

**COMMISSION OF INQUIRY INTO STATE CAPTURE**  
**HELD AT**  
**CITY OF JOHANNESBURG OLD COUNCIL CHAMBER**  
**158 CIVIC BOULEVARD, BRAAMFONTEIN**

**28 JANUARY 2021**

**DAY 333**



**Gauteng Transcribers**  
**Recording & Transcriptions**

22 Woodlands Drive  
Irene Woods, Centurion  
TEL: 012 941 0587 FAX: 086 742 7088  
MOBILE: 066 513 1757  
[info@gautengtranscribers.co.za](mailto:info@gautengtranscribers.co.za)

**CERTIFICATE OF VERACITY**

I, the undersigned, hereby certify that, *in as far as it is audible*, the foregoing is a **VERBATIM** transcription from the soundtrack of proceedings, as was ordered to be transcribed by Gauteng Transcribers and which had been recorded by the client

**COMMISSION OF INQUIRY INTO STATE CAPTURE**

**HELD AT**

**CITY OF JOHANNESBURG OLD COUNCIL CHAMBER**

**158 CIVIC BOULEVARD, BRAAMFONTEIN**

DATE OF HEARING:

28 JANUARY 2021

TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



**Gauteng Transcribers**  
Recording & Transcriptions

**PROCEEDINGS RESUME ON 28 JANUARY 2021**

**CHAIRPERSON:** Good morning Mr Pretorius, good morning everybody.

**ADV PRETORIUS SC:** Good morning Chair. Our apologies for the late start. We had to deal in chambers with a particular matter that required immediate attention.

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

**ADV PRETORIUS SC:** And it will be dealt with again in due course.

10 **CHAIRPERSON:** Okay. Good morning Ms K are you there? Ms K are you there?

**MS K:** Yes Chair yes. Yes Chairperson.

**CHAIRPERSON:** Can you hear me?

**MS K:** Good morning.

**CHAIRPERSON:** Okay good morning. The oath you took yesterday will continue to apply today you understand?

**MS K:** Yes I do understand Chair.

**CHAIRPERSON:** Okay thank you; you may proceed Mr Pretorius.

20 **ADV PRETORIUS SC:** Just to – I have been asked to place on housekeeping matter on record. Chair yesterday Counsel for a witness addressed you and was referred to as Counsel for SSA that particular Counsel represented a witness who is unnamed but not SSA.

**CHAIRPERSON:** Oh okay. No I apologise – I apologise.

There are many Counsel and I am not able to keep their names – all of them at the same time. But thank you.

**ADV PRETORIUS SC:** Thank you Chair.

**CHAIRPERSON:** I am – we apologise for that error.

**ADV PRETORIUS SC:** Ms K you have before you your statement Exhibit YY9 and we had reached paragraph 5.16

**MS K:** Was it my statement or Mr Y’s statement?

**ADV PRETORIUS SC:** Yes of Mr Y’s statement annexed to your statement.

10 **MS K:** Yes.

**ADV PRETORIUS SC:** If you go to paragraph...

**MS K:** I have it.

**ADV PRETORIUS SC:** Thank you. If you go to paragraph 5.16 I do not intend to make you responsible for the maths of Mr Y but the statement is made there:

20 “That it is highly likely that this project and it is the Protection of the Presidential aircraft that has been referred to was not catered for in the CDIS Chief Directorate for Internal Security budget owing to the fact that protection of the Presidential aircraft did not fall within the SSA’s duly authorised mandate.”

Do you accept the correctness of that proposition?

**MS K:** Yes I do. I do.

**ADV PRETORIUS SC:** It continues to read:

“At an organisational level the CDIS incurred approximately R1.5 million per month in unplanned expenditure. Given that the entire CDIS operational budget for 25 – 2015/2016 and 2016/2017 financial years was R48 million and R38 million respectively this means that almost 40% of the CDIS budget was redirected from other operational activities in order to meet the requirement of this project for the alleged protection of the Presidential aircraft.”

We have done our own calculations for one year it would have been below 40% and for the next year above 40% but generally speaking what do you say about those allegations in paragraph 5.16?

**MS K:** I – I agree in – with what is contained in that paragraph even with in terms of the amounts because that was obtained directly from a report that was compiled by Johan.

**ADV PRETORIUS SC:** Okay thank you.

**MS K:** In response to our questions. Yes so I can – I have no problems to question that.

**ADV PRETORIUS SC:** Alright. Let us go then to paragraph 5.17.

**MS K:** Yes.

**ADV PRETORIUS SC:** The affidavit of Mr Y states:

“Rather than fulfilling its function of protecting the Agency from internal threats the CDIS during Johan’s tenure was weakened and the integrity of its vetting process was eroded. CDIS members were wittingly or unwittingly complicit in facilitating the abuse of SSA resources.

10 This included enabling CDSO members’ illegal access to firearms, the transport of cash, the transportation of cash for CDSO operations and involvement in a parallel vetting structure.”

What is your comment in relation to that part of paragraph 5.17 Ms K?

**MS K:** I agree with it 100% there is also accounts on statements and everything. So that has happened; that has been the impact.

20 **ADV PRETORIUS SC:** Alright. And the last sentence reads:

“CDIS members were also implicated in the robbery of R17 million from a safe inside the SSA complex at Masanda in December 2015.”

Your comment in relation to that?

**MS K:** Yes it did happen and we did get input from Johan himself on this in detail and this was confirmed by him as well that the people were – are within his unit but those people remain there currently.

**ADV PRETORIUS SC:** Yes and that has already been dealt with to a limited extent in other evidence and perhaps will be dealt with further.

Under the head A shift in Intelligence Philosophy  
10 the affidavit of Mr Y continues in paragraph 5.18. I will  
read the conclusion in 5.18 and then ask you to comment  
Ms K.

“In conclusion the constitution together with  
legislative and policy prescripts including  
the Presidential handbook clearly set out  
the mandates of the various security cluster  
stakeholders. The extension of the mandate  
of the SSA through internal reconfiguring of  
the CDSO and the external usurpation of  
20 the functions of the South African Military  
and Health Services and the SAPS – SAPS  
Presidential Protection Unit breached this  
architecture. The irregular establishment  
and implementation of Presidential Security  
Support Services this Toxicology Unit and a

Static Security Force for the protection of the Presidential aircraft disrupted the reporting lines for duly assigned functions and thereby undermined accountability.”

Do you have a comment in relation to that Ms K?

**MS K:** I agree with the conclusion. Ja that is all I am saying for now.

**ADV PRETORIUS SC:** Thank you. Paragraph 5.9 reads:

10 “The directive for Presidential Security Support became one of the greatest consumers of SSA resources. Members of the Chief Directorate Special Operations and the so called co-workers who were irregularly recruited and trained by CDSO travelled extensively using valuable state resources without providing any intelligence or information back to the SSA in support of its sanctioned mandate. Project Veza or the Project Veza investigation has found no  
20 discernable benefit to the SSA or the Nation from these activities.”

Your comment in relation to that paragraph?

**MS K:** My comment is that I agree with everything that is 00:09:20 in that paragraph particularly if you consider that the people that were tasked with leading these various



projects were especially SSA members they were actually in junior positions that made to act in positions that are four levels higher. So there were benefitting in terms of acting allowance and then further than – furthermore there was then the travel allowance and everything that pertained to travelling all around wherever the President and the Deputy President were. So it is – I do agree with that – that the – it was the greatest consumer because if you look at the schedule of those the two number 1 and  
10 number 2 of the country it would translate into a whole lot of expenditure.

**ADV PRETORIUS SC:** Thank you. Then in 5.20 several further observations are made and again I will read them to you.

“The cost of this increase in security not only lies in the actual rand value expenditure but also the cost of weakened state functioning with the eroding of legitimate structures. The duplication of  
20 services strained relations between stakeholders and inadvertently led to a paralysis of the legitimate functionaries whose responsibility the security of the President actually is. This duplication also led to a disabling of legitimate SSA

resources by under capacitating crucial functions within the Agency where the SSA does have a role to play in the protection of the President such as irregular – such as regular intelligence assessments these were functions that would ordinarily be carried out by legitimate SSA operational arms such as the Special Events Unit, Operational Support, the Chief Directorate  
10 Intelligence Management and the Foreign branch.”

Do you have any comment on the observations made in that paragraph?

**MS K:** I agree with the observations.

**ADV PRETORIUS SC:** Do I understand it correctly in order to clarify not only did the SANDF and the SAPS have security functions and capacity for Protection Services of the nature that you have dealt with or have been dealt with but also the State Security Agency itself had units that  
20 could have dealt with some or all of these security functions that the CDSO dealt with?

**MS K:** Yes.

**ADV PRETORIUS SC:** Paragraph 5.21 makes a further and quite different observation. It reads:

“The greatest risk however is that unskilled,

unvetted persons were deployed within the inner perimeter of Presidential security. The principle client, the President was guided by individuals with no coherent approach to intelligence or competence to assist with proper policy making. There was at best a haphazard approach to the work undertaken by CDSO a stark contrast to the way in which the legitimate activities of the SSA are carried out. Intelligence is a deliberate effort yet there is no indication that any of the CDSO's work was informed by thorough planning and scanning efforts for intelligence assessments. Moreover the Agency was aware of this and nothing was done to curb this risk from within. On the contrary those entrusted with responsibility for protecting the integrity of the SSA's internal security such as the Chief Directorate Internal Security CDIS appeared to have been complicit in the CDSO's bypassing of official accountability structures."

Do you have any comment in relation to that?

**MS K:** I agree fully with the paragraph in as far as it goes

to intelligence assessments that 00:14:13 that line but where it says the Agency was aware of this and nothing was done to clamp the risk from within I would like to disagree with that because looking at the documentation I have seen that there were efforts by among others Ambassador Kudjoe to get the – the CFO's to exercise more controls in terms of the spending. They were also attempts by other senior managers to get CDSO to account. I saw a whole lot of numerous budget  
 10 management committee minutes which indicated how many times the issue of CDSO not even having an APP.

**ADV PRETORIUS SC:** What is an APP?

**MS K:** Was raised and the issue of – so based on that the – I could go – I could cite other examples. I cannot say that nothing was done to curb the risk from within. There were instances I just want to make one last example on this. There was an 00:15:36 yesterday we talked about Khusela where a person was withdrawing R1.8 million a month. In this instance one individual from CDSO was  
 20 taking this money every month but they were not settling that – those TA's; they kept taking the money. An official, a senior official from Finance wrote in red pen – in red ink on the TA that this member must not be given another TA until they settle. It was I think it was the 4<sup>th</sup> of whatever month and year. On the 5<sup>th</sup> the CFO overrode that and

approved that the person takes the money. So there were efforts but there were also an egress in this – in this respect.

**ADV PRETORIUS SC:** Thank you. What is an APP?

**MS K:** It is an Annual Performance Plan.

**ADV PRETORIUS SC:** Alright. Of course if one looks at the deployment of the persons who were deployed for security purposes for the then President and others. If their role was to defend and protect the comments made in  
10 paragraph 5.21 you say – well it may be argued are appropriate. But if they had another role what one might term an offensive or activist role would your comment be the same?

**MS K:** Could you please repeat the last part of your question?

**ADV PRETORIUS SC:** One understands the comments made in paragraph 5.21 where one assesses the functions of the CDSO in terms.

**MS K:** Yes.

20 **ADV PRETORIUS SC:** Defending or protecting the persons they were directed to defend or protect. But is the role was different – if the role of those who were deployed under the CDSO was an offensive or aggressive or a different type of activist role would your comment be the same?

**MS K:** Yes either way whether – in which whatever way you work if you were working in a regulated environment so my comments would still be the same. Maybe I should also make an example in terms of the first line where we talk about unskilled, unvetted persons in relation to the co-workers. What I can say is that I have seen several CV's of some of the co-workers and most of those people – some of those people actually do not even have matric but they were getting R40 000.00 a month cash. And the  
10 unvetted part is linked to the parallel vetting structure that Mr Dlomo established in his office as the – the DDG Counter Intelligence and in this process there are several – the co-workers were vetted including some senior managers and irregularly so and they were issued with fake security clearance certificates which were signed by Mr Dlomo. So based on all of that I do agree with that part that they were working in a haphazard way. All of the acting senior managers that I have – in terms of the implicated individuals that the team has interviewed none  
20 of them could point me to an Annual Performance Plan. So without an Annual Performance Plan how is the budget then allocated to CDSO? How is CDSO able to expend all of the money – the millions that they have expended without an APP and a loaded budget? So I actually align myself with all that. The only issue that I have in that

paragraph is what I already covered in terms of nothing was done.

**ADV PRETORIUS SC:** Alright. Can we just confirm and I know it is very difficult for you because you are asked questions in relation to your confirmation of allegations but any additional allegations.

**MS K:** Yes.

**ADV PRETORIUS SC:** If we could leave those for your supplementary affidavit. If we could just exercise some  
10 caution there.

**MS K:** Okay.

**ADV PRETORIUS SC:** But ...

**MS K:** Okay.

**ADV PRETORIUS SC:** Perhaps we should confirmed that earlier. Paragraph 5.22:

20 “The over reach of the SSA’s duly authorised mandate by the CDSO and the Presidential Security Support Service in particular reflects a shift in intelligence philosophy during this period.”

I think that has been said several times. We need not go to that observation for the moment.

“But the deployment of improperly vetted and trained individuals with exclusive reporting lines to Ambassador Dlomo and

thereafter to the former President resulted in the creation of a personal force at the disposal of Ambassador Dlomo with State resources.”

You agree with that?

**MS K:** Yes I do.

**ADV PRETORIUS SC:** It continues.

**MS K:** I agree with that Sir.

**ADV PRETORIUS SC:** Thank you. It continues:

10           “During this period the focus of the Security Cluster shifted from the security of all the people in South Africa to the security and kenner (it reads) of one individual former President Zuma.”

Do you agree with that?

**MS K:** I would not agree with the part of the security cluster. I do not have information that would confirm that the security cluster was – they shifted their focus to that. But I could say that the SSA resources were reallocated  
20 sort of because just for the benefit of President Zuma. But in as far as it extends to the security cluster I will not align myself with that statement.

**ADV PRETORIUS SC:** That is a fair comment insofar as the security cluster deals with a range of organisations or entities including SANDF, SAPS and the like.



**MS K:** Yes.

**ADV PRETORIUS SC:** Perhaps if ..

**MS K:** Yes.

**ADV PRETORIUS SC:** And I – what I understand you to say that if though security cluster was replaced by SSA you would have more comfort with that statement, am I correct?

**MS K:** I would not want to say the SSA because it is not the entire SSA that was doing this. It is elements within the SSA. So I would rather say of the SSA some of the  
10 SSA resources were redirected or CDSO clearly.

**ADV PRETORIUS SC:** Right thank you for that.

**MS K:** But I cannot say it is the entire SSA.

**ADV PRETORIUS SC:** Thank you for that clarification.

The paragraph continues:

“The fact that the services were stopped when President Ramaphosa entered office demonstrates that these services were indeed established and operated for the sole protection of former President Zuma.”

20 Given the qualification that you have made to these services the CDSO and some SSA services and subject to that qualification what do you say about that observation?

**MS K:** I think it is – it is true. It is an accurate observation because it is drawn from an actual interview with one of the people that was involved in one of – in

some of these activities who indicated that when – after Nazrec their submissions were not approved for guarding the Presidential plane and when they asked for reasons they were told that it is because President Zuma is no longer President. So based on that statement which is on record elsewhere I would align myself with this conclusion.

**ADV PRETORIUS SC:** Right.

**CHAIRPERSON:** I am sorry Ms K did you say that somebody said the CDSO after Nazrec did not – was not  
10 allocated money or budget, is that what you said?

**MS K:** No that is not what I said Chair.

**CHAIRPERSON:** Please repeat what you said?

**MS K:** The CDSO was – maybe a bit of background if I am allowed Chair?

**CHAIRPERSON:** Yes, yes.

**MS K:** By the CDSO was “closed” in 2016 when Mr Arthur Fraser arrived. But the projects continued.

**CHAIRPERSON:** I am sorry ...

**MS K:** Continued to run.

20 **CHAIRPERSON:** When 00:26:77 arrived?

**MS K:** So there was still money...

**CHAIRPERSON:** I am sorry I –

**MS K:** Mr Arthur Fraser.

**CHAIRPERSON:** Hang on Ms K. You say the CDSO was closed in 2016 when something or somebody arrived. I did

not hear what you said would you repeat that?

**MS K:** When DG – former DG Fraser arrived.

**CHAIRPERSON:** Oh.

**MS K:** He closed down CDSO. It was said that he closed down CDSO however some of the functions that were under CDSO continued including the guarding of the Presidential plane and the protection side to a limited extent I think. But on the fire – the aircraft issue the individuals that we interviewed indicated that they wanted – they were  
10 applying as usual. They submitted a submission for approval for travel as usual and that was turned down and when they asked because it fell under IS the project when they asked whoever was responsible for IS at the time they were told that there is now – it is now a new President; President Zuma has left office. So that is when the project ended.

**CHAIRPERSON:** So the individuals you are talking about were they individuals who were members of CDIS or what unit were they members of?

20 **MS K:** It is members of the CDIS.

**CHAIRPERSON:** So you were...

**MS K:** Because you remember Chair there is a paragraph that – remember Chair there is a paragraph that – 5.16 that talks about the funding of the project of the – of guarding the Presidential plane from the CDIS.

**CHAIRPERSON:** Yes.

**MS K:** Budget. So it was a member from CDIS.

**CHAIRPERSON:** Yes okay.

**MS K:** Who was doing that. So at some point there was collaboration between CDIS and CDSO.

**CHAIRPERSON:** Okay.

**MS K:** On certain matters.

**CHAIRPERSON:** Okay alright . So this member said that I guess he or she and others in CDIS when they requested  
10 money for travelling or other such monies in order to do what they believed was their work they were not given or those requests were not approved and when they asked why they were told that it was because Mr Jacob Zuma was no longer President. Is that what you were told?

**MS K:** Yes, yes Chair.

**CHAIRPERSON:** Okay. After the CDSO had been closed in 2016 may I find out whether its activities continued under some other unit or did they cease in regarding of the aeroplane, of the Presidential Aircraft?

20 **MS K:** Well, we are told by some of the implicated individuals and members of CDSO that they were – when they were closed down, they were instructed to hand over all of their documents to Mr Arthur Fraser’s office.

**CHAIRPERSON:** Yes.

**MS K:** I think that these are the documents that we have

managed to find now. However, the projects continued running because there was still money expended in the 2017/2018 under CDSO's budget.

**CHAIRPERSON:** But now when these activities continued after the CDSO had been closed, under what unit were they being continued? Do you know?

**MS K:** It was under the DG's office.

**CHAIRPERSON:** Okay.

**MS K:** That is the impression I got. They were now  
10 reporting to the DG's office. In fact, a lot of the – said she was sort of like a representative for CDSO in that office. But the person who was running the guarding of the Presidential plane said they had explained the project to Mr Fraser but he then said they must report to him on that.

**CHAIRPERSON:** Okay.

**MS K:** So that continued.

**CHAIRPERSON:** Okay. Thank you. Mr Pretorius.

**ADV PRETORIUS SC:** Thank you, Chair. Ms K, paragraph 5.2.3 reads:

20 "The High-Level Review Panel on the SSA recommended that the broad interpretation of the SSA mandate should be reviewed.

This is a sentiment that is echoed by the Project Veza Investigation Team in light of the impunity with which individuals acted at the cost of National

Security.”

That is an observation of a general nature. Do you have any comment?

**MS K**: I have no comment.

**ADV PRETORIUS SC**: Do you agree with it?

**CHAIRPERSON**: [Indistinct]

**ADV PRETORIUS SC**: [Indistinct]

*[Parties intervening each other – unclear]*

**MS K**: I have a challenge with the issue of the – as the  
10 same mandate. I do not know whether the mandate needs to be reviewed or its – what needs to be reviewed is how they uphold that mandate and how to execute that mandate.

**ADV PRETORIUS SC**: Yes.

**MS K**: So I am finding myself in a difficult position where, if you say in broad interpretation it must be reviewed. I guess they base that on something but for me I think the mandate is clear. It is about how not to abuse it.

**ADV PRETORIUS SC**: I ...[intervenes]

**MS K**: That is my understanding.

20 **ADV PRETORIUS SC**: I understand. You are saying that the mandate is there. It is in law. It is in the policies and procedures. It is what is done within the SSA that you would focus on it. Do I understand you correctly?

