many of them would have known he has been nominated and nobody came to approach you and said, no but how can you make this person an Ambassador. Is my understanding correct?

MINISTER NKOANA-MASHABANE: Yes Sir.

CHAIRPERSON: Yes. Yes. Okay. Now – but...

MINISTER NKOANA-MASHABANE: But we were trying to do something.

CHAIRPERSON: Ja. No I understand that ja.

20 **MINISTER NKOANA-MASHABANE:** In the absence of...

CHAIRPERSON: Ja. Yes.

MINISTER NKOANA-MASHABANE: How do we just all keep quiet.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: And do nothing about...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Post. Because we – we were – we are now dealing with post.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: That explains.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: We could have just all gone quiet and went to sleep.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: But we did not.

10 **CHAIRPERSON:** Now what do you say to somebody who says this person's conduct in relation to the Waterkloof landing that is Mr Koloane and the findings made in the disciplinary enquiry including his own plea of guilty to the charges that included misrepresenting facts, telling officials that the President knew about the – this or wanted this to happen or something to that effect. That this person lacked integrity and therefore lacked an important requirement or – or quality that somebody who must be given the honour that you were talking about to represent the Head of State and the country should have. This person did not have this very important quality and therefore you should not
20 have recommended him. What do you say to somebody who says that?

MINISTER NKOANA-MASHABANE: I would say for me who had worked with Koloane it is like we are talking about two people. Because we are referring to a man who has been an Ambassador before had helped jack up our protocol, had wronged, had come out without making people get into corners and said, I did something wrong. And post that he went

and served and came back voluntarily on retirement to say, what did we do with the rest of the saga? Did we ever sit back and reflect on what Ramatlhodi was saying, the other party? So that is what I am saying. The honour he did before, he wronged, he was punished, he went back, served and came back. So I am dealing with two Koloane's. The one who could be an excellent representative who could do wrong and does not hide – you know that some cases even in – are in the labour courts forever and they do not come out because lawyers and so on and so on I am sure you no better.

10 **CHAIRPERSON**: Lawyers and so on and so on.

MINISTER NKOANA-MASHABANE: And so on. This one did not waste time. He just came out and when given an opportunity post servicing his term he went back and represented South Africa well and came back. So I am dealing with two Koloane's. By the way the same Koloane that Ramatlhodi will say he knew the activist in the camps. He also might have been served by an Ambassador in Spain or Consul General in Shanghai at one stage or the other I do not know. So Chair I think we are dealing with a case that needs lessons to learn. But do we – do we like to chase those who come out and confess? Or do we
20 like to – to protect those who hide and make us to go on a wild goose chase and the security of our country is over-exposed? I think this is an opportunity for us to reflect.

CHAIRPERSON: What about this? That there are certain things that if you are guilty of that if you have done.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Are such that it does not matter what academic qualifications you may have. It does not matter what good you may have done before. But if you have done that you do not deserve certain appointments. You do not deserve certain honours. Not that your track record is not being recognised.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Not because your high academic qualifications are not being recognised but because somewhere a line must be drawn. You cannot for example say, I admit that I have raped this child.

10 **MINISTER NKOANA-MASHABANE:** Yes.

CHAIRPERSON: But because I have admitted and because I was in the struggle ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Because when I working in that job - in that job I did so well. Please just give me a suspended sentence.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: You have to go to jail.

MINISTER NKOANA-MASHABANE: Huh-uh.

20 **CHAIRPERSON:** So I think some of the people in the country would look at Mr Koloane's role in - in the Waterkloof landing incident and the seriousness of the Waterkloof landing incident and his dishonesty using even the name of the Head of State to achieve what he wanted. To shame the whole country and say that person did not deserve to be given the honour of representing the Head of State of this country.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: No matter who the incumbent is.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: The Head of State of this country and to represent us as a nation in another country because that is a special honour. That should never have done ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: Have happened and we do not understand how Minister Nkoana Mashabane recommended this person ...

MINISTER NKOANA-MASHABANE: Yes.

10 **CHAIRPERSON:** Against this. Please use this opportunity to deal with somebody who might look at it that way.

MINISTER NKOANA-MASHABANE: I would say to South Africans mothers who are dealing with gender based violence and femicide that we need to be truthful and deal with issues at hand and start with dealing with the most immediate at hand. The appointment of an Ambassador it is the responsibility of the Head of State. Recommendations come.