**MS K**: Yes, sir.

**ADV PRETORIUS SC**: Let us then move to a different topic

and that is the particular operations of the CDSO that was the subject or that were the subject of the Veza Investigation. Before we get to the particular topics, the affidavit deals with a number of a general matters and I will put these to you from paragraph 6.1 onwards.

Paragraph 6.1 reads:

“During the period 2012 to 2018, the CDSO undertook a number of counterintelligence projects and operations.

10 The Project Veza Team has evaluated these projects and operations from a number of aspects, including their alignment with the SSA and/or CDSO’s mandate.

Their compliance with policy prescripts and processes for establishment.

The controls supplied to the disbursement of funds.

And the nature of the operational activities purportedly carried out.”

20 Is that a fair summary of the activities of the investigations under Project Veza?

**MS K**: Yes, it is. It is Chair.

**ADV PRETORIUS SC**: Right. And there follow in paragraph 6.2 ...[intervenes]

**CHAIRPERSON**: I am sorry. Ms K, I take it that you would not agree completely paragraph 6.1, particularly the first line

insofar as it suggests that CDSO continued beyond 2016 because it says:

“During the period 2012 to 2018, the CDSO undertook a number of counterintelligence projects and operations.”

Whereas you just told me that in 2016, CDSO was closed down by Mr Fraser.

**MS K:** I also did indicate Chair that those operations still continued although CDSO purportedly closed. Some of the  
10 operations continues. Hence there were funds expended in the 2017/2018 financial year. So and this is also the period within which we, the project, the scope of the project was focussing.

**CHAIRPERSON:** Yes, but what I am suggesting to you is that. If you are correct in saying CDSO was closed down in 2016, it cannot be correct to say in 2017/2018 CDSO continued to undertake projects. It could be that after it was closed down it was individuals who used to fall under CDSO who continued those projects or another unit or office took  
20 over the activities of CDSO. Would you agree with that?

**MS K:** Yes, I do agree Chair. That is actually accurate.

**CHAIRPERSON:** Yes.

**MS K:** That is accurate. Sorry.

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

**ADV PRETORIUS SC:** Thank you, Chair. Paragraph 6.2.



**MS K:** [Indistinct] *[Break in transmission]*

**ADV PRETORIUS SC:** Do you wish to add anything Ms K?

**MS K:** Yes, on the issue that Judge just raised which I agree with. I just wanted to indicate that some of the submissions to which cash for projects like that may be used, that happened after the closure of CDSO.

Actually, when we received the submission, they still quote CDSO in the motivation and background. And some of these projects were then moved to CSU because the Cover  
10 Support Unit when Mr Fraser arrived, established the Cover Support Unit in his office which then took over these projects. I just wanted to clarify that.

**CHAIRPERSON:** When you say which took over the projects, you mean which took over the CDSO projects?

**MS K:** Yes. Some. Yes.

**CHAIRPERSON:** Okay let us get that clear. Are you saying that this unit... What did you call it? Cover Unit?

**MS K:** The Cover Support Unit.

**CHAIRPERSON:** Ja, the Cover Support Unit, as you say,  
20 was created. Are you saying it took – it basically took over the work that was done by CDSO or are you saying over some of the projects that CDSO had been carry on or carrying out?

**MS K:** I think for accuracy purposes Chair. I should just say that. Remember when we dealt with the architecture

yesterday?

**CHAIRPERSON**: Yes.

**MS K**: Is that it appears she was moved into ESCO.

**CHAIRPERSON**: Yes.

**MS K**: So with the closure of ESCO and the arrival of Mr Fraser, he then established CSU in his office. So they were reporting to him. So I cannot CDSO was fully continuing with all the work because some of the admin staff in that office was involved in the same operation. So it was  
10 under that umbrella, DG's office, CSU that some of the projects of CDSO still continued. I do not know if I am clear.

**CHAIRPERSON**: Yes. No, no. I understand. You are saying the CSU which means – which refers to the Cover Support Unit that you say was established after Mr Fraser's arrival, took over some of the projects that had been under CDSO but you are not able to say he took over all of them. Is that right?

**MS K**: Yes.

**CHAIRPERSON**: Okay alright. Mr Pretorius.

20 **MS K**: Yes, sir.

**CHAIRPERSON**: Thank you Mr Pretorius.

**ADV PRETORIUS SC**: Thank you, Chair. Ms K, if we can go to paragraph 6.2.

**MS K**: Yes.

**ADV PRETORIUS SC**: Which contains at least four general

observations about the CDSO's operational activities. These are general conclusions which will be detailed in due course.

6.2.1:

“...is the documentary motivation for the establishment of the projects was entirely inadequate.

The establishment documents for these projects contained only a generic or encapsulating reference to the SSA's counterintelligence mandate.”

10 It is a general statement and perhaps an absolute statement but do you have a comment?

**MS K**: I do not have a comment except to say I accept that observation.

**ADV PRETORIUS SC**: Right.

**MS K**: I agree with it.

**ADV PRETORIUS SC**: Thank you. 6.2.2.2 reads:

“No or limited detail was disclosed regarding the proposed plans and outcomes of these operational activities and there are conflicting accounts of the projects “deliverables””.

20

Do you have a comment?

**MS K**: That is true.

**ADV PRETORIUS SC**: 6.2. ...[intervenes]

**MS K**: 6.2.2 is accurate.

**ADV PRETORIUS SC**: I am sorry. I interrupted you. You

said Ms K?

**MS K**: No, I was just saying 6.2.2. is accurate. I agree with it.

**ADV PRETORIUS SC**: 6.2.3 reads:

“There is no record of how or when or what intelligence was provided to the client if any as a result of these activities.”

**MS K**: That is true.

**ADV PRETORIUS SC**: 6.3.4 reads:

10 “The operational activities undertaken exceeded the mandate of the SSA and at times constituted conduct that undermined the very core of the Constitution, was manifestly unlawful and involved criminality.”

Your comment?

**MS K**: I agree with that statement.

**ADV PRETORIUS SC**: Paragraph 6.3. reads:

20 “The SSA has policy prescripts setting out the regular procedures to be followed for the establishments of all projects including the deep cover projects.

In comparing the policy and regulatory prescript with the establishment and management of the CDSO projects identified below, the Project Veza Investigation Team found that the majority, if not all

of these projects, were established in breach of these regulations.”

That part of paragraph 6.3, what is your comment?

**MS K**: I agree with that. That that was our finding.

**ADV PRETORIUS SC**: Paragraph 6.3.3 continues:

“Further, the grounds provided for the establishment of these projects make generic references to the counterintelligence mandate to the SSA.

10 This deliberate vagueness emerges as a trend across CDSO projects.

The attempts to comply or at least appeared to comply with policy prescripts increasingly appeared to be aimed at meeting only the minimum requirements for gaining authorisation to access funds.”

Your comments in that regard?

**MS K**: That is also accurate.

**ADV PRETORIUS SC**: Could I ask this in clarification of what is said here? The real purpose of the project was that  
20 stated in the motivation always or sometimes or never?

**MS K**: It was sometimes.

**ADV PRETORIUS SC**: Right.

**MS K**: No such submissions actually required or requested that the projects be established. We were being basically given generic kind of statements, you know, referring to that

counterintelligence mandate.

It is only in certain instances where maybe there is an operational plan that is attached or just a one-liner in the submission itself that indicates somehow what that project is about. Note that it for these kind of projects it is not necessarily required that you give all of the detail but at least in the operational plan as it is – you have to also justify whatever expenditure, you know. There needs to be some moment in it.

- 10 **ADV PRETORIUS SC**: Let us then deal with paragraph 6.4 which gives an example of what you are testifying about and what Mr Y has stated in the affidavit.

6.4 reads:

“By way of example, the submissions motivating for the establishment of Project Construção, Project Mayibuye and Project Wave discussed below all contained the same wording, were all authorised by the same individuals and were all approved on the same day, 23 January 2015.”

- 20 These submissions for the establishment of Project Construção, Project Mayibuye and Project Wave are contained in the SSA bundle at the reference given and I would like to ask you to go there, please.

**MS K**: Yes, sir. I am there.

**ADV PRETORIUS SC**: Annexure CO appears in SSA-01 at

page 248.

**MS K**: Yes. I have got it.

**ADV PRETORIUS SC**: On page 249 is a declassified document dated 12 December 2014. What is this document?

**MS K**: It is a request - it is a submission and a request for authorisation of the establishment of the Cover Project and payment of the later expenses for Project Construção.

**ADV PRETORIUS SC**: Just go to paragraph 2.1 on that page. Well, what is this document, firstly?

10 **MS K**: It is a submission requesting establishment of Cover Project which is Project Construção. But what I do not understand is, it talks about payment of related expenses but I think that is not here not there. So when – in terms of our operational directives.

You are supposed to have an operational claim which is attached here as you will see on page 253. But that document should then go through the – with its budget.

20 Go through the CFO first for certification. And then once that is done the strategic under the submission for a project to be established will then be compiled and with the operational claim attached. So this is the submission for that purpose.

**ADV PRETORIUS SC**: Alright. I just – I do not want to go into too much detail but if you look at paragraphs 2.1 and 2.2 which appear to contain the motivation for the establishment

of the projects.

**MS K**: Yes.

**ADV PRETORIUS SC**: Those are general statements which deal with the Special Operations mandate or activities. Do you see that?

**MS K**: I see that.

**ADV PRETORIUS SC**: In other words ...[intervenes]

**MS K**: But also ...[intervenes]

**ADV PRETORIUS SC**: Yes.

10 **MS K**: Yes?

**ADV PRETORIUS SC**: No, please answer.

**MS K**: No, continue.

**ADV PRETORIUS SC**: There is no specific ...[intervenes]

**MS K**: Now let me listen first.

**ADV PRETORIUS SC**: Okay good. There is no specific reference in paragraphs 2.1 and 2.2 to exactly what it is intended the project to do. Is that correct?

**MS K**: Yes.

20 **ADV PRETORIUS SC**: And 2.1 and 2.2 are statements of a high-level and general nature. Is that correct?

**MS K**: Yes. Yes, sir.

**ADV PRETORIUS SC**: So in this motivation, do you see anywhere an explanation to those who are asked to approve the project to exactly what the project is going to do? You have described what the project entailed?



**MS K:** Well ...[intervenes]

**ADV PRETORIUS SC:** Does that appear here?

**MS K:** On 2.2 I think the second paragraph it starts with:

“The covert nature of the project is intended to protect identification of personnel, resources and intelligence gathering as such early environmental scaling exercise would be undertaken by CDSO operatives into the intended location as of the 13<sup>th</sup> of December.

10 Full swing operations around the project are to begin from the 1<sup>st</sup> of January 2015 to the 31<sup>st</sup> of January 2016.”

So that does not tell me exactly what these people would be doing in any case. An environmental scaling is done at the SSA anyway. You do not need Cover Project for that.

**CHAIRPERSON:** That sentence Ms K, the sentence starting with the covert nature of the project...

20 “The covert nature of the project is intended to protect identification of personnel, resources and intelligence gathering...”

I am not sure I understand what it means but maybe you do. I would ...[intervenes]

**MS K:** Neither do I Chair.

**CHAIRPERSON:** I would have thought that it is the activities that will be engaged that dictate whether the

project should be a covert one or not and not that it will be the protection of the identities. Do you understand what I am saying?

**MS K**: Chair, I can hardly hear you. I apologise.

**CHAIRPERSON**: You did not hear me?

**MS K**: [No audible reply]

**CHAIRPERSON**: Okay. I am saying. I would have thought that what determines whether a project will be a covert one, would be the activities that will be undertaken rather than –  
10 the sentence seems to say, we have made this project, a covert project in order to protect the identities of personnel and so on. Do I misunderstand how these things work?

**MS K**: Chair, I do not even understand what the intent is here.

**CHAIRPERSON**: Yes.

**MS K**: So these are the kinds of motivations that would be given.

**CHAIRPERSON**: H'm.

**MS K**: And when you look at the activities that were  
20 disclosed to us by several members of CDSO, including the project manager of this project, it is more like it was training. It ends up being portrayed as a training exercise.

But how do you train people for a whole entire year? And if it gives about training on – in terms of gathering whatever. Then it should have been done maybe – we do

have an academy that could have done that, I think.

So this is what we were saying. In terms of those observations that we read out, the pictures give a general thing.

**CHAIRPERSON**: Well, the reason why I am attracted to it because I do not understand what it says or I am not sure that I follow its reasoning.

And I am linking that with the point – with a point which maybe is a point that may be made from what you have said,  
10 namely that when they sought to establish the certain projects, the motivation would be very vague and so on.

And I wonder whether the motivation here might well reflect maybe a certain lack of understanding of certain issues. But you said you also do not understand it. Is that right?

**MS K**: Yes, Chair.

**CHAIRPERSON**: H'm. Do you struggle to hear me Ms K?

**MS K**: [No audible reply]

**CHAIRPERSON**: Ms K?

20 **MS K**: Excuse me Chair?

**CHAIRPERSON**: Do you struggle to hear me when I am speaking?

**MS K**: Yes.

**CHAIRPERSON**: Oh.

**MS K**: Yes, Chairperson.

**CHAIRPERSON:** Yes. I am going to ask the technicians to try and do something about it and maybe during the tea break so that you can hear me clearly when I am speaking. Thank you. Continue Mr Pretorius

**ADV PRETORIUS SC:** Thank you, Chair. In your answers to the Chair, Ms K. You highlighted an aspect of the evidence of Mr Y and your comments in relation thereto, in relation to these motivations that we are dealing with now. And you mentioned that, if you look at the motivation and  
10 you compare it to your knowledge of what the project actually entailed, there seems to be a gap. Is that correct?

**MS K:** [No audible reply]

**ADV PRETORIUS SC:** In other words. Let me put the question in another way.

**MS K:** Yes.

**ADV PRETORIUS SC:** If you take into account what you learnt what Project Construção actually did, provided security to named individuals as the evidence has been. Is that anywhere made clear in this motivation?

20 **MS K:** No, it is not. Not in my view.

**ADV PRETORIUS SC:** And by way of a further example. If you go to page 356.

**MS K:** Yes.

**ADV PRETORIUS SC:** That is Annexure MO referred to in the paragraph.

**CHAIRPERSON**: What page?

**ADV PRETORIUS SC**: 356 Chair.

**CHAIRPERSON**: Of Bundle 1?

**ADV PRETORIUS SC**: Bundle 1, yes. Apologies Chair.

**CHAIRPERSON**: 356?

**ADV PRETORIUS SC**: 356.

**MS K**: Yes, I am there.

**ADV PRETORIUS SC**: That is a motivation for the establishment of a covert project and payment of expenses  
10 for Project Mayibuye. Do you see that?

**MS K**: Yes. Yes, I see that.

**ADV PRETORIUS SC**: It is dated the 20<sup>th</sup> of January 2015.  
There are similar general ...[intervenes]

**MS K**: Yes.

**ADV PRETORIUS SC**: ...statements made in paragraph 2.1 and 2.2. In part, word for word the same, in fact, as those in the previous document that we referred to in relation to Project Construção. Do you see that?

**MS K**: Yes, I do.

20 **ADV PRETORIUS SC**: Given what you know of the activities of Project Mayibuye. Are these projects and the nature of these projects clearly set out in this motivation?

**MS K**: I think partly. If you look at 2.2. It says:

“The above approved projects is in line with continuing strengthening of the operations within

South African borders with an aim gathering, influencing, penetrating and neutralising any form or potential threat capable of destabilising the democratic rule of the Republic of South Africa. The covert nature of the project intended to strengthen State Authority in light of recent incidents that seek to undermine government, stakeholders and national key points.”

**ADV PRETORIUS SC:** The detail of ...[intervenes]

10 **MS K:** So this is – this is a bit different from what they wrote in ...[indistinct]

**ADV PRETORIUS SC:** Yes, in part it is the same, in part it is different, correct?

**MS K:** Yes.

**ADV PRETORIUS SC:** The detailed nature of the projects conducted under the Project Mayibuye is that set out or are those set out clearly in this motivation for the establishment of the project?

20 **MS K:** No, they are not Chair and I must also point out that it can be common practice not to go into detail in the submission itself because the submission to – for a covert project to be established will also be seen by maybe people in Finance, you know throughout the chain of command so that is why there is that part of the operational plan that it is supposed to maybe get more linked in terms of what the

project aims to do.

**ADV PRETORIUS SC:** Do you know if ...[intervenes]

**MS K:** But in this case ...[intervenes]

**ADV PRETORIUS SC:** I'm sorry.

**MS K:** Pardon?

**ADV PRETORIUS SC:** I'm sorry, I interrupted you, you said but in this case?

**MS K:** In this case when they looked at the operational plan in page 316 for Mayibuye in terms of the aims it says in 1.2  
10 ...[intervenes]

**ADV PRETORIUS SC:** Yes, page 316 operational plan for Project Mayibuye, paragraph 1.2?

**MS K:** Yes. It reads:

20 "The plan is in support of proposed projects which seeks to consume the strengthening of operations between South Africa's democratic environment against any gathering influencing, penetrating, neutralise any form of threat or potential threat capable of destabilising the democratic environment of the Republic of South Africa. The covert nature of the project is intended to protect ...[indistinct] personnel, resources and intelligence gathering."

So now you see we look at that, that is similar, to what they wrote in Construcao.

**ADV PRETORIUS SC:** Yes, and it talks of intelligence

gathering ...[intervenes]

**MS K:** In the submission ...[intervenes]

**CHAIRPERSON:** Hang on, just for the record your first reference to democratic I heard you correctly Ms K, it should have been domestic environment in the second line of 1.2, so just for the transcribers, okay, continue Mr Pretorius.

**ADV PRETORIUS SC:** Again the detailed nature of the project that was actually carried out under the head “Project Mayibuye” is that specified in this operational plan, let’s  
10 leave aside the motivation for a moment.

**MS K:** No it is not, but what I am trying to point out is the word for word, it is a copy and paste of this line it is what Judge was asking about whether I understand, intended to protect identification of personnel, resources, in terms of gathering any environmental scanning. This is now written under Mayibuye.

On the other hand in the submission of Mayibuye that is not carried, instead the same wording is contained in Project ...[indistinct] on the submission, that is the point I am  
20 trying to make.

**ADV PRETORIUS SC:** Yes thank you.

**MS K:** Just to point out how it – this it actually supports what we are saying that they will show, they will purport to be complying, they will do certain things to give an impression that they are complying to the OD, yet they



weren't.

**ADV PRETORIUS SC:** Well that observation ...[intervenes]

**MS K:** ...[Indistinct – parties talking over one another]

**CHAIRPERSON:** Sorry Mr Pretorius I think we should take the tea break, it is just after quarter past.

**ADV PRETORIUS SC:** Right.

**CHAIRPERSON:** We will take the tea break and we will resume at twenty to.

**ADV PRETORIUS SC:** Thank you Chair.

10 **CHAIRPERSON:** We adjourn.

**REGISTRAR:** All rise.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, you may proceed, Mr Pretorius.

**ADV PRETORIUS SC:** Paragraph 6.5, Ms K.

**MS K:** Yes, sir?

**ADV PRETORIUS SC:** Reads:

20 “Notwithstanding the vague and generic motivations for the establishment of these projects, the operational activities that were purportedly undertaken are in clear breach of the constitutional prohibition against partisan and politicised intelligence.”

We will come to detail later but do you agree with that general statement?

**MS K:** Yes but it does not apply to all the projects in terms of the motivations that are advanced.

**ADV PRETORIUS SC:** Alright, thank you for that qualification. The commentary continues in paragraph 6.5, it reads:

10 “This politicisation of the CDSO can be traced back to the restructuring of the SSA’s counter intelligence capacity which shifted focus and resources to countering perceived threats to the personal and political security of former President Zuma.”

Do you have an observation in relation to that statement?

**MS K:** Yes, I support that statement.

**ADV PRETORIUS SC:** The last statement in paragraph 6.5 reads:

“The operations run by the CDSO under Ambassador Dlomo...”

Is that Thulani Dlomo?

20 “...are the concrete result of these politicised intelligence priorities.”

Do you agree with that?

**MS K:** Yes I do.

**ADV PRETORIUS SC:** Paragraph 6.6 ...[intervenes]

**CHAIRPERSON:** Before you go to the next paragraph, Mr Pretorius. Ms K, in the two letters that Mr Pretorius

referred you to before the tea break which motivated for certain projects, I realise that although they were written prior to 2016 there is a reference or there are references to them to the cover support unit. I may have been wrong, I thought that you were saying – you had said the cover support unit was established after Mr Faizal's arrival in 2016 but I may have been wrong. I just want you to clarify.

**MS K:** No, sir, yesterday when we covered the restructuring before Mr Zuma arrived we indicated that  
10 CSU was moved and it existed then and it was moved to fall under CDSO. So when – in 2016 when CDSO was closed, the CSU was “moved” or re-established within the office of the DG.

**CHAIRPERSON:** So the CSU cover support unit existed before 2016 as a unit under ...[intervenes]

**MS K:** Within SO.

**CHAIRPERSON:** Within CDSO, is that right?

**MS K:** Yes, Judge.

**CHAIRPERSON:** And then you say when CDSO was  
20 closed in 2016 the support – the cover support unit was moved or retained but then it fell under the office of the Director General, is that right?

**MS K:** Yes with the new appointed person to lead it.

**CHAIRPERSON:** Yes but it was still referred as the CSU.

**MS K:** Yes, sir.

**CHAIRPERSON:** And, as far as you know, it was still doing the same – performing the same function as it had performed before 2016 or is that something you are not sure about?

**MS K:** I would like to maybe reserve on comment on that.

**CHAIRPERSON:** Yes.

**MS K:** Because I do believe that in this affidavit further down that is dealt with.

**CHAIRPERSON:** Okay, alright.

10 **MS K:** So I do not want to now testify on it currently.

**CHAIRPERSON:** No, that is fine, that is fine. Thank you.  
Mr Pretorius?

**ADV PRETORIUS SC:** Paragraph 6.6, Ms K, reads:

20 “The extent of this politicisation is further illustrated by the executive interference in the operational activities which occurred during this period. Of particular concern the considerable evidence of Minister David Mahlobo’s direct involvement in operational activities including his alleged handling of large amounts of cash that were drawn under CDSO projects. Indeed there is evidence that in seeking budgetary approval for projects in November 2015 provision was made for a large portion of retained funds for what were described as the Minister’s projects or projects approved by the

Minister.”

This submission is contained in file 1 of the SSA bundle and is marked as annexure C. The general observations and the particular observations in paragraph 6.6, do you have any comment?

**MS K:** It is accurate. It is accurate presented there, so I agree with what – with the paragraph.

**ADV PRETORIUS SC:** Alright. Yes. You have told the Chair that the investigations were informed by access to  
10 documentary information and evidence as well as what you were told by persons you interviewed, am I correct?

**MS K:** Yes, Chair.

**ADV PRETORIUS SC:** And the statement in the last – the penultimate and final sentences of paragraph 6.6, if you would look at page 30 of bundle SSA1 please? Is that the document on which those statements in paragraph 6..6 or is that the documents which you rely on for making or the deponent relies on for making the statements in paragraph 6.6?

20 **MS K:** Which document? Annexure C?

**ADV PRETORIUS SC:** Annexure C and it is at page 30.

**MS K:** Yes, it is a document like that. There is more than one of these, but this is definitely an example of [inaudible – speaking simultaneously] practices.

**ADV PRETORIUS SC:** Yes, I do not want to go through

the whole document but if you go over the page to page 31?

**MS K:** Yes.

**ADV PRETORIUS SC:** You see the table that appears in the middle of the page. You will see under the sub programme Ministry:

“Projects approved by the Minister.”

Do you see that?

**MS K:** Yes, I see that.

10 **ADV PRETORIUS SC:** If we go then to paragraph 6.7, a general observation is made here which I think has been the subject matter of other evidence already given but, for the record, let us deal with it.

20 “This evidence of executive overreach underscores the importance of maintaining a balance between political authority and operational authority in the security services. Without political restraint and operational independence, there is a risk that the intelligence services will be pressured to provide intelligence that serves the narrow political interests of the political authority rather than the national security interests of the country.”

That sentiment or view has been expressed earlier, it is here expressed by Mr Y. Do you have any comment?

**MS K:** I agree with his sentiment and [inaudible –

speaking simultaneously]

**ADV PRETORIUS SC:** Thank you. Paragraph point 8 reads:

10 “Finally, it should be noted that pervasive financial irregularities and weak financial controls make it difficult to ascertain the full extent of the operational expenditure incurred under these projects. The outlay of funds was fast and loose and mostly in cash. There was a frequent blurring of lines between projects with the CDSO structure utilising projects ostensibly created for one purpose to facilitate funding for another.”

Thus far in that paragraph do you have any comment? Do you agree with those observations or conclusions, rather?

**MS K:** I agree, I just do not understand that part of to facilitate funding for another. Maybe it is my English.

“Blurring of lines between projects...”

That is true.

20 “...CDSO structure utilising projects ostensibly created for one purpose to facilitate funding for another.”

That is true. I agree with that statement.

**ADV PRETORIUS SC:** Alright. The paragraph 6.8 continues, it reads:

“There was also frequent “double-dipping” of funds

as illustrated by Project Khusela, deal with below, in relation to the toxicology unit.”

Is that a fair comment?

**MS K:** Yes, I think we could maybe add suspected double-dipping.

**ADV PRETORIUS SC:** Right:

“Frequent suspected double-dipping”

Thank you for that qualification.

**MS K:** Yes.

10 **ADV PRETORIUS SC:** The paragraph continues:

“The abuse of the temporary advance system with cash being disbursed to CDSO members without subsequent reconciliation against expenditure means that the actual use and final destination of these cash payments are difficult to verify.”

Do you agree with that statement?

**MS K:** Yes, I do.

**ADV PRETORIUS SC:** And then paragraph 6.9 gives an example.

20 “A representative example of the irregularities referenced above is a submission dated 22 March 2016 requesting authorisation for the “payment” of related expenses as per the approved project[s] Mayibuye, Wave and Construcao. This submission sets out the estimated financial implications for the



various CDSO projects and operations totalling 9.9 million. This submission is contained in file 2 of the SSA bundle and is marked as annexure C8.”

Would you go there please? It is at page ...[intervenes]

**UNKNOWN COUNSEL:** I am sorry, may I just point to the record because otherwise if I leave it, it will be injustice.

**CHAIRPERSON:** Yes?

**UNKNOWN COUNSEL:** I know that I have been engaging with a contact person from there but I need to raise this  
10 first. On the notice that we have been provided and consciously as I have also warned yesterday, the paragraphs that my learned colleague has referred to and the witness to an extent confirms to be accurate, in reference paragraphs 27, 28 and 29, that mentions – detailing my client administers the project were not provided in the notice that I have received. Just for noting of the record.

**CHAIRPERSON:** Yes. Were you not provided with the whole statement? You were provided with ...[intervenes]

20 **UNKNOWN COUNSEL:** Extracts.

**CHAIRPERSON:** With extracts.

**UNKNOWN COUNSEL:** Yes.

**CHAIRPERSON:** That were deemed to refer to your client.

**UNKNOWN COUNSEL:** That is correct and ...[intervenes]

**CHAIRPERSON:** And these were not one of the – these

were not some of them.

**UNKNOWN COUNSEL**: That is correct, Chair, you have it right.

**CHAIRPERSON**: Oh, okay.

**UNKNOWN COUNSEL**: Thank you.

**CHAIRPERSON**: Mr Pretorius?

**ADV PRETORIUS SC**: Yes, if may just make the observation, we can check what was provided and what was not provided because several Rule 3.3s were issued  
10 and we are still uncertain and we have asked for come cooperation from the representatives of Minister Mahlobo as to exactly what was received and what was not received, there appears to have been certain 3.3 notices that were sent but were not received, certain notices that were sent and were received and we are still trying to establish the precise position there because it also affects a further witness who has to come. We might have to redact a large amount of a witness' statement for that very same reason. So I trust my learned friend will cooperate in  
20 giving us the information that we require in that regard.

The second point I would like to make is that the paragraph 6.6 does in fact directly mention Minister Mahlobo. The latter part is a more generic reference to the position of Minister.

**CHAIRPERSON**: Okay, I think what Mr Pretorius is saying

is that they will need to ascertain exactly what was sent and what was not sent. In other words, they might not at this stage be able to say it is true, it was not sent and extend an apology but they will investigate and they will talk to you and at a certain stage I am sure I will be told what the position is.

**ADV PRETORIUS SC:** Yes. Chair, if I may just comment?

A number of Rule 3.3 notices were sent but – a number of Rule 3.3 notices were sent. We are uncertain as to how  
10 many were received and it is that information that we are trying to establish.

**CHAIRPERSON:** Okay, but as I understand it, as you stand there you are not able to say one of those 3.3 notices that was sent, or one or more, included this paragraph.

**ADV PRETORIUS SC:** Yes.

**CHAIRPERSON:** Yes, ja.

**ADV PRETORIUS SC:** I am not – we would have to check that and respond, Chair, but I trust my learned friend and  
20 any other representative that we approach will cooperate in giving us the information of what was actually received.

**CHAIRPERSON:** Yes.

**ADV PRETORIUS SC:** Despite being sent and what was not received despite being sent.

**CHAIRPERSON:** And I guess that counsel for Mr Mahlobo

will accept that it would not have been a deliberate decision to say let us not show him this ...[intervenes]

**ADV PRETORIUS SC:** No, no, certainly, Chair.

**CHAIRPERSON:** I would imagine that would have been an oversight, if indeed it was not sent. But they will talk to you and at some stage I will be informed also as to what it was ...[intervenes]

**ADV PRETORIUS SC:** Yes, within a short space of time, Chair, over a ...[intervenes]

10 **CHAIRPERSON:** Hang on, hang on, hang on, I think counsel might still want to say something.

**UNKNOWN COUNSEL:** Chair, I think there is to an agree an acceptance of my correctness insofar as placing this on record and what – and I note what my learned colleague is saying and that will [indistinct – dropping voice] but I needed to place that on record.

**CHAIRPERSON:** No, no, no, nobody has an issue with you placing it on record, I think. It is just that he is not able to answer definitively.

20 **ADV PRETORIUS SC:** Yes.

**CHAIRPERSON:** And whether these particular paragraphs were sent as part of the 3.3 notice. They will investigate and they will come back.

**UNKNOWN COUNSEL:** Yes.

**ADV PRETORIUS SC:** Yes. I must make it clear that the legal team and the investigating team with the assistance of the secretariat in a short space of time sent out, as I understood it, well over a hundred Rule 3.3s.

**CHAIRPERSON:** Yes.

**ADV PRETORIUS SC:** And the intention and the instruction was always that every allegation implicating a person should be dealt with.

**CHAIRPERSON:** Ja.

10 **ADV PRETORIUS SC:** There was no deliberate concealment of any...

**CHAIRPERSON:** Ja, okay.

**ADV PRETORIUS SC:** And, in fact, the passage there is contained – or the issues raised in paragraph 6.6 are contained in other 3.3s. So they are repeated in the evidence of other persons in respect of which 3.3s would have been given. So the Minister would have been alerted to the fact that that allegation was made even if it is correct that paragraph 6.6 was not placed before you.

20 **CHAIRPERSON:** Yes but obviously the point is if these paragraphs were contained in 3.3 notices that relate to other notices, his point would be they were not notified that this witness, Mr Y, would also make the same ...[intervenes]

**ADV PRETORIUS SC:** And they should have been.

**CHAIRPERSON:** Ja.

**ADV PRETORIUS SC:** There is no doubt about it, they should have been.

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

**ADV PRETORIUS SC:** But we will check as to whether they were on not.

**CHAIRPERSON:** Yes. I think counsel wants to say something?

**UNKNOWN COUNSEL:** Definitely, Chair. I think it is an  
10 easy thing to resolve, we should not really be wasting time on it.

**CHAIRPERSON:** No, no, do not give suggestions about how we should resolve, they will sort it out.

**UNKNOWN COUNSEL:** Chair, let me just ...[intervenes]

**CHAIRPERSON:** It is going to waste our time.

**UNKNOWN COUNSEL:** No ...[intervenes]

**CHAIRPERSON:** Have you got something else or is it the same? If it is the same thing please sit down, do not give us a ...[intervenes]

20 **UNKNOWN COUNSEL:** Chair, can I be allowed ...[intervenes]

**CHAIRPERSON:** No, no, not on this one. It is his matter and ja, we have dealt with it, he has no further complaints, you will wait for the process.

**UNKNOWN COUNSEL:** Chair, the reality is that at some point my client was mentioned. And we kept quiet.

**CHAIRPERSON:** Well, if you raise a point about your client and not the same point about his client then you can raise [inaudible – speaking simultaneously]

**UNKNOWN COUNSEL:** Well, it is not about his client but ...[intervenes]

**CHAIRPERSON:** Ja, what is your point about your client?

**UNKNOWN COUNSEL:** Well, Chair, it is actually a  
10 suggestion of resolving this matter. The reality is that ...[intervenes]

**CHAIRPERSON:** Which matter? Which matter?

**UNKNOWN COUNSEL:** Where certain people will be mentioned when the notices at least at this point ...[intervenes]

**CHAIRPERSON:** No, no, please sit down, let us proceed, let us proceed. Mr Pretorius, continue.

**ADV PRETORIUS SC:** Thank you, Chair. We were at 7  
We were at paragraph 6.9 which reads:

20 “A representative example of the irregularities referenced above is a submission dated 22 March 2016 requesting authorisation for the payment of related expenses as per the approved projects Mayibuye, Wave and Construcao. This submission sets out the estimated financial implications for

various CDSO projects and operations totalling 9.9 million.”

I am instructed that that is a typographical error and that that figure should read 8.9. But if you would go please to page 307 of SSA1, Ms K.

**MS K:** I am there, Chair.

**ADV PRETORIUS SC:** This is a document where names have been redacted ...[intervenes]

**CHAIRPERSON:** Hang on, let me get there Mr Pretorius.

10 307?

**ADV PRETORIUS SC:** Yes.

**CHAIRPERSON:** Yes?

**ADV PRETORIUS SC:** If you would go to the document – and we only need refer to page 307 and 308.

**MS K:** Yes.

**ADV PRETORIUS SC:** Particularly the table at page 308, paragraph 3.1. Do you see that?

**MS K:** Yes, I see. I see that, Chair.

20 **ADV PRETORIUS SC:** This is a document that seeks to justify the payment of a total of R8 900 000. What does this document illustrate as set out in paragraph 6.9?

**MS K:** Firstly it illustrates a breach of financial prescripts in the sense that yes, it says nature of expense, it is Project Mayibuye and then there are operations under Project Mayibuye or it says Operation Justice, Operation



Law, Operation Siskona(?), Operation Safe Return.

So when you look at the estimate amount it does not give a breakdown of the money that is being requested here. For example, if you look at Project Mayibuye, it says estimated amount 2.5 million, Operation Justice 1.8 million, Operation Law 200 000, Operation Siskona 100 000, Operation Safe Return, 300 000.

Now if you are requesting money to – even if the TA, there on the submission, that 2.5 million should have  
10 been broken down into line items as to how it is going to be expended. So instead of having global figures appearing like that and it also says Project Wave, which is R2 million and Project Construcao, R2 million.

So because there was – I think this was – okay, maybe I should not add my thoughts on that.

**ADV PRETORIUS SC:** Well, let me put this to you because this is said in paragraph 6.9 where reference is made to the irregularities referenced above, is this type of reporting sufficient firstly to comply with the prescripts in  
20 the SSA and secondly, to allow proper control of the expenditure of funds?

**MS K:** It is not, Chair. It is not because it starts with the – some – I do not whether I should say, it is the route or it is the fruit of the poison tree. Firstly, if there is no APP and the budget cannot be loaded against that unit and for

all of these projects, how are you going to justify these line items and actually the cost allocation, the code because global figures are written there. I think the financial people will be better placed to discuss and clarify that.

So if you have one submission that just outlines – just gives – that just telling different projects and just as global amount and you do not know how that is going to work because the other thing is, they take this - for instance, this submission, you find that sometimes it skips  
10 the - what – the budget controller because if the budget controller is there they would have demanded that that be broken down but there was this tendency of bypassing budget controllers.

So I think we will deal with financial irregularities further down because I do not want to add the other aspect they were able to keep on drawing money without having had even an APP.

**ADV PRETORIUS SC:** Right.

**MS K:** Another – yes, Chair?

20 **ADV PRETORIUS SC:** No, no, I am sorry to interrupt, please continue.

**MS K:** I think if you page to 309, if you look at the recommendations by Mathew ...[intervenes]

**ADV PRETORIUS SC:** Matthew is a pseudonym, but continue.

**MS K:** It says - the condition that he is writing there, it says:

“Budget to be sourced from under spending structures, note comments by management accounting.”

Something like that. So this, for me, shows how monies will be taken from – although CDSO was overspending, not adhering to all the financial prescripts, even having – not settling TAs, not like – they still had to make sure that  
10 there is money for these projects even if it meant taking money from other structures within the SSA.

**ADV PRETORIUS SC:** Thank you. Let us move to 6.10, the following statements are made in that paragraph:

“notwithstanding the challenges that arise from poor recordkeeping, the investigation team has calculated that ...[intervenes]

**CHAIRPERSON:** I am sorry, Mr Pretorius. Do you have an idea how regularly you will be referring to SSA Bundle 01 will it be regular?

20 **ADV PRETORIUS SC:** Yes it will be Chair.

**CHAIRPERSON:** It will be, okay so I cannot say they must take it away.

**ADV PRETORIUS SC:** Afraid not.

**CHAIRPERSON:** Okay alright.

**ADV PRETORIUS SC:** The red stickers in my bundle

proliferate from now on.

**CHAIRPERSON:** Okay, no that is alright.

**ADV PRETORIUS SC:** Thank you Chair. Paragraph 6.10 reads:

“Notwithstanding the challenges that arise from poor recordkeeping the investigation team has calculated that on a conservative estimate a total of R1billion was expended on these CDSO projects during the period 2012 to 2018.”

10 Do you agree with that comment?

**MS K:** Yes I do.

**ADV PRETORIUS SC:** It continues ...[intervenes]

**CHAIRPERSON:** I am sorry, paragraph 6.10 Ms K says on a conservative estimate, a total of R1billion was expended on these CDSO projects during the period 2012 to 2018. Are you happy to be that conservative or would you put it the minimum higher than that?

**MS K:** Chair when we looked at the official financial records of the SSA in terms of a budget and expenditure,  
20 when we looked at the period that is covered there, and CDSO on its own as a chief directorate spent just below a billion, it was 900 and something. I cannot even pronounce that number because ja, I would rather say just under a billion.

**CHAIRPERSON:** Yes, that is per year or over the period?

**MS K:** Over the period, but this is one - it has to be seen in the context of it's a chief directorate it is not higher, it is a chief directorate - I do not know how to explain it. It is not even the counter intelligence in its entirety, it is just one element under them.

**CHAIRPERSON:** Yes.

**MS K:** You know, just one unit spending that amount of money on and the cost driver was the covert projects, the contract payments and all of that and without proper  
10 accounting.

**CHAIRPERSON:** Yes, so I guess the answer to my question is that you would rather stay with that conservative estimate of R1Billion from 2012 to 2018.?

**MS K:** Yes.

**CHAIRPERSON:** Okay, alright.

**MS K:** Yes, Judge.

**CHAIRPERSON:** Okay, thank you.

**ADV PRETORIUS SC:** Let us continue then in paragraph 6.10 continues to read:

20 “Not only were these projects unlawful in their establishment purpose and operation, but they were in any event very little benefit to the SSA. Instead, these projects were used to channel SSA funds to the parallel intelligence structure engaged in unlawful operations that appear to have been

primarily undertaken for the personal and political benefit of President Zuma and other high ranking officials.”

What do you say about those sentences?

**MS K:** I agree with the sentences.

**ADV PRETORIUS SC:** We move now to the particular projects and what these projects involve. We have seen some examples of the motivations for some of the projects that we now go to actually what was done, much of what  
10 you say here is contained in evidence already given, although there are one or two additions.

Let us start with Project Construcao which is dealt with in paragraph 6.11 and following, 6.11 says:

“According to the request for authorisation to establish Project Construcao this cover project had an aim of gathering, influencing, penetrating and neutralising any form of threats or potential threats, capable of destabilising the democratic rule of the Republic of South Africa. Although this proposal  
20 dated 12 December 2014 stated that operatives would begin work as early as 17 December 2014, official approval for the project was only given on 23 January 2015. The project manager was pseudonym Frank, who reported directly to Ambassador Dlomo then Deputy Director Counter

Intelligence.”