Whoever is incumbent the buck stops with whoever is the Head of State and who does he want representing him wherever, but we
20 should help our leaders as you said. That we deal with issues together. Not that when it gets tough we lead by taking corners. I cannot over emphasise that point.

CHAIRPERSON: Let us assume that you were still Minister of International Relations now ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: And the facts relating to Waterkloof had happened 12 months ago.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: Would you and - and Mr Koloane had played the role that we now know he played.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Would you have been able now to recommend him for appointment as Ambassador?

MINISTER NKOANA-MASHABANE: For all the officials serving in our
10 Government. If they have so - being so wrongful they need to go to jail. If they had served terms as you said correctional services. How do we rehabilitate them? By them doing what they are good at or by sending them - them to the gallows for having been wrong.

I think there we can be assisted by law experts as to what does our Constitution and labour law say. Once wrong you go to the gallows even if you have shown remorse. When we are unable to deal with people who are raping and maiming our mothers and children at this hour. We have challenges - you said earlier on Chair.

You thought we would finish before break. We spent the
20 whole day here with your patience dealing with the matter of 2013. I do not know when I get out of here how many women would have been slaughtered.

CHAIRPERSON: But you know Minister, part of the problem starts with what our values are as people. What is our sense of right and wrong?

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: And do we visit wrongful conduct with consequences ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Or do we paper over the cracks.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: It might - we might be dealing with gender based violence, people raping children, people raping women, people raping elderly women who cannot defend themselves, but it may be starting somewhere.

10 **MINISTER NKOANA-MASHABANE:** Hm.

CHAIRPERSON: What are our values? What values do we insist on? What are the standards ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: That we insist on. Is the standard that we insist on that somebody can say the Head of State said we must allow this head of this - this aircraft to - to land here and therefore influence other officials to say - to think the Head of State wants this to happen and something that - that shames the whole country happens ...

MINISTER NKOANA-MASHABANE: Huh-uh.

20 **CHAIRPERSON:** And when it has happened we recommend that that person who admits to having said - done this, knowing that it is wrong. We say to the Head of State give him the honour to represent you outside the country and to represent us as a nation.

MINISTER NKOANA-MASHABANE: The Head of State even as I am sitting here can take advice, can appear and I have seen him appearing

- former Head of State here in the Commission. I think some of the questions can be referred to ...

CHAIRPERSON: To him.

MINISTER NKOANA-MASHABANE: Some members ...

CHAIRPERSON: No.

MINISTER NKOANA-MASHABANE: But having said that ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: A cluster of Ministers cannot all be happy ...

10 **CHAIRPERSON**: Hm.

MINISTER NKOANA-MASHABANE: With just saying we had officials who almost compromised the security of the country ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: To one man and ...

CHAIRPERSON: But he is the person who when certain officials in the - in Waterkloof were saying this is not right. Where is the note verbal? As I recall the evidence he is the one according to some evidence who said it has got to be done or words to that effect. The President or number one wants it to be done or something to that effect.

20 **MINISTER NKOANA-MASHABANE**: You know Chair ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Earlier on I was asked how long did I serve as a diplomat.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: I have used the services of

Waterkloof.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: As special envoy for nine years ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: But not on one trip ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Did those who run the airport never asked for documentary proof ...

CHAIRPERSON: Hm.

10 **MINISTER NKOANA-MASHABANE:** That I was going to land there or take off from there.

CHAIRPERSON: They asked for documents?

MINISTER NKOANA-MASHABANE: I wrote - I - I can show you a pile of letters.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Every trip.

CHAIRPERSON: Hm.

20 **MINISTER NKOANA-MASHABANE:** Every - whether I was going to land at 02:00 am in the morning. Whether I am going to take off at 02:00 am in the morning. There will be documentary proof that I was - I had applied to utilise that space. So this - the uniqueness of this one and just collapsing it into the recommendation says something about all of us, because I know Waterkloof.

I have used the services of that airport and I have had officials who worked with me writing ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Every minute every hour. If the President says you go there. There is no time to be - accept to pack the bag.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: To be asking questions and that is how I ended up having to utilise that space, but with a note.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: So that they can record ...

10 **CHAIRPERSON:** Hm.

MINISTER NKOANA-MASHABANE: But on this unique one everyone wants to just say he said this. He said that, but a Minister of International Relations could not access that airport without a note. That the President has sent this person to pass here.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: I have gone through that for nine years. Not by telling ...

CHAIRPERSON: *Ja.*

MINISTER NKOANA-MASHABANE: By signing off.

20 **CHAIRPERSON:** Yes.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Well I can tell you Minister that the - the legal team of the Commission if I - if I understand correctly they - they were looking at what the practice was - what - what normally happened at Waterkloof. Maybe there was some evidence that was given or maybe

it is still coming.

I know that we are not done with all the witnesses relating to the Waterkloof landing. There is one witness who - who is still coming, but anyone who thinks that the evidence we have about Waterkloof maybe is one sided or is not complete or does not give us a complete picture. They must feel free to make evidence available to us to make sure that we have a ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: A complete picture.

10 **MINISTER NKOANA-MASHABANE:** Huh-uh.

CHAIRPERSON: I do want to have a complete picture.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: I do not want to have half a picture. That is part of the reason why I wanted to hear your own perspectives ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: Before we move forward about your decision to recommend ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: Mr - Mr Koloane. So - so - and - and that is - that is -
20 we have dealt - we dealt with it, but I think the important thing is that you - you have been able to indicate your - your perspectives.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: I think there is one or two things that I want to - to - to check. The conversation that you had with the former President where you told him about Mr Koloane and the disciplinary process and

so on. Do you remember whether it happened at the time you were discussing the list at the beginning of the six month period or it happened later or - or is it something you cannot remember?

MINISTER NKOANA-MASHABANE: The - well I cannot have the fuller ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Discussions of how many times we discussed this matter.

CHAIRPERSON: A number of times.

10 **MINISTER NKOANA-MASHABANE:** Pre ...

CHAIRPERSON: *Ja*. Pre-appointment.

MINISTER NKOANA-MASHABANE: Pre-appointment. Not just about the appointment.

CHAIRPERSON: *Ja*. Oh you mean ...

MINISTER NKOANA-MASHABANE: Just about the Waterkloof ...

CHAIRPERSON: Oh the Waterkloof. Yes.

MINISTER NKOANA-MASHABANE: And I sometimes wake up in the middle of night and remember what the former President had said.

CHAIRPERSON: Yes.

20 **MINISTER NKOANA-MASHABANE:** The first question he asked ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: When he saw me for the first time after they said.

CHAIRPERSON: *Ja*.

MINISTER NKOANA-MASHABANE: Can you ask if my name was used

and ask if they said I said I want this. I am - I am perturbed that you - you never asked me about whether I know the family or not, but it is okay. (Intervenues).

CHAIRPERSON: Well - well - no, no the - well. Well I can tell you this Minister before we started in the morning I thought whether we should ask you, but because it was not part of what had been planned ...

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: I thought you might say you know maybe you should have been given notice and we ...

10 **MINISTER NKOANA-MASHABANE:** Hm.

CHAIRPERSON: We do intend and it has been quite some time. I did say this publically.

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: We do intend asking Ministers - all serving Ministers and past Ministers ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: Whether they have had any interactions with the - with the Gupta family and if so in what way. You might remember that we already have an affidavit from the President ...

20 **MINISTER NKOANA-MASHABANE:** Hm.

CHAIRPERSON: Because when I spoke to the President I said President you must be the first one. You must give us an affidavit that tells us whether you know the family and what interactions you have had with them. No maybe I - maybe I - I think he is the one who offered to be the first one.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: I said I want affidavits from all the Cabinet including you Mr President ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: And the Deputy President and he said I will be the first one to give you ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: And he has given us and we have made that public.

MINISTER NKOANA-MASHABANE: Hm.

10 **CHAIRPERSON:** So - so it is not like we - we were not going to ask you, but we thought because we did not notify you any ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: About anything. We said this is what we are talking about. Maybe you would feel it is - it is unfair. So let us wait for the process where you will file ...

MINISTER NKOANA-MASHABANE: *Ja.*

CHAIRPERSON: You will give us an affidavit.

ADV NORMAN:

20 **MINISTER NKOANA-MASHABANE:** Chair, I - I would be glad to do that ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Because I served ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: As an Ambassador ...