The submission, will this submission for the establishment of Project Construcao is included in file two of the SSA bundle, and is marked Annexure CO. What is your comment on the contents of this paragraph?

**MS K:** I agree with what the paragraph is communicating and we have already gone through this annexure but I think when we get to the issue of contracts, it will make sense why we are highlighting these dates in this in this paragraph but for now, I am fine with the paragraph as it is, I agree.

**ADV PRETORIUS SC:** You must just bear with me a moment Chair.

**CHAIRPERSON:** Okay.

**ADV PRETORIUS SC:** I just want to be careful about what documentary evidence we place before you.

**CHAIRPERSON:** Ja.

**ADV PRETORIUS SC:** If I could ask you to go to page 251, please of SSA1.

20 **MS K:** Yes, Chair I am there.

**CHAIRPERSON:** We will just have to make sure, Mr Pretorius, that we are consistent how we refer to Bundle 1, otherwise, somebody's reading the transcript later will think it is a different document where it is a bundle, SSA Bundle 1, and what page?

**ADV PRETORIUS SC:** 251.

**CHAIRPERSON:** Thank you.

**ADV PRETORIUS SC:** This is a declassified document; it is a request for authorisation for Project Construc ao. So you see that on a 249 of SSA1.

**MS K:** Yes, I see it Judge.

**ADV PRETORIUS SC:** If one goes over the page in that document to paragraph 3.1.

**MS K:** Yes.

10 **ADV PRETORIUS SC:** You will see there the financial implications as reflected below are estimated and might vary. Nature of expense Project Construc ao, estimated amount R30million and then there is a cost allocation. Do you have any comment on the sufficiency of the detail contained in that paragraph?

**MS K:** My comment is similar to what I had earlier on Mayibuye that you cannot have a global amount in this way when you are talking about financial implications, because that R30million that would have been broken down into  
20 whether there is travel, whether there is operational expenses and other expenditures. So if you request – or because this one is for the establishment it would be, I do not know if it would be appropriate to make it like this because they have had a breakdown in the operational plan. But if it was a submission to withdraw funds from the



budget that is allocated, then they would still need to have the line items for it.

**ADV PRETORIUS SC:** Right if you go to page 253 you will see there, there is indeed an operational plan for Project Construcao, do you see that?

**MS K:** Yes.

**ADV PRETORIUS SC:** I have looked at this operational plan and I am subject to correction but it does not seem to me that there is a description of what we have learnt was  
10 exactly part of Project Construcao activities, namely the provision of personal security to a number of named individuals. Can you comment?

**MS K:** As a person who has seen and gone through most of the documentation during this investigation and analyse the info and including whatever we got from finance, and having interviewed the individuals involved I still cannot sit here and claim that I know, what was the full extent of the activities that were undertaken.

Maybe VIP Protection was part of it and the training  
20 was part of it, but there is no full disclosure as yet in my view, in terms of the full extent of the activities of those individuals. For instance, if I can make an example of - there is a submission where there is motivation for getting, retaining funds for Construcao and Wave and whatever and I think it amounts to R54million under Mayibuye and the

other projects as well. In that when they say what the purpose of the projects are, they indicated that the same officials that would be co-workers or resources that would be used in Construc ao will also be used in Project Wave.

So - but when we asked the project manager of both those projects, what was happening in May? He said, no we did nothing the entire year but money was expended. So based on that, I cannot - I do not think there has been full disclosure on the part of members of CDSO on what  
10 exactly were the activities.

**ADV PRETORIUS SC:** Alright, so the first thing you say is that your investigation was unable to establish the precise nature and scope of the activities conducted under any particular project head. Is that correct?

**MS K:** Yes, we could not confirm with the individuals.

**ADV PRETORIUS SC:** And if you...[intervene]

**MS K:** Especially if when they start, when their submissions are general and broad, when you talk to the person it is still actually it is not clear, but money was  
20 expended.

**ADV PRETORIUS SC:** And you also indicate in your most recent answer, that you could not establish precisely what activities were conducted under a particular project head in a particular financial period, despite learning that funds were expended, is that correct?

**MS K:** Yes, funds they expended and people went over budget. For instance, for Construcão the budget was R30million in its entirety, for the financial year or for a period of a year and of that R30million, only R5million was allocated for operational expenses.

However, when the project was approved in January, at the end of January by April, the money for that whole project the entire R30million had been withdrawn and all of it for operational expenses. So you would  
10 wonder how one approved - maybe for the first withdrawal of the funds from the project budget.

If the person withdraws R10million, a budget Construcão was going to pick up that no actually for operational expenses you only have R5million for the year, yet it was allowed for people to take R10million and then R7million, automatically R30million is gone and then they want more money. And then they keep spending and they say extend, extend, extend when money is finished, and then it goes back into rotate to keep the projects going.

20 **ADV PRETORIUS SC:** Alright. Let us go to paragraph 6.12.

**MS K:** Yes.

**ADV PRETORIUS SC:**

“Project Construcão involved the further recruitment and training of co-workers for the CDSO. This

should not be confused with the earlier recruitment and training of individuals at Ambassador Dlomo's direction in 2008/2009 who were subsequently deployed into personal protection units, and the Directorate for Presidential Security support in particular."

Do you agree with those two statements?

**MS K:** I do but I would like to maybe indicate that the entire 6.12 is basically based on information on the account of the project manager, what they told us the  
10 project was about.

**ADV PRETORIUS SC:** Alright.

**MS K:** And yes there is proof that the people went for training, but it does not necessarily tie in with what was in the operational plan. So, I cannot...[intervene]

**ADV PRETORIUS SC:** I am sorry.

**MS K:** ...say that this is exactly what was done so that is what I am trying to say.

**ADV PRETORIUS SC:** Yes, you raised the issue as to  
20 whether it was consistent with the operational plan, that can be established by looking at the documents in Exhibit SSA1.

**CHAIRPERSON:** Sorry Mr Pretorius, I think you might have to repeat that for quite some time the two of you are talking at the same time.

**ADV PRETORIUS SC:** Yes.

**CHAIRPERSON:** I think that transcribers will have a problem transcribing.

**ADV PRETORIUS SC:** Yes, sure.

**CHAIRPERSON:** So maybe repeat that.

**ADV PRETORIUS SC:** Let me take a step back Ms K, do you want to finish your answer and I will ask the question?

**MS K:** I think I finished my answer for now.

**ADV PRETORIUS SC:** Alright. Let me then ask the first  
10 two sentences in paragraph 6.12. Do you agree with those, or the content of those?

**MS K:** Yes, I do agree, yes I do.

**ADV PRETORIUS SC:** Yes, you stress that this is what you were told, by amongst others the project manager or by the project manager and this is what is being related here. You do make the point that what you were told of the activities of the project was not consistent with the documentation, justifying or motivating the project and motivating withdrawals of money for the project. Do I  
20 understand you correctly?

**MS K:** Yes, and one of the things if I may just it is fundamental, what is more confusing is that when you look at Construcão and the receipts of moneys withdrawn or dispersed and the supporting documentation there in terms of invoices. They were actually procuring VIP Protection

services from companies. So the team was confused as to if you have changed these people for VIP Protection, and you are already funding that through Construcao. How, why, what would necessitate you getting a private security company for VIP Protection again, and then withdrawing funds for that. That is why I am saying we do not know the full extent of what exactly was being done here.

**ADV PRETORIUS SC:** But you say you were told or you received evidence that under the head of this project,  
10 private security entities were employed. Am I correct?

**MS K:** Yes, that was at the final interview. However, we had seen documents that showed that there are private companies, security companies that were, whose services were procured for VIP Protection and those, those people were paid.

**ADV PRETORIUS SC:** If we continue in paragraph 6.12 it reads:

20 “Under Project Construcao 22 people were recruited, 18 of whom were sent for overseas training during the latter half of 2015. The operatives were trained in two groups, eight were trained in VIP Protection and 10 were trained in counter intelligence tradecraft. It is a concern that this VIP training was conducted outside the available diplomatic channels provided by the

agreement on training that was in place at the time with the foreign based trainers apparently under the impression they were training is SAPS members, rather than new intelligence recruits.”

Are those statements correct?

**MS K:** Yes, that is what we were told. In a...[intervene]

**ADV PRETORIUS SC:** Right.

**MS K:** It was actually information that was gathered during momentum. Remember that period from June 2018  
10 to 22 December when this was established. So all of that information had already been gathered from the various people. So that is what we were told.

**ADV PRETORIUS SC:** It continues to say, that is paragraph 6.12.

“During the graduation ceremony of the recruits, they were allegedly instructed by Ambassador Dlomo – and I take it that is Thulani Dlomo, that upon return to South Africa, they would report only to him.”

20 Is that what the investigation was told?

**MS K:** On this one, there was actually a statement by one of the co-workers who indicated that but I cannot remember if that statement was signed, because we did not obtain that statement from the individual.

**ADV PRETORIUS SC:** Alright.

**MS K:** But that is what was indicated but what I can confirm is that during momentum time, the investigating team, did go to the country where these people went, particularly went for training and they actually confirmed according to them, that they spoke to the head of station, from SSA, and those people were not even aware that there was such training being provided there.

So that is why we say it was outside the available diplomatic channels. But we cannot, we could not - they  
10 could not obtain a statement from the Police attaché there in terms of whether they knew, but that is the information that we were working with, as you would understand this investigation was still ongoing before we got here.

**ADV PRETORIUS SC:** Right, thank you. Paragraph 6.13 gives further detail of the project it reads:

“Most of these individuals were drawn from Kwazulu Natal, although it is unclear what criteria were followed in recruitment, none were vetted by the SSA.”

20 Are those statements correct?

**MS K:** I would align myself with that yes, because there was a parallel vetting unit.

**ADV PRETORIUS SC:** Right, according to and there is a pseudonym Lily, and I am not going to ask you, well I am going to ask you not to deal with a position there.



“According to Lily, one of the reasons for launching the project was that former President Zuma wanted younger VIP protectors to be trained.”

Is that the correct statement or were you told that by Lily?

**MS K:** No. This is one of the statements that we obtained before – it predated, they were obtained during momentum. In fact, I have never met Lily, because ja I do not want to say what happened. So I have not interviewed her in this regard. So I cannot say that statement is correct or  
10 inaccurate.

**ADV PRETORIUS SC:** Alright, the paragraph continues:

“In his interview with our investigation, team Frank also a pseudonym confirmed that this project was linked to the VIP Protection that was offered to high ranking officials such as Mr Dumeyeni. But these co-workers were also deployed by Ambassador Dlomo to work on other CDSO operations, like Project Lock dealt with below.”

Is that information that was obtained by the Veza  
20 investigation?

**MS K:** Yes, this one ja, we interviewed him and that is what he said and then so I can confirm that.

**ADV PRETORIUS SC:** Finally, in paragraph 6.13:

“Should further be noted that Ambassador Dlomo himself benefited from personal protection services

using the resources of the SSA.”

Is that a correct statement as far as you are concerned?

**MS K:** It is a correct statement, but I do not know what would be wrong with that.

**ADV PRETORIUS SC:** Yes, we can erase that.

**MS K:** Maybe it is because of my limits, maybe it is because of my limited knowledge of the environment, but I thought in IS we do have VIP Protection there you know, but it is for the senior managers of SSA. So I think,  
10 Ambassador Thulani Dlomo was entitled to that.

**ADV PRETORIUS SC:** Yes, so I am going to raise with you the issue surely senior officials within the SSA are entitled, as a matter of course to protection using the resources of the SSA.

**MS K:** Yes.

**ADV PRETORIUS SC:** The question might be which resources, is that correct?

**MS K:** Yes, so I cannot tell from this, because if there are resources that are meant for that then it cannot be  
20 anything irregular.

**ADV PRETORIUS SC:** Yes, then paragraph 6.14 reads:

“An initial operational budget of R30million was approved for Project Construcao which was expected to run until 31 January 2016.”

That we know we have looked at the document.

“In July 2016 a later approval was given for the renewal of Project Construc ao for the period 1 April 2016 to 31 March 2017 and a further R24million in operational expenditure.”

And then references made to the document, which contains the submission for the renewal and further funding of the project. Are you familiar with the contents of that document, you want to look at it?

**MS K:** I can look at it if you have questions on it. But I  
10 do align myself with this paragraph, we did look at that.

**ADV PRETORIUS SC:** In that document, let me just ask you at a general level. If you want to look at it, it is at page 320 of SSA1. Is there a sufficiently detailed description of the activities that were being funded by the grant of a further R24million that enables proper controls to be implemented?

**MS K:** What page is that again, Sir? What page are we referring to?

**ADV PRETORIUS SC:** 320.

20 **MS K:** 320, What is the question Sir, again, sorry.

**ADV PRETORIUS SC:** Is there sufficient description of the activities, justifying the expenditure or allocation of a further R24million to enable proper financial controls to be implemented? If you cannot comment...[intervene]

**MS K:** No, I do not think proper financial controls were

implemented here because under financial implications paragraph 5, it just says:

“In order to achieve its set objectives, Project Construcao required R24million to cover source remuneration travel related expenses, cover operational expenses, covert action expenses and rental of offices.”

That is not how financial implications are captured.

**CHAIRPERSON:** Ms K.

10 **MS K:** We – you know – so that was in contravention of the prescripts. And then I also – okay.

**CHAIRPERSON:** Ms K, if one were to go to motivations or projects done by other units within SSA, let us say the official structures, are you saying that we will find that there is much more information they would put in their own request for funding than was being done by the Special Operations Unit?

**MS K:** I have not look at ...[intervenes]

**CHAIRPERSON:** In other words, you cannot criticise  
20 these for not including enough information in their motivations if that is what the official structures in other units of SSA were doing, it was a practice, everybody was not putting in a lot of information in the letters maybe because of the sensitivity of the projects.

So, my question is, if we were to go to letters

motivating for funding done by official structures or units of SSA, are we going to find that they normally provided much more information than these?

**MS K:** Chair, I did not catch that last part but I will try to answer.

**CHAIRPERSON:** Let me repeat so that you can answer knowing exactly what the question is. If we were to go to SSA and say give us motivation letters that are normally written by different units, official units of SAA, official  
10 structures whenever they request funding for projects, are we going to find that they normally provide more information than was being done by these units?

**MS K:** My answer to that would be that I cannot say in the sense that based on the fact that I have not looked at other units and how they have compiled their submissions but I doubt that they would have too much detail in terms of what the covert operation is but in the operational plan you would have found at least a bit of more detail, so that will be attached to the submission. But what I am definitely  
20 sure of is the issue of the financial implications and how the budgets are outlined because even when you travel there is a standard way of how the financial implications can be – I do not know, delineated in the submissions. So those are just the standard practices. I have not looked at other units' project plan because we are still busy with

CDSO.

**CHAIRPERSON:** No, thank you. I think, Mr Pretorius it would help if one got an idea as to how motivation letters are done by the official structures just so that we know whether these ones were not following what everyone does.

**ADV PRETORIUS SC:** Yes. That would have to be accompanied by suitable redactions because one of the motivations for the declassification of these documents is  
10 the rule that – or the law that classification cannot be used to conceal irregularities.

**CHAIRPERSON:** Yes.

**ADV PRETORIUS SC:** So that is but one of the motivations for declassification and that is why we can see it.

**CHAIRPERSON:** Yes.

**ADV PRETORIUS SC:** To produce documents of regular operations, it would involve a different set of considerations but we will try and answer that question in a  
20 way which does not compromise certain ...[intervenes]

**CHAIRPERSON:** Yes. No, no, that is fine, you do your best and see what happens. I get – I got the impression or I get the impression that the Acting DG wants to operate and help the Commission as much as possible but obviously he will not want to – and he should not act in

breach of the law but ...[intervenes]

**ADV PRETORIUS SC:** Yes, we will explore that issue.

**CHAIRPERSON:** Yes.

**ADV PRETORIUS SC:** And deal with it. We have put before you, Chair, motivational documents and project plans and the witness has commented on the detail contained in those documents.

**CHAIRPERSON:** Well, the ones that I saw this morning, if those are the ones you are talking about, I was under the  
10 impression that they fall under either CDSO or some of the units that are said to have operated outside the normal structures of SSA.

**ADV PRETORIUS SC:** Yes, Chair, yes.

**CHAIRPERSON:** So what I would very much like to see, if possible, is motivation letters that were done by official structures of SSA.

**ADV PRETORIUS SC:** Yes, yes. No, point taken, Chair. We will look.

**CHAIRPERSON:** Ja.

20 **ADV PRETORIUS SC:** Another example of the financial detail is contained in paragraph 6.15 and reference is made here to three invoices issued by the pseudonym, Carrot Export Company during February and March 2015 totalling R20 million, thus using almost all the allocated budget within three months of the project's establishment.

And these invoices, if I can refer you to the invoices, please?

**MS K:** Yes.

**ADV PRETORIUS SC:** If you go to page 266 of EXHIBIT SSA01.

**MS K:** Annexure C?

**ADV PRETORIUS SC:** It is annexure C1 but I am asking, if you look at the invoice ...[intervenes]

**MS K:** I cannot find it, Chair.

10 **ADV PRETORIUS SC:** At page 266.

**MS K:** Page?

**ADV PRETORIUS SC:** 266.

**MS K:** 366?

**ADV PRETORIUS SC:** 266.

**MS K:** 266.

**CHAIRPERSON:** Remember to look at the black numbers, Ms K, not the red numbers.

**ADV PRETORIUS SC:** Yes, black numbers, top left hand corner, Ms K.

20 **MS K:** Okay, yes.

**ADV PRETORIUS SC:** You will see there an invoice issued by – and the name of the company has been redacted.

**MS K:** Yes.

**ADV PRETORIUS SC:** And the description if for



“professional services rendered” and the amount is R4.1 million. Do you see that?

**MS K:** Yes, I see that.

**ADV PRETORIUS SC:** Another invoice in similar terms appears at page 272 of SSA01. Do you see that?

**MS K:** Yes.

**ADV PRETORIUS SC:** That is for R8 200 000.

**MS K:** Yes, excluding VAT.

**CHAIRPERSON:** I am sorry, where is the second invoice  
10 that is for R8 million?

**ADV PRETORIUS SC:** 272.

**CHAIRPERSON:** Okay, let get there. 272.

**ADV PRETORIUS SC:** 272, it is annexure C2.

**CHAIRPERSON:** Oh yes, thank you.

**ADV PRETORIUS SC:** Yes in fact you point out that the invoice is actually for R10 million.

**MS K:** Yes, it is for R10 million. The first one we went through is actually 5 million when you include VAT, total.

**ADV PRETORIUS SC:** Yes.

20 **MS K:** And the second one is 10 million.

**ADV PRETORIUS SC:** R10 million and if you go to the third one, annexure C3, page 274.

**MS K:** Yes.

**ADV PRETORIUS SC:** You will see a rounded figure of R5 million including VAT.

**MS K:** Yes.

**ADV PRETORIUS SC:** Leave aside the coincidence in relation to the amounts charged by what appears to be a service provider. These three invoices reflect a total expenditure during the period February to March 2015, an amount of R20 million, is that correct?

**MS K:** Yes.

**ADV PRETORIUS SC:** The description of the services rendered, in your view would that allow financial controls  
10 of an adequate nature to be implemented?

**MS K:** No. It would not because apart from the fact that is it called just professional fees and it is just an invoice, it would be – if this is a deep cover project as Construcao, and the invoice is issued for Constructao from this service provider it would not be addressed to State Security Agency if you look at that invoice and also seeing that the acknowledgement of receipt of the – dated the – I think it is page 271, it is dated 23 February 2015, it is actually a disbursement of funds, the entire R10 million given to – I  
20 do not know.

**CHAIRPERSON:** I am sorry, Ms K, I thought you said dated 23<sup>rd</sup>, I see 28. Maybe you said 28 February 2015 at page 271.

**MS K:** Yes, Chair, could you repeat that? I think the weather is affecting...

**CHAIRPERSON:** Sorry?

**ADV PRETORIUS SC:** Is the weather creating a problem  
...[intervenes]

**MS K:** I did not hear what the question was.

**CHAIRPERSON:** Oh, you cannot hear me well again?

**MS K:** Yes, now I can hear you, Chair.

**CHAIRPERSON:** Okay, I am saying that I thought when  
you referred to the date that appears at page 271, I  
thought you said 23 February or 23<sup>rd</sup>. I seem to see 28 but  
10 I do not know, maybe you did say 28. I just want to make  
...[intervenes]

**MS K:** I think it is my glasses, I am sorry, it is 28.

**CHAIRPERSON:** Okay, I just wanted to make sure we are  
looking at the same document.

**MS K:** Yes.

**CHAIRPERSON:** Okay, alright.

**MS K:** Yes, that is a – so for me that would not suffice as  
sufficient documentation to justify settlement of this claim.

**ADV PRETORIUS SC:** Right. In fact you raise another  
20 point related to what is contained in paragraph 6.15 but I  
think it is fair to go there because we are not implicating  
anybody further or anybody else but if you look at page  
271, this is receipt of money presumably pursuant to the  
invoice or one of the invoices that we have just referred to.

**MS K:** Yes.

**ADV PRETORIUS SC:** And it talks about R10 million received by a pseudonym Addo, who may give evidence.

**MS K:** Yes.

**ADV PRETORIUS SC:** That R10 million was received for the purpose of ops Construcão on the 28 February and no further information is given and presumably would that have been R10 million in cash?

**MS K:** Yes, that is it.

**ADV PRETORIUS SC:** Right, now I know that it is  
10 necessary sometimes to use cash as we have been told so that it cannot be traced but what do you say about the reporting adequacy and the financial control adequacy of this documentation.

**MS K:** If you look at page 269 – okay, page 268 and page 269, in 268 the subject of the submission is withdrawals on Project Construcão for payments of operational expenses for the project and then obviously it talks about – it gives some kind of motivation but when you get to the final implication it just says operational expenses, 10 million,  
20 and that is it.

So another concern with this submission – so it does not say how the R10 million will be expended and the invoice itself does not also assist to say what this was for and if you look at the compilation of this – if you look at the compiler, is Lilly and Lilly ...[intervenes]

**ADV PRETORIUS SC:** Pseudonym Lilly.

**MS K:** And Lilly is the compiler and the recommender. Another thing that is apparent here is that then Themba signs and the ultimate signatory on this is Ambassador Dlomo and this is above the MPD limitation. A DDG can never be able to sign off on a R10 million submission and just withdrawal of funds.

So if you look at the individuals that are featured here they were all within SO and that one should not be  
10 completed in that way and then they would bring the green forms to HQ, get the R10 million cash and create this acknowledge of receipt as proof that that money was expended for the intended purpose.

**ADV PRETORIUS SC:** Yes, I understand Ms K that in order to give a full answer to questions, both placed before by myself and the Chair, you have to give a full description of what you see, particularly in relation to documents placed before you but if we can just try and adhere to the principle that if you name a person, that person's name  
20 should appear in the document. Okay? If we can ...[intervenes]

**CHAIRPERSON:** Hang on. Did you understand that, Ms K?

**MS K:** Yes I did.

**ADV PRETORIUS SC:** Thanks, Ms K.

**CHAIRPERSON:** Okay. Before Mr Pretorius moves further, I just want to ask you this question. You know when you look at these motivation letters, the last paragraph I think under Regulatory Compliance...

**MS K:** Yes?

**CHAIRPERSON:** Seems always to point out to the person who is required to approve the – or to make the authorisation. It always out that that person has got power under some ministerial delegation of powers and direction  
10 of payment to approve such an expense or something like that. Now what it does not do, almost invariably, is to indicate what the requirements are that the approving authority should satisfy himself or herself about before he or she can approve. Do you know whether the instruments to which these letters refers, the ministerial delegation of powers and direction of payment of 2013, for example, I am looking at the one at page 269, do you know whether there is prescribed requirements to say if before you can approve or authorise an expense for a project, this is what  
20 you must satisfy yourself about and the request must contain the following information so that we know whether such requirements were complied with or not.

**MS K:** Chair, I think that is why most of the submissions are accompanied by an attached MPD. In the bundle – I do not know if I am authorised to be calling bundles.

**CHAIRPERSON:** Ja.

**MS K:** In that as I say bundle, annexure B. I do not know because it is has been evidence leader so I was thinking I do not want to take over his job.

**CHAIRPERSON:** You think you need to be a lawyer to say bundle. Bundle 1 is the one that we have going to whenever we needed to see these motivational letters.

**MS K:** Yes.

**CHAIRPERSON:** The other one is think is bundle 2 that  
10 has got your affidavit and Mr Y's affidavit.

**MS K:** Yes.

**CHAIRPERSON:** Which one do you want us to go to?

**MS K:** As I say, bundle 1.

**CHAIRPERSON:** Ja.

**MS K:** I feel like an evidence leader now. SSA bundle 1 and ...[intervenes]

**CHAIRPERSON:** Ja, what page?

**MS K:** What is this? A?

**CHAIRPERSON:** Look at the black numbers at the top left  
20 if you want to tell us what page.

**MS K:** It is page 21, 021.

**CHAIRPERSON:** Yes.

**MS K:** So if you look at - that is the MPD and if you look at cover structures on 5.2, that is the section that deals with the work of – mostly of CDSO, they are always covert

projects. So it does indicate the delegation and limits in terms of what people can approve.

**CHAIRPERSON**: Oh, but apart from the limitation with regard to up to how much the maximum a particular person may approve.

**MS K**: Yes.

**CHAIRPERSON**: Does it have any other requirements?

**MS K**: Pardon, Chair?

**CHAIRPERSON**: Does it prescribe any other requirements  
10 such as how much the person who must authorise must be told about how the money will be used? In other words ...[intervenes]

**MS K**: That is what ...[intervenes]3

**CHAIRPERSON**: In other words, Ms K, you have been saying in regard to these motivation letters that they are vague and they do not have adequate information that should be included.

**MS K**: Yes.

**CHAIRPERSON**: If the request were to be approved  
20 properly.

**MS K**: Yes.

**CHAIRPERSON**: So my question is, is there somewhere where we can go where we will be told these are the requirements that a motivation letter should cover or that or let us say or the DG or Deputy DG to approve funds for



a project, he or she must be satisfied, for example, that what they are going to be used for is a matter that falls within the mandate of SSA, what they are, the actual activities are lawful or something like that and that they will be – after the funds have been used, there will be a reconciliation to try to show how the funds were used. Do you know whether there is an instrument that sets out like that so that we are able to say the official position at SSA is that if a leader of a project asks for the authorisation of funds for a project, this is what the motivation should disclose about the project and these ones did not meet that requirement or is it discretionary to the leader of a project as to how much they disclose in their motivation letter?

**MS K:** I will try to answer to the best of my ability, Chair.

**CHAIRPERSON:** Yes.

**MS K:** I think we must draw a distinction between a submission to establish a cover project because that one would probably give a timeframe, maybe of a year, and it will also have an overall budget accompanied by an operational plan with a breakdown of how the money – you know, the budget for that project. And then that operational plan usually has more detail, so – and it is attached to the submission which could not – in certain instances I do not think it did cover project it would be divulging everything there but at least the accounting

officer who is going to ultimately sign off on that project, should have signed off that operational plan and understand. That is my view.

**CHAIRPERSON:** Yes.

**MS K:** And then there is a submission – once that is approved, there is a submission that people write just to withdraw funds from that approved project budget. So what we were looking at on that company and that invoice was a transaction to withdraw funds from an already  
10 approved project budget. But when you withdrew funds, when you look at the MPD, as I have said in page 23, you will see on site 3.2 that says:

“Payments of subsistence-related expenses, agent, co-worker or occasional contact conditions, subject to approval of trip in accordance with delegation.”

Blah, blah, blah. And even there, if you look at the DDG, domestic branch, the limit is 50 000, for a branch the limit is 200 000. So it does not matter how one looks at it, there was no – Mr Dlomo at the - Ambassador Dlomo did  
20 not have authority to even sign off on this 10 million and this repeats itself in every project.

**CHAIRPERSON:** Okay.

**MS K:** That is the point that we are trying to make. I do not know if I am answering sufficiently.

**CHAIRPERSON:** No, no, that is fine, thank you. I think it

is a convenient time to take the lunch break, Mr Pretorius.

**ADV PRETORIUS SC:** Yes, thank you, Chair.

**CHAIRPERSON:** We are at five past one. We are going to take the lunch break and we will resume at five past two. We adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** I am sorry. We are starting a bit later. There was some urgent matter that I needed to attend to.

10 **ADV PRETORIUS SC:** Thank you. Noted Chair.

**CHAIRPERSON:** Yes. Okay. Let us continue.

**ADV PRETORIUS SC:** Now Ms K, are you with us?

**MS K:** Yes, I am sir.

**ADV PRETORIUS SC:** Thank you. Ms K, I would like to go back a little to evidence given this morning just before the long adjournment and yesterday to try and clarify the extent to which the regulatory instruments governing the management of projects, both in their execution and their motivation, are dealt with.

20 Quickly go back to page 369 of SSA-02. Well, perhaps first, before that. We should go to page 351, paragraph 3.7.2. And perhaps even earlier, to paragraph 3.7 on page 350.

Let us start at paragraph 3.7 at page 350.

**MS K:** 350?

**ADV PRETORIUS SC:** Three, five, o of SSA-02. That is Mr Y's statement at para 3.7.

**MS K:** I am there.

**ADV PRETORIUS SC:** Alright. This is by way of background to the questions which will follow.

3.7 reads:

10 "In addition to the constitutional and legislative framework governing the SSA's governance and operations, the SSA has its own regulatory prescripts.

Two are particularly important for the purposes of assessing the pervasive and serious irregularities in the SSA Chief Directorate Specials Operations between 2012 and 2018."

The first prescript referred to is the Ministerial Delegation of Powers and Direction of Payment which deals with the powers that various levels of management within the SSA have in relation to authorisation of payments. Is that correct?

20 **MS K:** Yes.

**ADV PRETORIUS SC:** We will come back to that in a moment. We looked at that just before the long adjournment. Then let us go to the paragraph 3.7.2. It reads as follows:

"The SSA's operational directives constitute a

vigorous and comprehensive regulatory framework governing its operational activities including deep cover operations.

These OD's not only align with the Constitution imperative that National Security must be perceived in compliance with the law but also recognise that the need for accountability is greater in the context of covert operations where there is a risk that secrecy while a necessary component of intelligence may be abused to conceal unlawful activities."

10

**MS K**: Yes.

**ADV PRETORIUS SC**: Now this statement has been cleared by the SSA and to the extent that the operational directives broadly cover a number of topics. We can put that before the Chair in paragraph 3.7.2. But I understand that the SSA's operational directives are classified. Is that correct?

**MS K**: Yes, they are classified.

**ADV PRETORIUS SC**: And for the purposes of the evidence of Mr Y and accordingly for your purposes as well, they have not been declassified. So we cannot place their detail before the Chair. Is that correct?

20

**MS K**: I guess so because it follows the ...[indistinct]  
[00:04:56]

**ADV PRETORIUS SC**: Yes, it does. So while we can look – while we can draw some general conclusions, as you do,

about whether the documentation placed before the Veza Inquiry, shows sufficient detail to enable management controls to take place. What we cannot do is compare those documents to the detailed provisions of the operational directives. Is that correct?

**MS K**: Yes.

**ADV PRETORIUS SC**: What we can do, we can ask the Director-General, the acting Director-General to provide an affidavit or intend to give evidence if necessary but to  
10 provide an affidavit to the Chair dealing with these issues under whatever rubric may be advisable, whether an *in-camera* affidavit or an open affidavit but that is a matter for further consideration. Do you understand that?

**MS K**: Yes, I understand.

**ADV PRETORIUS SC**: But insofar as the ministerial delegation of powers and direction of payment is concerned, we can look at that. Safe that sections of that too have been redacted for security reasons and have not been declassified to the extent that they can be disclosed in the public.

20 **MS K**: Correct.

**ADV PRETORIUS SC**: Similarly to the extent that what actually happened in relation to the detail of each project, its execution and financing should be rather dealt with in an affidavit provided by SSA by or under the authority of the Director-General. Do you follow that?

**MS K:** Yes, I do follow.

**ADV PRETORIUS SC:** So for the moment I will confine my questions to you to general observations which you have already made, rather than go to the detail of the prescripts that clearly would interest and concern the Chair which we will deal with in due course. If that is permissible Chair? I do not want to put this in a position where ...[intervenes]

**CHAIRPERSON:** Ja.

**ADV PRETORIUS SC:** ...she has to stray into ...[intervenes]

10 **CHAIRPERSON:** No, that is fine. That is fine.

**ADV PRETORIUS SC:** ...territory which she may not.

**CHAIRPERSON:** Ja.

**ADV PRETORIUS SC:** You do, however, make certain general observations. If you look at SSA-1 at page 22.

**MS K:** Yes, sir.

**ADV PRETORIUS SC:** This is a page of the Ministerial Delegation of Powers and Direction of Payment, the MPD, which has been declassified only to a certain extent.

**MS K:** Chair, I think I am lost. Okay I got it now.

20 **ADV PRETORIUS SC:** So have you got page 21 which is the title page, cover page? Do you see that?

**MS K:** Yes. Yes, I am there now.

**ADV PRETORIUS SC:** It is the Ministerial Delegation of Powers and Direction of Payment. It deals with the authority at various levels of management within the SSA who

authorise that payments be made and certain categories of activity. Am I correct?

**MS K**: Yes.

**ADV PRETORIUS SC**: If you go to paragraph 5.2 which appears on page SSA-1, page 22. You will see paragraph 5.2.

**MS K**: Yes.

**ADV PRETORIUS SC**: It refers to cover structures.

**MS K**: Yes.

10 **ADV PRETORIUS SC**: It deals with the establishment of and closure of a cover structure/cover project and the amounts under that head, paragraph 5.2.1 have been redacted. Do you see that?

**MS K**: [No audible reply]

**ADV PRETORIUS SC**: They do not appear there.

**MS K**: Yes.

**ADV PRETORIUS SC**: No amounts appear there and there is no reference to any other document.

**MS K**: No, it is not redacted.

20 **ADV PRETORIUS SC**: Well, then you have an unredacted version. We do not have.

**MS K**: Yes.

**CHAIRPERSON**: Well, while Mr Pretorius is conferring with a member of his team. I note that in – at page 22, Ms K. That it looks like the DG is not restricted to any amount



when he enters things, a member of the Foreign Intelligent Service whereas other officials are restricted to R 100 000,0, R 30 000,00, R 20 000,00 and so on. Am I understanding this document correctly?

**MS K**: Yes, you are Chair.

**CHAIRPERSON**: Oh, so ...[intervenes]

**ADV PRETORIUS SC**: May I ask what paragraph you are referring to Chair?

**CHAIRPERSON**: At page 22.

10 **ADV PRETORIUS SC**: Yes, the DG's restricted.

**CHAIRPERSON**: Ja, can you see that?

**ADV PRETORIUS SC**: Yes.

**CHAIRPERSON**: Yes.

**ADV PRETORIUS SC**: Well, let us put it this way. Whether it was redacted by hand or redacted in the version set out before us or simply is not contained in this document, there is no information that we have as to the limitation under 5.2.1, the establishment of an enclosure of cover structure/cover project. Do you see that?

20 **MS K**: Yes, I can.

**ADV PRETORIUS SC**: Whether it has been hand redacted, it is just not there.

**MS K**: Yes.

**ADV PRETORIUS SC**: And in relation to ...[intervenes]

**MS K**: It is that ...[intervenes]

**ADV PRETORIUS SC:** I am sorry?

**MS K:** It is just has ...[indistinct] [00:11:44] all across all of the levels.

**ADV PRETORIUS SC:** Yes, yes. So we do not have that information.

**MS K:** Apart from the DG's one.

**ADV PRETORIUS SC:** Yes, yes. Which has a Y there.

**MS K:** Yes.

**ADV PRETORIUS SC:** And if one goes over the page.

10 There are certain categories of payment authorised which are included but most of them that deal with amounts up to R 2 million. I do not see any amount here in the region of R 10 million for example. If one goes through the whole document. Do you see that/

**MS K:** Ja.

**ADV PRETORIUS SC:** In any event, I do not think it is entirely fair on you in those circumstances to deal in much more detail with the allegations in the paragraphs. Safe to confirm the allegations you have made already which fall into  
20 two categories.

Firstly, you said in regard to the motivation for documents, as I understand your evidence, even in regard to operational plans, insufficient information was given to enable proper controls. Do you stand by that evidence?

**MS K:** Yes. Yes, I do.

**ADV PRETORIUS SC:** And secondly, in regard to finances. As the DG, Mr Jafta said, the paper trail and the control documents contained insufficient information to ensure proper financial controls being implemented in relation to projects within the CDSO. Would you agree with that proposition?

**MS K:** Yes.

**ADV PRETORIUS SC:** What is clear and perhaps you can assist the Chair in this regard. The Project Veza which has  
10 conducted this investigation about which you testifying, has been in existence for approximately two years.

**MS K:** Yes.

**ADV PRETORIUS SC:** Has the team worked continuously on its investigations during this period?

**MS K:** Yes, we have. A dedicated team working full time on this project.

**ADV PRETORIUS SC:** Right. And if you would please just give the Chair an estimate of the burden and scope of your investigation project. Approximately how many persons  
20 would you have interviewed?

**MS K:** I do not have that offhand but ...[intervenes]

**ADV PRETORIUS SC:** A rough estimate.

**MS K:** I will have to consult on that because the transcript will assist me.

**ADV PRETORIUS SC:** Yes ...[intervenes]

**MS K:** [Indistinct]

*[Parties intervening each other – unclear]*

**ADV PRETORIUS SC:** So you would not interview  
...[intervenes]

**MS K:** [Indistinct]

*[Parties intervening each other – unclear]*

**ADV PRETORIUS SC:** Is it in the hundreds?

**MS K:** No, I am saying. I will ask a colleague of mine just  
to check the transcripts because all of the interviews were  
10 recorded. So if we can just count the number of transcripts I  
will be able to give you, even an estimation. I do not have  
an estimation now. An estimate figure.

**ADV PRETORIUS SC:** Would it be more than 50?

**MS K:** Definitely?

**ADV PRETORIUS SC:** More than a hundred?

**MS K:** I do not know.

**ADV PRETORIUS SC:** Alright. Maybe I am being unfair  
now. And ...[intervenes]

**MS K:** Yes.

20 **ADV PRETORIUS SC:** My profuse apologies Ms K. And in  
relation to the documents, to be even more unfair, I suppose  
it would be quite unfair of us to ask you as to the volume of  
documentation that you had to deal with?

**MS K:** If you look at a walk-in safe in a room, you can just  
imagine boxes and boxes that it would be like three quarters

of that room. It is boxes of this information that we got.

**ADV PRETORIUS SC:** Something like the study of the Chair.

**MS K:** [laughs]

**ADV PRETORIUS SC:** [laughs]

**CHAIRPERSON:** [laughs] That is classified information Mr Pretorius.

**ADV PRETORIUS SC:** [laughs]

**CHAIRPERSON:** [laughs]

10 **MS K:** [laughs]

**ADV PRETORIUS SC:** Which are neatly piled up.

**CHAIRPERSON:** [laughs]

**ADV PRETORIUS SC:** Ms K, what I would just remark onto you and what we would say to the Judge in due course is that for a complete and proper investigation to be done into the affairs of the CDSO in the period under review.

You would require a considerable capacity to complete the work. And I am talking about manpower.

20 You would require unlimited access to classified documents and you would require the cooperation of persons and perhaps the opportunity to compel persons from the lowest operative level or the operative level right through to the most senior personnel including ministers. Is that a fair assumption?

**MS K:** Yes.

**ADV PRETORIUS SC:** In your investigation, did you have powers of compulsion?

**MS K:** No. We do not have any powers of compulsion.

**ADV PRETORIUS SC:** Good. Well, not good. I understand. If we can go then please back to the statement of Mr Y?

**MS K:** [No audible reply]

**ADV PRETORIUS SC:** At paragraph 6.16. There reference is made to additional invoices submitted under Project Construção by external companies, PR(?) Cedemans, Napa  
10 and Squash [00:18:39] who provided invoices totalling at least over R 24 million for “services rendered”. Am I correct?

**MS K:** Yes.

**ADV PRETORIUS SC:** Again, did these invoices to your recollection, to your knowledge adequately reflect the nature of the services rendered and work done to enable proper controls to be implemented?

**MS K:** No. In fact, the invoices looked – at face value when you look at them, when we analysed them. It is the  
20 same paper and both invoices from the different companies basically said payment in accordance to existing contract. So it was insufficient in that regard.