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Of South Africa ...

CHAIRPERSON: In India.

MINISTER NKOANA-MASHABANE: In India.

CHAIRPERSON: *Ja. Ja.*

MINISTER NKOANA-MASHABANE: So ...

CHAIRPERSON: *Ja.*

MINISTER NKOANA-MASHABANE: On another day.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Thank you Chair.

10 **CHAIRPERSON:** No, but you were saying that this Waterkloof landing was discussed with the - with the President. You discussed it a number of times ...

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: And you said he asked you to ask whoever whether your name was asked or something.

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Because the first time I - I had a conversation with him he was - he looked very, very angry.

20 **CHAIRPERSON:** Hm.

MINISTER NKOANA-MASHABANE: On the third or fourth day he was to fly to Brazzaville ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: And things were still being disconnected there.

CHAIRPERSON: *Ja.*

MINISTER NKOANA-MASHABANE: He stood there and shook his head

...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: And I felt a little bit sorry for him

...

CHAIRPERSON: Hm. Hm.

MINISTER NKOANA-MASHABANE: But having said that ...

CHAIRPERSON: Hm.

10 **MINISTER NKOANA-MASHABANE:** We have an opportunity ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: To get our security proper.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: That when it is Ministers, right. When it is an official. Note this one must tell that one this that. Presidents come and go, but South Africa must remain secure for South Africans.

CHAIRPERSON: *Ja.*

MINISTER NKOANA-MASHABANE: Yes.

20 **CHAIRPERSON:** So - so you say he was at some stage quite angry about his name being used in this way?

MINISTER NKOANA-MASHABANE: That is what - that is the reflection I saw.

CHAIRPERSON: That is the impression you got?

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Yes. Yes.

MINISTER NKOANA-MASHABANE: but ...

CHAIRPERSON: At the time that you made the recommendation and you had the discussion with him did he not say anything like how can you recommend this person who lied about me or who misrepresented things about me?

MINISTER NKOANA-MASHABANE: Well he asked ...

CHAIRPERSON: *Ja.*

MINISTER NKOANA-MASHABANE: And we said we - we cannot have
10 different standards ...

CHAIRPERSON: Huh-uh.

MINISTER NKOANA-MASHABANE: For some officials and different standards for other officials ...

CHAIRPERSON: Huh-uh.

MINISTER NKOANA-MASHABANE: Because like I said he was one of the 17.

CHAIRPERSON: Huh-uh.

MINISTER NKOANA-MASHABANE: So we spoke a little bit.

CHAIRPERSON: Hm.

20 **MINISTER NKOANA-MASHABANE:** We talked Chair ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: With your permission ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: And spoke about gender based violence.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: We have not asked ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: The profile of all the serving
Ambassadors ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: As to who did what when ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Where.

10 **CHAIRPERSON:** Huh-uh.

MINISTER NKOANA-MASHABANE: A few months ago Minister Mchunu
...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Organised a march ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: From the City -the central of the
City of Pretoria ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: To the Union Buildings ...

20 **CHAIRPERSON:** Hm.

MINISTER NKOANA-MASHABANE: Where men were to sign off that ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: That this will not happen in their
name.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Buy the time we arrived at the Union Buildings ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: I had three women surrounding me ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Crying ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: And they said we are not going
10 back to our homes ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Tonight because here we are marching with those who had made our life hell. We have watched our children raped. We have been raped ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: By them and they are here with us.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: I tried chasing that case. I do not know what had happened. I had people from your place and ...

20 **CHAIRPERSON:** Hm.

MINISTER NKOANA-MASHABANE: Everybody we were matching.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: I looked at those women and I felt I needed to get to a bathroom and wipe off (indistinct), because I am not going to sleep where they are going to sleep. I do not know

whether they are still sleeping. Where they should be.

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: So the amount of time you have given us is highly appreciated, but our platform is burning.

CHAIRPERSON: Hm. Hm.

MINISTER NKOANA-MASHABANE: So it is true that we must check on characters of people ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: But I think we must also check on
10 our correction - corrective - or is it Department of Correctional Services?

CHAIRPERSON: Yes.