And the other thing that I remember is that the – that Squash was a foreign company that was providing whatever services.

But it was – it would not be something that would ...[indistinct] [00:20:05] the master or the, you know, the credibility check if you looked at it.

And the invoices were usually addressed to, consistently, to two individuals. Ja, and then that will just be proof. The invoice and the acknowledgement of receipt of cash would be what is attached to the TA.

**ADV PRETORIUS SC:** Now that will be the sum total of – or not the sum total. That will be the documentation which  
10 would be used to justify, firstly, payment and secondly receipt of cash. Am I correct?

**MS K:** Yes.

**ADV PRETORIUS SC:** Alright. If we can go then paragraph 6.1.7? It reads:

“In December 2016, a submission as compiled to request the DG, then Mr Arthur Fraser, who waived the advertising and the appointment processes in respect of 33 people attached to Project Construção.”

20 This submission is contained in File 2 of SSA Bundle and is marked or as is marked as Annexure C12. I just want to look at it if you would give me a moment Ms K to see if it is necessary to disclose it before the Chair.

**MS K:** [No audible reply]

**ADV PRETORIUS SC:** I think it is important to summarise

below and if you have a need to look at the document to support what is said below, please just say so Ms K. It reads:

“The urgency of the proposed waiver(?) was motivated on the basis that the project would soon end as it had been decided by the principle client and the SSA executive to call for a termination of the project when the term allocated expires at the end of March 2017.”

10 So it seems that certain work had to be done on an urgent basis because the project was about to come to an end. Do I understand your correctly?

**MS K:** Yes.

**ADV PRETORIUS SC:** There is reference there to the principle client.

**MS K:** Yes.

**ADV PRETORIUS SC:** I do not want to ask you who that client was but is that client an individual or an institution or do you not know?

20 **MS K:** I do not know whether – I do not know who they were referring to ...[intervenes]

**ADV PRETORIUS SC:** Right.

**MS K:** ...with regards to – ja.

**ADV PRETORIUS SC:** Perhaps we can get other evidence to that effect.



**MS K:** Yes.

**ADV PRETORIUS SC:** The paragraph continues:

“However, Project Construção was extended several times after the Cover Support Unit took over operational expenses for the project in September 2017 and final payments to the remaining co-workers were only made in September 2018.”

Is that correct?

**MS K:** Yes.

10 **ADV PRETORIUS SC:** Alright. Let us go on to deal with Project Mayibuye. As I understand it and it appears from what is set out below, Project Mayibuye was a collective name for several projects. Am I correct?

**MS K:** It was a project with operations within that project.

**ADV PRETORIUS SC:** Okay.

**MS K:** Yes.

**ADV PRETORIUS SC:** 7.18 says:

20 “Project Mayibuye was initiated by Mr Thulani Dlomo and was initially approved by Ambassador Kudjoe in January 2015 at the same time as other CDSO projects were approved.

This submission for the establishment of Project Mayibuye is contained in the SSA Bundle and is marked Annexure MO.

It was renewed and continued after the departure of

Ambassador Kudjoe and the subsequent arrival of Mr Fraser as DG in September 2016.”

Is that correct?

**MS K:** Yes.

**ADV PRETORIUS SC:** Paragraph 6.19 quotes from the motivation for the establishment of the project and says:

10 “According to the motivation put forward in seeking approval for the Project Mayibuye it was established “to provide counterintelligence support that would enable to step up state authority and its organs of governance (justice, parliament, provincial legislatures) against hostile behaviour or radical intend and the undermining of law and governance in general”.

20 Minister Mahlobo continuously approved the utilisation of retained earnings to fund these operations despite advise that the retained earnings (unexpended funds) should be saved and utilised for infrastructure development to develop the intelligence capabilities of the SSA.”

Who decide the sentence that I have just read about the use of retained earnings? But can you confirm that the motivation was couched in the terms you have set out – sorry, not what you have set out, what Mr Y set out in paragraph 6.1.9.

**MS K:** I cannot confirm ...[intervenes]

**ADV PRETORIUS SC:** Well ...[intervenes]

**MS K:** ...the motivation.

**ADV PRETORIUS SC:** ...it is there in annexure  
...[intervenes]

**MS K:** But because it is quoted, I am assuming it comes  
from the original documents.

**ADV PRETORIUS SC:** Yes, it does and ...[intervenes]

**MS K:** Because it is a deportation. So I cannot oppose  
10 that.

**ADV PRETORIUS SC:** Right. It is there for anybody  
...[intervenes]

**MS K:** But... Yes. And then the part of the approval of  
...[indistinct] [00:26:33] of retained earnings. I agree with  
that. We have seen the documentation. I am not sure about  
the advise that it should be saved and utilised. I was – I do  
not have any evidence that shows anyone giving advice. So  
ja, that is where I would end it.

**ADV PRETORIUS SC:** Paragraph 6.2.0 reads:

20 “A submission dated 31 May 2016, authorisation was  
given for the renewal of Project Mayibuye and  
payment to belated expenditure between  
1 April 2016 and 31 March 2017 approving the  
budget of R 54.1 million, the submission for renewal  
and further funding of Project Mayibuye is contained

in the SSA Bundle as Annexure M25.”

I am not going to go to either of those documents for the moment. They may become relevant later.

**MS K:** Yes.

**ADV PRETORIUS SC:** But let us go to paragraph 6.2.1. It reads:

10 “By way of an example as to how operational funds would be withdrawn for Project Mayibuye, this approval is attached as support for a temporary advance dated 30 June 2016 for R 4.4 million with the accompanying certificate bearing the signature of those who took receipt of the cash for various operations under Project Mayibuye.

This TA or temporary advance is included in File 2 of Bundle SSA Bundle and is marked as Annexure M15.”

Let us just have a look at that if we may?

**MS K:** Yes. M15.

**ADV PRETORIUS SC:** M15 is at page ...[intervenens]

20 **MS K:** Yes, I am...

**ADV PRETORIUS SC:** ...453 of SSA-1.

**MS K:** 453?

**ADV PRETORIUS SC:** Yes.

**MS K:** Yes, I am there.

**ADV PRETORIUS SC:** [No audible reply]

**MS K:** I have got it Chair.

**ADV PRETORIUS SC:** Right.

**CHAIRPERSON:** [Indistinct] [Microphone muted]

**ADV PRETORIUS SC:** If you just bear with me a moment  
Ms K.

**MS K:** [No audible reply]

**ADV PRETORIUS SC:** If you could go then to page 458.

**MS K:** Page?

**ADV PRETORIUS SC:** 458.

10 **MS K:** 458. Okay. Yes.

**ADV PRETORIUS SC:** Well, perhaps we should – a lot of that is illegible, perhaps we should go to the certificate of receiving cash on page 464. That is the type of document that Mr Jafta referred to as a raising concern. 453 and 454 are certificates of receiving cash. Do you see that?

**MS K:** Yes, yes.

**ADV PRETORIUS SC:** So let us look at the invoice which gave rise to that.

**MS K:** Yes.

20 **ADV PRETORIUS SC:** It is on page 462 of SSA1. Do you see that?

**MS K:** Yes, thank you.

**CHAIRPERSON:** Repeat that page, Mr Pretorius?

**ADV PRETORIUS SC:** Sorry.

**CHAIRPERSON:** Just repeat the page number?

**ADV PRETORIUS SC:** Page 462, SSA1.

**CHAIRPERSON:** Yes.

**ADV PRETORIUS SC:** It says in an invoice:

“Professional fees as per the approved contract.”

That is a piece of evidence that you have just given.

**MS K:** Yes.

**ADV PRETORIUS SC:** Quantity 1, unit price R4.4 million, amount R4.4 million. Do you see that?

**MS K:** Yes.

10 **ADV PRETORIUS SC:** And that is all that is said and then in relation to the receipt of cash there are several certificates.

**MS K:** Yes.

**ADV PRETORIUS SC:** But each of them says underneath the head:

“Reasons for giving cash, Project Mayibuye, Ops Gustus.”

Is one of them at 464. Do you see that? For 1.4 million.

**MS K:** Yes. Yes, I see that.

20 **ADV PRETORIUS SC:** And over the page 1.4 million again, all that is said is Ops Gustus as the reason for giving cash. Do you see that?

**MS K:** Yes and Mayibuye in brackets.

**ADV PRETORIUS SC:** Yes, Mayibuye in brackets.

**MS K:** Yes.

**ADV PRETORIUS SC:** That again by way of example you have made the general conclusions in relation to documents of that nature and as has DG Jafta. Paragraph 6.22 says:

“Based on the TAs...”

That is the temporary advances.

10 “...which have been located during our investigation, the total paid in respect of Project Mayibuye amounts to R84.79 million. This includes eight invoices totalling 38.88 million which was submitted by an unnamed company and one invoice for R6.9 million submitted by another company or service provider.”

Is that what the investigation came to find?

**MS K:** Yes.

**ADV PRETORIUS SC:** And that is based on what you could locate, is that correct?

**MS K:** Yes.

**ADV PRETORIUS SC:** Is it necessarily the full amount?

20 **MS K:** I do not think so, sir. I do not think so.

**ADV PRETORIUS SC:** And then if one goes to 6.23, it reads:

“Project Mayibuye comprised several operations including Operation Commitment, Operation Justice/Simunye, Operation Lock and Operation

Sesikona which are detailed separately below. Reference is also made in submissions for Project Mayibuye to Operation Safe Return and Operation Platinum but little is known about these operations.”

Do you have any comment on that general statement?

**MS K:** Yes. I do agree with the paragraph as it stands.

**ADV PRETORIUS SC:** Let us deal then with Operation Commitment which is an operation, as you have said, under Project Mayibuye. 6.24 reads:

10 “Operation Commitment involved monthly withdrawals of cash by, among others, Frank, Darryl and Dorothy.”

Those are all pseudonyms.

“...which were delivered on more than one occasion...”

**MS K:** Yes.

**CHAIRPERSON:** I am sorry, Mr Pretorius. Should there be an amendment here?

20 **ADV PRETORIUS SC:** Yes, there will have to be and that will be made in due course, as soon as we can.

**CHAIRPERSON:** Whoever uses the pseudonym of Sharon [indistinct – dropping voice]

**ADV PRETORIUS SC:** Yes, ignore that name.

**CHAIRPERSON:** Ja.

**ADV PRETORIUS SC:** Not involved.



**CHAIRPERSON:** Ja, okay.

**ADV PRETORIUS SC:** But there will – I am sorry, I should have made it clear before getting to that paragraph that after discussions with a particular counsel a particular name – I hope I am being vague enough.

**CHAIRPERSON:** Ja, that is fine. It is just important that I want to see if what – whether I have the same document as you have.

**ADV PRETORIUS SC:** Yes, Chair.

10 **CHAIRPERSON:** So when you read something that is different from what I have, that is why I want to check.

**ADV PRETORIUS SC:** I will alert you to it beforehand.

**CHAIRPERSON:** Okay.

**ADV PRETORIUS SC:** It reads:

“Operation Commitment involved monthly withdrawals of cash by, among others, Frank, Darryl and Dorothy which were delivered on more than one occasion to the Minister during the period when Mr Mahlobo was Minister of State Security.”

20 Do know of that? Can you confirm that?

**MS K:** Yes. Yes, I can.

**ADV PRETORIUS SC:** The paragraph continues:

“The allegation made to the investigation team was that these funds were intended for onward delivery by Minister Mahlobo to President Zuma.”

Can you confirm that that is what you learnt in the investigation or were told at least?

**MS K:** Yes, that is what we were told.

**ADV PRETORIUS SC:**

10 “In his interview with our investigation team, Frank confirmed that he dropped off monthly withdrawals of R2.5 million to Minister Mahlobo’s office under Operation Commitment and indicated he had heard that these payments were going to “the project of the President” but could not confirm that this was indeed the case. It should be noted that the Project Veza investigation team has not found any proof that President Zuma in fact received these payments nor is there any acknowledgement of such receipt by him.”

Is that the correct position?

**MS K:** Yes, that is correct.

**ADV PRETORIUS SC:** Did you happen to ask Minister Mahlobo about these allegations?

20 **MS K:** There was an intent to ask. When he was still member of parliament before he was appointed Deputy Minister Water Affairs, we were engaging with Minister – form Minister Letsatsi-Dube’s office and we crafted letters with certain questions and we asked that via the Minister’s office this be disseminated because this – it was not just

him, it also included another former Minister and other senior officials that had left the organisation.

Now we thought that the ministry would the process that ...[intervenes]

**ADV PRETORIUS SC:** Well, perhaps we should not go any further that because we are dealing with a specific individual, so let me not take that any further, all we know is that the investigation team made an effort. Evidence regarding the conduct of Minister Mahlobo will be dealt  
10 with elsewhere. Hopefully we will have an opportunity to speak to him. So can – is that okay?

**MS K:** I get that but I have to point out that ultimately the letter was delivered back to the team to be delivered to Minister Mahlobo and when he was contacted he actually scolded a member of the team and said the member of the team must tell the former Minister that he will expose her.

**ADV PRETORIUS SC:** Alright, let us ...[intervenes]

**MS K:** That is where it ended.

**ADV PRETORIUS SC:** Yes, let us leave that there for the  
20 moment, Ms K, if we may. Paragraph 6.25 – well, let me put it this way. Leave Mr – Minister Mahlobo out of the equation for the moment.

**MS K:** Yes.

**ADV PRETORIUS SC:** Has the investigation team attempted to investigate fully by reference to all implicated

and concerned whether these amounts actually reached President Zuma as appears to have been intended by the project?

**MS K:** We did not have the capacity to investigate fully. When we hear allegations and we see that people in terms of the TAs, the financial system, we can see that people withdrew money for that project and they indicated that we delivered it wherever. We did not get an opportunity to – if we – had we engaged him, I think we would have tried to –  
10 that was our effort to try and establish if indeed he did receive and whether – because we were going to put these allegations to him.

**ADV PRETORIUS SC:** Right, so what you know is that an operation was conceived, the operation involved the withdrawals of cash on a monthly basis. You were told that these amounts were delivered or amounts were delivered on more than one occasion to Minister Mahlobo and you cannot take it any further insofar as your investigations have gone despite an effort to investigate further.

20 **MS K:** Yes.

**ADV PRETORIUS SC:** Is that a fair summary/

**MS K:** Yes, yes.

**ADV PRETORIUS SC:** Alright. Paragraph 6.25 reads:

“According to Lilly, these monthly payments amounted to...”

And Lilly is a pseudonym.

“...these monthly payments amounted to about R24 million in the 2015/2016 financial year and increased to R54.1 million in the 2016/2017 year.”

Is that what Lilly informed the investigation team?

**MS K:** That is what I am told, Chair. I have never met Lilly and by the time the Veza team started, I think she was interviewed and submitted a statement before I joined the team.

10 **ADV PRETORIUS SC:** Right. The next sentence reads:

“Frank...”

Also a pseudonym.

“...reported that he received firm instructions from Minister Mahlobo that these amounts must be made available notwithstanding challenges in accessing these funds.”

Is that what Frank reported to the investigation?

**MS K:** Yes.

**ADV PRETORIUS SC:** Let us deal with the next operation,  
20 Operation Justice and Simunye. 6.26 reads?

“Operation Justice concerned the alleged influencing, recruiting and handling of sources within the judiciary.”

We have learnt from previous evidence that sources there meant member of the judiciary, am I correct?

**MS K:** Yes.

**ADV PRETORIUS SC:** The second sentence reads:

“The purported aim was to ensure harmony between the State and the Justice fraternity and allegedly included efforts to influence the outcome of cases.”

Was that what the investigation was told or established?

**MS K:** That is what we were told, that is why we say purported aim. I cannot remember whether we were told – ja, we asked questions, we sent written questions to  
10 certain individuals and that is the response that we got and apart from that I think it will also be addressed in 6.27.

**ADV PRETORIUS SC:** Did you ask these questions of persons involved in execution of the project?

**MS K:** Yes, specifically those who had taken TAs for Mayibuye because in Mayibuye you had all of these operations, so we had to pose that question in writing and we got written responses where before we even had a face-to-face interview with some. So that was – we did get written responses that were explaining what this was  
20 about.

**ADV PRETORIUS SC:** Right.

**MS K:** From certain implicated individuals.

**ADV PRETORIUS SC:** These written responses, the documentary evidence and the recorded oral evidence are a matter of record, is that correct?

**MS K:** Yes.

**ADV PRETORIUS SC:** Paragraph 6.27 reads:

“From a submission dated 20 July 2015 requesting authorisation for the renewal and funding of Project Mayibuye it appears that Operation Justice was the continuation of an earlier project called Simunye.”

Is that correct?

**MS K:** Yes.

**ADV PRETORIUS SC:** This submission is included in file  
10 2 of the SSA bundle and is marked as annexure M4. File 2  
is the subdivision, Chair. I hope your file has been  
subdivided into the three files.

**MS K:** Yes, it is.

**ADV PRETORIUS SC:** But SSA1 is the file that we need  
to look at for annexure M4.

**MS K:** Page?

**ADV PRETORIUS SC:** Let me get it for you, hold on,  
please?

**CHAIRPERSON:** Mr Pretorius did you say my file has  
20 already been subdivided?

**ADV PRETORIUS SC:** I cannot say [inaudible – speaking  
simultaneously]

**CHAIRPERSON:** No, it is fine if it has not, I just wanted  
to make sure that I heard you correctly because I did not  
think it has been ...[intervenes]

**ADV PRETORIUS SC:** Is it not there?

**CHAIRPERSON:** Well, does not look like. I have got some pink dividers that have been put in but there is nothing written on them to indicate this is supposed to represent file 1 or what.

**ADV PRETORIUS SC:** My apologies, I will see to that personally after the adjournment.

**CHAIRPERSON:** Yes and there are two of them and not three, so I do not know.

10 **ADV PRETORIUS SC:** If you would go to page 380 of SSA1.

**MS K:** Yes, I am there.

**ADV PRETORIUS SC:** That is annexure M4. It is a letter addressed to the Director General SSA dated 20 July 2015, it has been declassified.

**MS K:** Yes.

**ADV PRETORIUS SC:** And it is a letter whose purpose is to renew and fund a cover project and payment of related expenses for Project Mayibuye. Do you see that?

20 **MS K:** Yes.

**ADV PRETORIUS SC:** If you would just bear with me for a moment, Chair? And paragraph 2.4 on page 381 reads:

“Project Simunye was intended to intensify and strengthen state authority within the judiciary system under which contact and relevant assets



were to be acquired, utilised for the purpose of positive influencing state power and control of the judiciary.”

Do you see that?

**MS K:** Yes, I do.

**CHAIRPERSON:** So that in writing is the motivation for the renewal and funding of cover project under Project Mayibuye in that letter date 20 July 2015.

**MS K:** Yes.

10 **CHAIRPERSON:** In case it makes any difference, Mr Pretorius, where you said control of the judiciary, it says control over.

**ADV PRETORIUS SC:** Control over the judiciary, yes.

**CHAIRPERSON:** Ja, on the letter.

**ADV PRETORIUS SC:** My apologies, Chair.

**CHAIRPERSON:** Ja.

**ADV PRETORIUS SC:** That statement that the project was intended to influence state power and exercise control over the judiciary, is that consistent with your knowledge of  
20 what you were told about Project Justice which later [inaudible – speaking simultaneously]

**MS K:** No. No, not verbally, we were not told that. We just discovered it in the submissions, the documentation.

**ADV PRETORIUS SC:** Right.

**UNKNOWN COUNSEL:** Can I just – sorry?

**CHAIRPERSON:** Yes.

**UNKNOWN COUNSEL:** This might assist me on the following, Chair, there is documents that were given to us as annexures referencing with these particular paragraphs and as I have been following evidence, this implicate my client, then they were given to us as declassified annexures to be used in particular for this notice 3.3. in respect of my client.

**CHAIRPERSON:** Yes.

10 **UNKNOWN COUNSEL:** I just want to check with the counsel for the Commission because I have annexure M and I thought he was introducing and then he was referring to M4. To me it was just MM, marked as M, maybe I am just confusing and I do not have M4 or it was not intended to be given to me. If I may complete, M refers annexure something different. Just for clarity, so that I do not confuse...

**CHAIRPERSON:** Yes. No, this letter is annexure M4 according to what is written here and it is a letter date 20  
20 July 2015, it has got State Security letterheads and does that indicate the same thing that you have or not?

**UNKNOWN COUNSEL:** No, Chair, hence I am trying to clarify.

**CHAIRPERSON:** Are you at page 380?

**UNKNOWN COUNSEL:** Chair, Chair will remember that

we do not have the bundle as you are [inaudible – speaking simultaneously]

**CHAIRPERSON**: Oh, you were only given ...[intervenes]

**UNKNOWN COUNSEL**: We would have been extracts of certain things and in between.

**CHAIRPERSON**: Oh, okay.

**UNKNOWN COUNSEL**: So now hence I am also looking at this annexure.

**CHAIRPERSON**: Yes, okay.

10 **UNKNOWN COUNSEL**: Because these annexures were give to me in an attempt to reference certain notice that we were given.

**CHAIRPERSON**: Ja, okay.

**UNKNOWN COUNSEL**: So that is why I am trying to ...[intervenes]

**CHAIRPERSON**: Okay, Mr Pretorius can address that.

**ADV PRETORIUS SC**: Well, I do not have sight of precisely at this stage what was given. In fact we can – I can arrange to have one of the members of the legal team  
20 to speak to counsel in due course.

**CHAIRPERSON**: Yes and ...[intervenes]

**ADV PRETORIUS SC**: I am in no position to answer the question.

**CHAIRPERSON**: Yes. If – well, I do not know what the guiding principles were in terms of who was given what but

maybe since it is declassified, maybe if one of your team members has got a spare copy they could give it to him.

**ADV PRETORIUS SC:** Yes, no problem with that.

**UNKNOWN COUNSEL:** Without really disrupting, I know my learned colleague yesterday said he will only progress when the right(?) is not disturbing him. I had no intention waking up this morning to disruptive.

**CHAIRPERSON:** Ja.

**UNKNOWN COUNSEL:** However, I am sitting here with a  
10 headache because – and you can imagine me having a  
headache with this big head. So ...[intervenes]

**CHAIRPERSON:** No, no, no, what you have raised seems to be a legitimate issue so ...[intervenes]

**UNKNOWN COUNSEL:** Yes. So I have always been, Chair, with the direction of the Chair being told that no, we will stop, please stop disrupting.

**CHAIRPERSON:** Yes.

**UNKNOWN COUNSEL:** But I think this pervasive of an injustice if I may use those words.

20 **CHAIRPERSON:** Yes.

**UNKNOWN COUNSEL:** Because I am not really following and these are declassified information that were intended to be given to me.

**CHAIRPERSON:** Yes.

**UNKNOWN COUNSEL:** If we are – do then continue under

that vein, I will always be left in the dark and I will always intervene as if I am being disruptive to the proceedings.

**CHAIRPERSON:** Ja, ja. No, no, no, it is important that if there is something that relates to your client you should have it. Mr Pretorius, I ...[intervenes]

**ADV PRETORIUS SC:** Chair, the one option would be to hand the whole bundle over to my learned friend.

**CHAIRPERSON:** Yes.

**ADV PRETORIUS SC:** But I do not want to do it at this  
10 stage until it is placed on record and until I am convinced or satisfied that all the necessary redactions have been made.

**CHAIRPERSON:** Okay.

**ADV PRETORIUS SC:** And I am not satisfied on that score at the moment. We have been told by the legal representatives at the SSA that we may put this whole before the witnesses but there are still aspects about which I am not satisfied and ultimately we take the responsibility not the SSA for what we place before you.

20 So there are a number of issues arising, and I am still coming across them, that require further redactions as a precaution and they are being – that is being done. Once that has been done then we can hand the whole file over to my learned friend.

**CHAIRPERSON:** Well, the concern which he raised, and I

think it is legitimate, is that he is sitting there but it is no use him sitting there if he cannot follow the evidence because he does not have certain documents. That is the concern. Should I adjourn for ten minutes to see ...[intervenes]

**ADV PRETORIUS SC:** Well, Chair, let me put it this way. Where a statement implicates a person directly or perhaps even indirectly, that information is placed before the person by way of 3.3 notice. To say that everything that a  
10 witness says in relation to a particular project must also be placed is task which is just not capable of reasonable execution.

If a problem is raised, however, we can meet that problem and I am happy to do so. So what we can do, on your suggestion, is give that document, which has been declassified to my learned friend and he can read it and follow the evidence.

**CHAIRPERSON:** Yes but the question is whether it can be given to him immediately or ...[intervenes]

20 **ADV PRETORIUS SC:** Yes it can.

**CHAIRPERSON:** Okay. Okay, so that will be given to him then.

**UNKNOWN COUNSEL:** Thank you, Chair.

**CHAIRPERSON:** Okay.

**UNKNOWN COUNSEL:** But maybe my learned colleague

is misunderstanding my argument.

**CHAIRPERSON:** Yes.

**UNKNOWN COUNSEL:** And I have not by any chance said that I be given everything.

**CHAIRPERSON:** Ja.

**UNKNOWN COUNSEL:** And I am quite aware of evidence is presented here.

**CHAIRPERSON:** Ja.

**UNKNOWN COUNSEL:** What I am raising today of, and I  
10 have been consistent since Monday, is what has been disclosed to me purporting to be a particular document in reference to an annexure on a paragraph that has been disclosed to me, so these are documents that I am already in possession either when they were given with a 3.3 or as they were declassified progressively to me and disclosed.

Now I am sitting with a document here that refers to M.

**CHAIRPERSON:** Ja.

**UNKNOWN COUNSEL:** And in reference to a particular  
20 paragraph that now he is tendering evidence on.

**CHAIRPERSON:** Yes but do not repeat the point, you have made the point.

**UNKNOWN COUNSEL:** Okay, thank you, Chair. I  
...[intervenes]

**CHAIRPERSON:** You have made the point, ja. They will

give you a copy of the document.

**ADV PRETORIUS SC:** Thank you, Chair.

**CHAIRPERSON:** Okay, alright, let us proceed.

**ADV PRETORIUS SC:** Let us got to the document referred to in paragraph 6.29 please.

**MS K:** Yes?

**ADV PRETORIUS SC:** It is annexure M15.

**CHAIRPERSON:** Were you done with the document at page 380?

10 **ADV PRETORIUS SC:** Yes, Chair.

**CHAIRPERSON:** Oh, okay.

**MS K:** Yes, I am at M15.

**CHAIRPERSON:** What page is M15?

**ADV PRETORIUS SC:** Yes, 6.29, I am just getting the page. Page 453. If you go to page 454, a description of Project Mayibuye and particularly Project Justice and Operation Sesikona, Operation Justice and Operation Sesikona is dealt with. Would you go there please?

**MS K:** Yes.

20 **ADV PRETORIUS SC:** It is in paragraph A of 2.4.

**MS K:** Yes.

**ADV PRETORIUS SC:** It reads:

“Achievements...”

That should be placed in context – let me take a step back – of the purpose of the communication dated 31 May 2016,



a declassified document addressed to the Director General of SSA, it is headed:

“Request for authorisation, renewal of cover Project Mayibuye and payment to the expenditure related to Project Mayibuye from 1 April 2016 to 31 March 2017.”

And you have told the Chair Operation Justice was part of Project Mayibuye.

**MS K:** Yes.

10 **ADV PRETORIUS SC:** If you look at the following page 454, para 2.4[a] it is headed achievements:

“Amongst other operation through Project Mayibuye Chief Directorate Special Operations managed to gain access and interaction with the Justice [Ops Justice] system through what was becoming an alarming concern over the friction that existed between the State and the justice utility.”

That should read “justice fraternity”, and I presume the pun was unintended.

20 **MS K:** [laughing]

**ADV PRETORIUS SC:**

“In the same breath CDSO contributed largely to the rise in confidence in the justice by the public through its influential role in the media reporting, utilising well placed media personnel. Operation

Sesikhona is another of such success here the project aimed at stabilising the nature public practice by the group in Cape Town, but also ensure that the nature of protests do not undermine the integrity of the State, nor do they cause a negative impression to investors.”

Apparently, the influence of the CDSO operations has forced the organisation to adopt a much more moderate approach in the form of protest. We will come to that in  
10 due course. But do you confirm that that extract that I have just read to you is contained in an official declassified SSA document?

**MS K:** Yes, I can confirm that.

**ADV PRETORIUS SC:** We go to paragraph 8.30 please, sorry, 6.30. It reads:

“Amounts of between and 4.5 million Rand were regularly taken from the SSA and allegedly and delivered to Minister Mahlobo, who is reported to be the person directly making onward payments as part  
20 of Operation Justice. One of the implicated individuals confirmed that she had personally delivered R4.5 million to Minister Mahlobo’s office on at least three occasions.”

What do you say about that paragraph?

**MS K:** I can confirm that that what was said.

**ADV PRETORIUS SC:** Said to the investigation team during the course of its investigations?

**MS K:** Yes, also in writing from the implicated individual.

**ADV PRETORIUS SC:** Right, paragraph 6.31 reads:

10 “Mr Frank pseudonym confirmed to the investigation team that he was instructed to deliver money regularly to Minister Mahlobo for Project Justice starting at R1.3million but extending upward to R21.8million. He asserted that he was not aware of the details of Operation Justice beyond the general context that, “there was a complaint that the Judges were colluding to overthrow the government. So and operation was established”, and his deliveries of cash to the Minister's office were, “to deal with the issue of Judges.”

Was that information given to the Veza Investigation as part of its investigation?

**MS K:** Yes, we had a – it was through an interview with Frank.

20 **ADV PRETORIUS SC:** Right, and then paragraph 6.32:

“Needless to say, the very existence and stated purpose of Operation Justice, irrespective of whether it was indeed implemented, constitutes a fundamental breach of the separation of powers and an unconstitutional attempt to compromise the

independence of the judiciary.”

What do you say about that statement?

**MS K:** I agree with that statement fully.

**ADV PRETORIUS SC:** DG Jafta gave evidence that the investigations were ongoing. Do you know of that?

**MS K:** Pardon?

**ADV PRETORIUS SC:** Director General Jafta or Acting Director General Jafta, gave evidence this week.

**MS K:** Yes.

10 **ADV PRETORIUS SC:** That the investigations into Operation Justice were continuing. Is that correct, can you confirm that as part of the investigation team?

**MS K:** The investigation is ongoing. However, I think I have to postpone my response to this and include that in my statement.

**ADV PRETORIUS SC:** Yes, thank you for that caution. Let us go on then to deal with Operation Lock. If you could just bear with me a moment, please. There is another document that I would wish to show you in relation to  
20 Operation Justice, we are just looking for it.

But let us move on to paragraph 8.33, Operation Lock, 8.33 I am sorry 6.33. Operation Lock, says the paragraph:

“Involved the provision of a safe house and protection to Mr Eugene de Kock, after he was

released from prison.”

Apparently on the basis of a memorandum of understanding with the Department of Correctional Services.

“Lilly pseudonym indicated that Operation Lock was allocated around R100 000 to R200 000 per month, which included the lease of a safe house, living expenses and a salary of around R40 000 to Mr De Kock for which he signed acknowledgement receipts.”

10 Did you come to be told that during the course of your investigation?

**MS K:** No, Sir.

**ADV PRETORIUS SC:** How did you establish that or how was that established, do you know or can you confirm this at all?

**MS K:** I can confirm that I saw her affidavit that was stating this. No, I think it was in the report that was written by another, the previous project manager of momentum. So I am not certain of this because I did not  
20 have an opportunity to send questions to Lily or interviewed Lily because she had left the organisation

**ADV PRETORIUS SC:** Alright, being an internal investigation was the Veza Investigation, limited to inquiries and information obtained from within the organisation.

**MS K:** It was in terms of people that were implicated. However, it was also possible for us to request information from other law enforcement agencies, for instance, when we cited to lifestyle audience, we would involve the FIC.

So - but mostly, the investigation team did not have powers to be going beyond the people that remained members of SSA, unless you went through maybe the Ministry or something. So that is one of the hurdles.

**ADV PRETORIUS SC:** Thank you if you just bear with me  
10 a moment.

**MS K:** But...[intervene]

**ADV PRETORIUS SC:** I am sorry, I interrupted you.

**MS K:** I do not know if I should add what we tried to do in terms of Lily. We wrote, DJ wrote a letter to the current employer to indicate that there is this issue and can he be alerted, but we never got a response that was a year ago. And then what we could do is just to include her in the list of implicated individuals in the A1 statement that was submitted to the DPCI.

20 **ADV PRETORIUS SC:** Thank you. If you look then at paragraph 6.34, can you...[intervene]

**MS K:** Yes, Sir.

**ADV PRETORIUS SC:** Can you comment on paragraph 6.34, still under Operation Lock?

**MS K:** Yes.

**ADV PRETORIUS SC:** Can you make any comment in relation to the contents of that paragraph?

**MS K:** I can only make comments in relation to the last part, the latter part there, Frank informed the investigation team, because that is when we had the interview. The other part I cannot. But I have to underline that Mr Y and I have different responsibilities and access to information. So because his position he would have had more information on some of these operations compared to what  
10 we had, because what we had was basically, we were relying on what the documents that we found and whether - how a person responds to written questions or verbal questions.

**ADV PRETORIUS SC:** Alright, well as a precaution and because certain names are mentioned there, let us just move on to Operation Sesikhona, can we do that?

**MS K:** Yes.

**ADV PRETORIUS SC:** Paragraph 6.35. Paragraph 6.35 reads as follows:

20 “Operation Sesikhona was purportedly aimed at stabilising the nature of public protest by a Cape Town based group of homeless activists who demonstrated and spilled human waste on the streets, and at national key points, such as Cape Town International Airport. The cause of concern

for the CDSO was that the nature of these projects could undermine the integrity of the State and create a negative impression to investors. In a request for the renewal of Project Mayibuye Operation Sesikhona was singled out, along with Operation Justice for its achievements.”

This submission is included in file 2 of SAS Bundle and it is marked as Annexure M15. We have put on record some of that document, we need not to go any further, we can go  
10 to paragraph 6.36 but before we do so, do you have any comment on what the investigation discovered in relation to the matters set out in paragraph 6.35?

**MS K:** Let me just say, paragraph 3.6.5 and paragraph 6.36 up to 6.36.3, I cannot comment on those because I do not have direct knowledge of that information.

**ADV PRETORIUS SC:** Well in paragraph 6.36 it refers to interviews with former members of the CDSO outlining or outlined their activities and Operations Sesikhona as covering the following.

20 **UNKOWN COUNSEL:** I would need to object, it cannot be correct, my learned colleague what he is attempting to do. The witness becomes specific and we must consciously remember that this witness is...[intervene]

**CHAIRPERSON:** Sorry, sorry please start afresh.

**UNKOWN COUNSEL:** Okay. I must object to what my



learned colleague is trying to and attempting to do. More specifically relating to this paragraph, this witness becomes very specific and direct my learned colleague and say 6.35 and 3.6 I cannot comment because I was not direct, I do not even have this personal knowledge.

More so she has filed almost a disclaimer again before that and said remember me and Mr Y are not familiarised in the same or we are not vested with the same powers. He might have had more information than I  
10 have and we must also cautiously thread with her evidence because she is supposed to be a confirmatory affidavit if one can use it colloquially.

**CHAIRPERSON:** Well...[intervene]

**UNKOWN COUNSEL:** Now...[intervene]

**CHAIRPERSON:** Hang on. Just remind me what the question is which you are objecting?

**UNKNOWN COUNSEL:** No, my learned...[intervene]

**ADV PRETORIUS SC:** Well I have not finished my question Chair, so my learned colleague does not know  
20 what I am going to ask, really Chair this is really unacceptable Chair to be interrupted in the middle of the question.

**CHAIRPERSON:** Why do you not let him finish the question then we can address your concern if you do have any properly.

**UNKNOWN COUNSEL:** Yes, Chair hence I stood and say cautiously before I attempted to address it. Chair, it could not be correct that you will want to attempt to read a paragraph...[intervene]

**CHAIRPERSON:** Yes, but I do not know what he wants to say.

**ADV PRETORIUS SC:** I am not going to read the paragraph here. Chair it is really interesting...[intervene]

**UNKNOWN COUNSEL:** How would...[intervene]

10 **ADV PRETORIUS SC:** I am talking now. No Chair I am sorry that I must draw the line somewhere. There have been continual attempts to interfere with the leading of evidence and the presentation of evidence throughout the last few days. It is really objectionable when a colleague professional colleague gets up to interrupt a question before the question is finished. He does not know what question I am going to ask.

I respect and I know what the witness has said, and I am not attempting to undermine that at all. My question  
20 is directed at an entirely different object, and would render quite unnecessary the quite uncalled for, and rude interruption by my learned friend.

**UNKNOWN COUNSEL:** I have avoided to get into a battle with my learned colleague on personalities and with respect Chair I was not rude about this. Let me tell you

what indications gave me because he was saying to the witness...[intervene]

**CHAIRPERSON:** No, no...[intervene]

**UNKNOWN COUNSEL:** Can I just finish my...[intervene]

**CHAIRPERSON:** No, let us just not proceed, you have withdrawn the objection...[intervene]

**UNKNOWN COUNSEL:** Maybe on that basis.

**CHAIRPERSON:** Mr Pretorius has made his points, let him continue.

10 **ADV PRETORIUS SC:** In paragraph 6.3.6 there is mention of interviews with former members of the CDSO. Do you know who conducted these interviews?

**MS K:** These interviews were conducted by investigators who are part of the team of the Project Veza team.

**ADV PRETORIUS SC:** Right and I take it from your previous answers that you were not one of those investigators?

**MS K:** No, I was not present and I think if you check 6.37 it does say a feedback report was provided on the  
20 operations undertaken.

So all of that, from 6.35, 6.36 and all of that, that is under Sesikhona and whatever happened up to it I did not - up to 6.36.3, we do not have first-hand and confirmed information on that except that report that they compiled. Unfortunately, when there was no sworn statement. I

cannot say that I can confirm what is expressed here.

**ADV PRETORIUS SC:** That report in 6.37 to the extent that it deals with further activities, and the above activities we are attempting to obtain Annexure O is not in the bundle and it should read Annexure N I am instructed not Annexure O.

**MS K:** Okay.

**ADV PRETORIUS SC:** Alright, let us then move on if we may. Chair if I was a little harsh and direct to my learned  
10 friend, apologies.

**UNKNOWN COUNSEL:** Apology accepted.

**ADV PRETORIUS SC:** Thank you, so we are not best of friends but once more best of colleagues.

**CHAIRPERSON:** Thank you.

**ADV PRETORIUS SC:** As we should be Chair.

**CHAIRPERSON:** No, that is true.

**ADV PRETORIUS SC:** As colleagues we should never raise our voices against one another and I apologise. Project Hollywood is dealt with in paragraph 6.38. Project  
20 Hollywood, are you able to comment on this?

**MS K:** Yes, I am able to comment on it.

**ADV PRETORIUS SC:** Right, let us just deal with it.

“Project Hollywood was established on 16 November 2015 to commence in April 2016 renewable every three months.”

This admission for the establishment of Project Hollywood is included as Annexure HO, we will get there if we need to.

10           “The stated objective of the project was conducting surveillance and monitoring, and involved the illegal interception of high profile politically prominent or connected individuals and government officials. Monthly withdrawals of R800 000,00 cash were made to pay - and there is a name of a company, which I do not want to put on record as yet, purportedly for the provision of intelligence and security services, including the remuneration of operatives, surveillance, platform setting and encrypted communication hire.”

These invoices are reflected in the index to Project Hollywood, contained in file three. What do you say about the contents of that paragraph, and let us not mention the company for the present?

**MS K:** It is accurate.

20   **ADV PRETORIUS SC:** 6.39 goes on to say:

“However, the details provided by the service provider were found to be fictitious, and no evidence of a contract between that company and the SSA could be found in the course of our investigations. In any event, this arrangement

irrespective of whether the purported services were in fact rendered, constitutes an unlawful outsourcing of the SSA counter intelligence mandate and the creation of a parallel intelligence network.”

Do you have any comments to make in that regard?

**MS K:** Just on the first sentence where it says, it is the details provided by the service provider. I do not think we could say provided by them, we could just say, details  
10 contained on the invoice of the service provider.

**ADV PRETORIUS SC:** Yes, because service providers did not exist or did the service provider exist?

**MS K:** It does not exist really, we checked. So there is no way they could - maybe they provided I do not know but they do not exist, according to our records.