MINISTER NKOANA-MASHABANE: Whether we are correcting people ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: But I am not here to speak on behalf of other departments ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: But we could not have gone
20 through this far ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: With the only thing that you do is you had admitted ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: But we do not say let us go further

...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: Because we respect ourselves, but so why - why is the nomination ...

CHAIRPERSON: Hm.

MINISTER NKOANA-MASHABANE: The only issue.

CHAIRPERSON: Well it is the only - well maybe it is not the only issue, but certainly with regard to you. It is an important point of discussion, because ...

10 **MINISTER NKOANA-MASHABANE:** Yes.

CHAIRPERSON: You made the recommendation ...

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: And we - I want to understand ...

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: What your perspectives are ...

MINISTER NKOANA-MASHABANE: Yes.

CHAIRPERSON: Is or are, because ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: For me I look - I look at it and it does not seem right.

20 **MINISTER NKOANA-MASHABANE:** Yes.

CHAIRPERSON: That somebody who acts dishonestly and does so in regard to something that brings the whole country into shame like this. Who has the temerity to use the name of the Head of State in this way should be given the honour ...

MINISTER NKOANA-MASHABANE: Huh-uh.

CHAIRPERSON: To represent the country elsewhere. Something says to me it is like we are saying it is fine. Even if you do not have integrity we can give you the honour of representing ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: The Head of State in another country and you are representing us and you say could there not have been other people who have this quality of integrity ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Who could have been given that honour and maybe
10 he could have - could have been dealt with in another way. So, but I say all of these things because as I have been saying throughout today I want your perspective ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: And these are not my final thoughts.

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: I want to benefit from how other people including yourself ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: Viewed this, but from my side that is how it appears
20 and I wanted ...

MINISTER NKOANA-MASHABANE: Okay.

CHAIRPERSON: To benefit from what ...

MINISTER NKOANA-MASHABANE: Thank you.

CHAIRPERSON: You have to say.

MINISTER NKOANA-MASHABANE: Thank you sir.

CHAIRPERSON: Okay.

MINISTER NKOANA-MASHABANE: Thank you.

CHAIRPERSON: Thank you. I do not know if there is anything arising

...

ADV NORMAN: Huh-uh.

CHAIRPERSON: And I know that counsel for the Minister is pressed for time.

ADV NORMAN: Yes. No, no nothing else.

CHAIRPERSON: Yes. There is - there is nothing.

10 **ADV NORMAN:** Yes. No nothing. Thank you Chair.

CHAIRPERSON: Yes. So, but just to round off as we - as we close. So the position is that you are saying the President at the time was fully aware of the role that Mr Koloane had played in - in the Waterkloof landing including what had at the disciplinary processes - hearing, but and - and he was angry at some stage at least. As far as you were concerned ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: About how his name was used, but you said to him it would be justified to appoint Mr Koloane to - as Ambassador because of
20 a number reasons that you have articulated today. Is that right?

MINISTER NKOANA-MASHABANE: Yes Chair.

CHAIRPERSON: Yes. Okay. Thank you.

ADV NORMAN: Thank you.

CHAIRPERSON: Thank you very much Minister for ...

MINISTER NKOANA-MASHABANE: Thank you.

CHAIRPERSON: Coming to give me your perspectives and your understanding of the issues in making the decision that you made to recommend Mr Koloane. I appreciate that you came. We have taken much longer than we - we should have, but I think it was in the interest of making sure that I understand completely ...

MINISTER NKOANA-MASHABANE: Hm.

CHAIRPERSON: What your thinking was and what your perspectives were. Thank you very much. You - for now we will excuse you. You are excused.

10 **MINISTER NKOANA-MASHABANE:** Thank you.

CHAIRPERSON: Thank you.

ADV NORMAN: Thank you Chair.

CHAIRPERSON: We will adjourn for the day.

ADV NORMAN: Thank you.

CHAIRPERSON: We are not going to be sitting tomorrow, but we will sit next week on Monday and Tuesday the Commission will hear evidence from former officials from the intelligence - senior officials. I think Mr Njenje and Mr Maqetuka and Mr Shaik. They will give evidence on Monday and Tuesday.

20 **ADV NORMAN:** Thank you.

CHAIRPERSON: We adjourn.

ADV NORMAN: Thank you.

REGISTRAR: All rise.

INQUIRY ADJOURNS TO 25 NOVEMBER 2019