**ADV PRETORIUS SC:** Right.

**MS K:** So apart from that, I agree with everything that is in there.

**ADV PRETORIUS SC:** Alright but it a bit of a  
20 contradiction too say...[intervene]

**MS K:** And I also...[intervene]

**ADV PRETORIUS SC:** That the service provider did not exist, and you had to refer to details provided by the service provider. But for the moment, let us leave the name be.

**MS K:** No, that is why I was saying details are not that were on the invoice that we saw...[intervene]

**ADV PRETORIUS SC:** That purported to come from a service provider.

**MS K:** Yes, from that service provider. That is what I am trying to communicate.

**ADV PRETORIUS SC:** Thank you. Alright, let us move on then to Project Lungisa. Paragraph 6.4.0:

10 “Similar to Project Hollywood, Project Lungisa was established on 29 December 2015, renewable every three months.”

The submission for the establishment of Project Lungisa is included in file three of the SSA bundle, as is marked as Annexure LO.

20 “The stated objective of the project was to neutralise and counter activities of individual’s intent on undermining the authorities. Monthly withdrawals of R500 000,00 cash were used to pay an entity called – well let us leave them out for the moment, purportedly for the provision of economic services, including data collection and analysis, the collection of financial statements from banks company and ownership analysis, the interviewing of assets and compiling of reports.”

Is there anything wrong with the stated object of that

project?

**MS K:** There is nothing wrong if it is done by SSA, you cannot outsource that just collecting financial statements from banks and company ownership analysis that can be done internally compiling reports. So those services are not something that we needed to outsource.

**CHAIRPERSON:** What is interviewing of, what is the interviewing of assets, what does that refer to?

**MS K:** Assets, where is this?

10 **CHAIRPERSON:** That is on paragraph 6.40 last sentence, or second line from the bottom. It is part of what that company...[intervene]

**MS K:** Assets could be...[intervene]

**CHAIRPERSON:** Hang on Ms K do not speak while I am speaking.

**MS K:** Sorry.

**CHAIRPERSON:** It is part of what that paragraph says the company mentioned there was paid for doing. So I am asking what does that refer to, interviewing of assets? I  
20 have to ask because you said there was nothing wrong with what they were doing but SSA could do the same so maybe you know, what is.

**MS K:** Assets could be a sources, agents whatever.

**CHAIRPERSON:** No I know what assets are I want to find out what are they talking about when they say interviewing



of assets. Unless the word assets...[intervene]

**MS K:** I do not know.

**CHAIRPERSON:** ...has a particular meaning within SSA.

You did not know what this refers to?

**MS K:** I do not know, because let me say I do not know what they are referring to but what is reflected here is exactly what is reflected on the invoices. So it is taken verbatim, from the invoices.

**ADV PRETORIUS SC:** Presumably assets that would  
10 mean people capable of being interviewed who might provide useful information. Am I correct or not?

**MS K:** That is what I concluded was meant.

**ADV PRETORIUS SC:** We cannot be talking about fixed assets.

**MS K:** No.

**ADV PRETORIUS SC:** Because although strange things happen in security, that clearly would not happen.

**CHAIRPERSON:** Well, we have to keep, you have to remain alive for a situation where what some of this  
20 entities might have been paid for us doing things that nobody can explain. So we need to understand exactly what is that they do with taxpayer's money and whether it something.

**ADV PRETORIUS SC:** Do you have any comment following what the Chair has just said, Ms K?

**MS K:** No, I have no comments, Sir.

**ADV PRETORIUS SC:** Paragraph 6.41 reads:

“However, as in the case of Project Hollywood, the details provided by the service provider appeared to be fictitious, and no evidence of a contract between a SSA and the service provider has been established so far. In addition, there is no correlation between the stated objectives of Project Lungisa as per its approved submission, and the services that were purportedly provided. In any event, these purported services constitute an unlawful outsourcing of the SSA’s mandate and duplicate the services of the Financial Intelligence Centre.”

10

Do you have any comment in that regard?

**MS K:** I agree with the paragraph?

**ADV PRETORIUS SC:** Paragraph 6.4.2 says:

“The key persons implicated in both Project Hollywood and Project Lungisa are Ambassador Dlomo as Deputy Director Counter Intelligence, Darrell, Lilly and Mandy, all pseudonyms.”

20

Do you agree with that?

**MS K:** Yes, yes.

**CHAIRPERSON:** Is that a yes?

**MS K:** Yes, it is.

**CHAIRPERSON:** Okay.

**ADV PRETORIUS SC:** Chair, I just need consult briefly about the next section if you would bear with me a minute.

**CHAIRPERSON:** Ja.

**ADV PRETORIUS SC:** Let us move on Ms K to paragraph 6.43 where the statement deals with Project Accurate/Crescella. It reads:

10 “Project Crescella was a CDSO project run by Dr Mandisa Makwena, a non-SSA member but its activities overlapped with those of the Toxicology Unit in established in 2012 as part of the Directorate for Presidential Security Support.”

That project was approved on 30 April 2015 and the reference in the documentation is there. It goes on to read:

20 “Project Crescella was purportedly established to substitute Project Accurate with the 2013 Project Accurate operational plan without a budget, did not relied onto a plain approval for the establishment of Project Crescella in April 2015.

The SSA’s operational directives do not permit substitution but in any even Project Accurate continued to run parallel to Project Crescella.”

What do you have to say if anything Ms K about paragraph 6.4.3 and 6.4.4?

**MS K:** I can confirm both paragraphs.

**ADV PRETORIUS SC:** Alright. You confirm the contents of that paragraph. Is that correct?

**MS K:** Yes.

**ADV PRETORIUS SC:** Paragraph 6.4.5:

“The irregularities extended to the monthly payments of R 1.8 million for Project Crescella as in certain instances submissions of Project Mayibuye were attached as the basis of the withdrawals.

10 These withdrawals listed to Project Crescella included two invoices totalling R 9.5 million from a company whose invoices are reflected in the index new Project Crescella.”

Is that correct? I am not sure I understand it totally. Perhaps you could explain?

**MS K:** Yes, it is correct Chair.

**ADV PRETORIUS SC:** Alright. Is it just the incorrect allocation of expenditure between projects?

**MS K:** Yes. One cannot withdraw money for one project when they are using a submission for a different project.

20 **ADV PRETORIUS SC:** Alright. Let us go ...[intervenes]

**MS K:** So Project Crescella submission – if it is a submission to withdraw R 1.8 million what is attached in terms of the operational plan, it cannot be Project Mayibuye Operational Plan. So that is what is meant in general.

**ADV PRETORIUS SC:** 6.4.6 reads:

“The status objectives of Project Crescella also differed from submission to submission ranking from bioterrorism threats and threats to economic security to subversive acts and sabotage directed at strategic interest relations and national key-points.”

Whatever the difference, I take it, no one can take issue with those objectives?

**MS K**: No.

**ADV PRETORIUS SC**: It goes on to say ...[intervenes]

10 **MS K**: Yes.

**ADV PRETORIUS SC**: Yes, thank you.

“These discrepancies are borne out in the accounts of those involved in the project.”

The following sentence perhaps is important. It reads:

“Dr Makwena has stated under oath that all intelligence products were submitted directly to President Zuma, such that it cannot be confirmed whether the content of the professed intelligence project met the different objectives of the project.

20 Moreover, this direct reporting line operated outside the formal SSA intelligence clearance channels thus constituting a parallel information management process.”

Do you have any comments on those observations?

**MS K**: Yes, I would just like to confirm that I have seen

these – the affidavits that she deposed to. So I agree with what is reflected there and the conclusion drawn.

**ADV PRETORIUS SC:** Alright. And 6.4.7 repeats what we have dealt with earlier particularly in relation to the failure of the Toxicology Unit and the operational expenditure of Project Crescella and its implementation failing to detect the alleged poisoning of the former President. Those remarks are made in that paragraph. Do you agree with them?

**MS K:** Yes, I do.

10 **ADV PRETORIUS SC:** Paragraph 6.8 deals with Project Tin Roof. You will be aware of the evidence that is given in this regard. It involves the provision of a safe house and monies, maintenance monies to the wife MaNthuli of the former President Zuma.

I am not sure that there is anything here that requires repetition. Safe to confirm what was said by acting Director-General Jafta in the last two sentences of paragraph 6.4.8 where it reads:

20 “In light of MaNthuli’s recent media interview, she describes this period as a detention where none of her constitutional rights were observed or respected.

The so-called “protection” desisted when MaNthuli sought the intervention of her legal counsel.”

Can you confirm that?

**MS K:** Yes, I can confirm that I guess. There is nothing that I can change about that.

**ADV PRETORIUS SC:** Right. And prior to that but perhaps we should put the whole paragraph on record so that we do not omit anything. The paragraph begins as follows:

“Project Tin Roof related to an investigation into the alleged poisoning of former President Zuma by his wife, MaNthuli.

10 According to media reports, the diagnoses of former President Zuma’s poisoning occurred during his trip to the United States in August 2014 and was subsequently confirmed in a foreign country.”

The name of the country is deleted.

“Project Tin Roof was established in December 2014 at the instance of former Minister Mahlobo who had MaNthuli removed from Nkandla as a subject and given “protection and maintenance” by the SSA until the investigation was finalised.”

20 And then the passages that we referred to earlier follow including the passage that says that protection desisted when MaNthuli sought the intervention of her own legal counsel.

Do you have knowledge of those allegations as part of the investigations?

**MS K:** In terms of the investigation, we actually interviewed

the project leader of this end what really – I could add because I do not want to refer to media reports and I do not want to quantify the media reports but I know for sure is that the person involved in the project indicated that they were just called to stand by Ms MaNthuli Zuma.

So and then they were involved in this project but he – I did ask – put the question to the President whether the intention of keeping MaNthuli in different safe houses, it was not just one because it - we incurred a lot of costs because  
10 of the moving around and VIP protection.

I asked whether that was a – that was she under protection or was – had she been detained. And I could say that she ended up almost, although not verbatim by coming out clearly, that the person was detained.

But when the facts were put to her in terms of the conditions, it seems – I do not know whether – she did not outright say yes she was detained but did admit that MaNthuli was kept in different safe houses and there was – the case on – there was no SAP forensics – Forensics was  
20 not involved in the investigation.

It was various SSA members involved. And that is all I can say on this. But what is there in terms of seeking legal counsel and former Minister Mahlobo, I cannot comment on that one.

**ADV PRETORIUS SC:** Right. Well, let us just highlight a



few aspects of the project that perhaps raised concern. The first is in paragraph 6.4.9.

“The Project Tin Roof entailed approximately 40 persons drawn from different directorate within the SSA as well externally in the following fields, Administration and Investigation, Vetting, Polygraph Testing, Surveillance, Counter Espionage, Toxicology and Physical Security.”

Do you know of that?

10 **MS K**: Yes, that is what we were told by the individual involved.

**ADV PRETORIUS SC**: Alright.

“It is alleged that investigations were conducted and some arrests were even affected but the main perpetrator is alleged to have fled the country.”

Do you know – is that what you were told?

**MS K**: Yes.

**ADV PRETORIUS SC**: But you do note that the Investigation Team has not found any SSA documentary  
20 evidence supporting these assertions. Is that also correct?

**MS K**: Yes. Yes, that is correct.

**ADV PRETORIUS SC**: You do say in paragraph... Oh, sorry you do not say it. It is said in paragraph 6.5.0 by Mr Y:

“Like the establishment of the Toxicology Unit, Project Tin Roof entailed an overreach of the SSA’s

duly authorised mandate.”

Do you have any comment to make on that statement?

**MS K:** Yes, I agree with that statement.

**ADV PRETORIUS SC:** Right. Let us move on to paragraph 6.5.1 which reads:

“Monthly withdrawals of approximately R 800 000,00 were made under Project Tin Roof.

Operational expenditure including the leasing and maintenance of safe houses, the provision of security service and leasing of high-end motor vehicles for surveillance.”

Is that what you discovered or were told?

**MS K:** Yes, that is what we were told by the person who was involved.

**ADV PRETORIUS SC:** It goes on to read at paragraph 6.5.1:

“Internally, Felicity and Lilly appeared to have used Project Tin Roof as a fund for renting further safe houses, hiring VIP protectors and conducting renovations and maintenance on the leased properties.

Preliminary investigations and simple profiling, it revealed that irregularities with the registration numbers provides on invoices including PSIRA registration numbers and the case of security

companies suggesting that payments were made with fictitious entities.”

Do you have any knowledge of that aspects of the investigations?

**MS K:** Yes, we did the analysis of all of those – the invoices. So I can confirm that.

**ADV PRETORIUS SC:** And then paragraph 6.25 and following deal with Project Academia, again evidence has been given in this regard. Paragraph 6.52 reads:

10 “In 2015 Murray, pseudonym, a former SAA member was recruited by Minister Mhlobo to mitigate and resolve the fees must fall protests, which had erupted across universities in South Africa. The immediate aim of Project Academia was to neutralise the fees must fall protest but the mandate extended to developing short term mitigation strategies and long-term solutions to prevent the recurrence of these protests.”

Do you have any comment to make in that regard?

20 **MS K:** No I don’t have any comment.

**ADV PRETORIUS SC:** Do you know of that?

**MS K:** This is ...[intervenes]

**ADV PRETORIUS SC:** I am sorry?

**MS K:** Pardon?

**ADV PRETORIUS SC:** When you say you don’t have any

comment do you confirm that that's what the investigation learnt, or are you saying you don't have any knowledge of it?

**MS K:** I don't want to comment on this project because it is going to lead me to actually end up testifying more on things that should be in my statement, so I can confirm to a certain extent these issues but I feel that it is not extensive, it is not sufficient to actually describe this project.

10 **ADV PRETORIUS SC:** Alright, as I understand it while you could confirm what is said here it is not useful because the full extent of the project could only be presented to the Commission on full evidence, do I understand you correctly?

**MS K:** Yes, which we have collated and collected, so that is a separate, ja, so I would rather not cover that project.

**ADV PRETORIUS SC:** Alright. Let us leave it then to a later statement on – for a later stage, but as I understand it the basis for the issues you now raise is not that you  
20 don't know anything about the project, but you know more than what is here, is that correct?

**MS K:** Yes, yes sir.

**ADV PRETORIUS SC:** Alright. Well I think then it is fair to ask you what of this – these two paragraphs you can confirm and I am not going to direct you to any particular

paragraph, what facts can you confirm here, if you feel that you cannot confirm them without being misleading then you please tell me and we won't go any further.

**MS K:** I request that I don't get into the detail and comment and ja, I will give that full account in a separate statement.

**ADV PRETORIUS SC:** Thank you for that offer. Let us go on then to paragraph 6.54, Operation EThekwini, are you able to comment on these two paragraphs under this  
10 heading?

**MS K:** No I cannot comment on it, it is the same situation, it was contained in the same report that the investigators compiled, as I indicated under this corner or something, so it is the same situation where I don't have the actual documentation and the team did not really get statements from these people, as much as they have met with them, so I don't want to – I cannot confirm or deny but I can say this was contained in a investigate feedback report.

**ADV PRETORIUS SC:** The information contained in  
20 paragraph 6.54 and 6.55 are you saying that that is contained in a report but you haven't seen – have you seen that report?

**MS K:** Yes, it was submitted to me.

**ADV PRETORIUS SC:** But then I don't understand why you can't testify to it, you have testified throughout to

reports that you have received, what is different about this?

**MS K:** What is different is that on this one we don't have – I was not present in that interview. We have not transcribed the interview as much as it was, although it was recorded because of capacity issues. Thirdly we didn't get sworn affidavits and fourthly I didn't see any documentary evidence of what is alleged in this so that is why I would opt not to confirm or deny something that I  
10 don't know, because a report from the investigators from what some people say to them I cannot vouch for it, if it is not supported and corroborated by other – through other means.

**ADV PRETORIUS SC:** Are you saying that all the evidence that you have placed before the Chair qualifies under all those conditions that you have just enumerated and this one does not?

**MS K:** Yes, yes, everything that I can speak on with authority those projects we actually went through the  
20 documentation and I can – that is why we can say – refer to whatever annexure, so I would rather support things that I have seen in evidence and not just rumours, especially because I am trying ...[indistinct - distorted] the safety for the country when you want them to commit.

**ADV PRETORIUS SC:** So the reports referred to in 6.54

and 6.55 are they in possession of members of the investigation team, the Veza Investigation Team?

**MS K:** Yes they are members of the investigation team.

**ADV PRETORIUS SC:** And those members of the investigation team or other members would they have interviewed the persons who gave the report, or the reports?

**MS K:** Please repeat that sir.

**ADV PRETORIUS SC:** You have told us that there had  
10 been reports about the matters in 6.54 and 6.55, made to members of the investigation team.

**MS K:** Yes.

**ADV PRETORIUS SC:** Correct?

**MS K:** Yes.

**ADV PRETORIUS SC:** You have seen those reports, am I correct, but you don't have corroborating evidence?

**MS K:** Yes it is only one report and it contains the various projects that you were talking about.

**ADV PRETORIUS SC:** What I want to understand to assist  
20 our investigators in relation to this matter is whether you know that interviews have been conducted in relation to these matters.

**MS K:** Yes.

**ADV PRETORIUS SC:** They have?

**MS K:** Yes.

**ADV PRETORIUS SC:** Alright. Let's move on then to Project Wave.

**MS K:** Yes sir.

**ADV PRETORIUS SC:** Paragraph 6.56 reads:

“As noted earlier Project Wave was established at the same time as Project Construcão and Project Mayibuye in January 2015 and was based on the same template written by Frank and approved by the same individuals.”

10 We know that and we have dealt with that.

**MS K:** Yes.

**ADV PRETORIUS SC:** Paragraph 6.57 reads:

“The stated aim of Project Wave was to penetrate an established operational ground with an identified continental, regional and global territories utilising deep cover members with an intended commencement date of 1 March 2015. However Frank explained in his interview with our investigation team that this initial plan bore no  
20 resemblance to the activities later carried out under Project Wave which related to the media.”

Are you able to comment on that?

**MS K:** Yes, we conducted the interview and that is what he indicated so I can confirm that.

**CHAIRPERSON:** ...[Indistinct – microphone faulty] let's



talk about the way forward ...[indistinct] sit longer  
...[indistinct]

**ADV PRETORIUS SC:** Chair we have three witnesses potentially to come for this week.

**CHAIRPERSON:** Yes.

**ADV PRETORIUS SC:** But it appears that there is some more work to be done whether it is by way of affidavit or otherwise arising out of questions and answers today at least.

10 **CHAIRPERSON:** Yes.

**ADV PRETORIUS SC:** The issues related to tomorrow's evidence that we had planned a particular witness, 33's were sent out and on the face of it were not received and that was an issue I raised this morning for clarification, I personally have not yet received that clarification but if that witness was to be called tomorrow it would require his affidavit or his evidence to be truncated, it is not really desirable. The other two witnesses would require applications to be placed before you for protected identity  
20 evidence, which we would submit would be dealt with in accordance with the way they have been dealt with before but they haven't yet been done.

We are at page 45 of 77 pages, although it will go quicker tomorrow I would respectfully suggest that we adjourn and conclude the evidence of this witness

tomorrow, but if you wish we can continue and arrange for a witness to come tomorrow on the reduced basis.

**CHAIRPERSON:** Yes, well obviously we want to use as much time as possible and if it means going beyond four o'clock I am happy to do that, but there is no point in doing that if tomorrow is unlikely and would not end up being used fully because certain issues have to be sorted out [indistinct – mic off] so if it looks like there is no ...[indistinct] sitting longer today ...[indistinct]

10 **ADV PRETORIUS SC:** Yes Chair and I think we are at the stage of the day, I think the stage of the week that I don't want to bite the head off any of my colleagues.

**CHAIRPERSON:** Subject to certain matters there may be a possibility from my side to sit for some hours on Saturdays if we need to use Saturdays and going forward I am of the view that there may be quite a few Saturdays that we might use because we need to use as much time as possible, but obviously sometimes ...[indistinct] for using a Saturday needs a bit more time, but I am mentioning that  
20 so that you can take that into account.

**ADV PRETORIUS SC:** Thank you Chair, that may assist us at – after a certain interval to wrap up on expeditious basis whatever evidence we have in this stream.

**CHAIRPERSON:** Yes, okay we will then adjourn now because it looks like tomorrow the witness will continue.

...[Indistinct – mic off]. Okay we are going to adjourn for the day and we will start normal time tomorrow.

**ADV PRETORIUS SC:** Thanks Chair.

**CHAIRPERSON:** We adjourn.

**INQUIRY ADJOURNS TO 29 JANUARY 2021**