

**COMMISSION OF INQUIRY INTO STATE CAPTURE**

**HELD AT**

**PARKTOWN, JOHANNESBURG**

10

**28 NOVEMBER 2018**

**DAY 32**

20

**PROCEEDINGS HELD ON 28 NOVEMBER 2018**

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

**ADV PAUL PRETORIUS SC:** Good morning Chair. Before Advocate Ramathlodi testifies, two matters Chair. The first is; that is present today here are Advocate Kennedy Tsatsawane for Mr Brian Molefe and Mr Leslie Mkhabela for Ben Ngubane. I just wanted to place that on record.

**CHAIRPERSON:** Okay.

**ADV PAUL PRETORIUS SC:** Secondly Chair, there will be an application for condonation for late issue of Rule 33 notices, but that can only be brought tomorrow,  
10 given the time period for responses. It is not expected that it will be opposed.

**CHAIRPERSON:** Okay.

**ADV PAUL PRETORIUS SC:** Then thirdly, the evidence of Advocate Ramathlodi will be led by Ms Buthelezi.

**CHAIRPERSON:** Okay. Well before you go Mr Pretorius, are we not going to have another witness after Mr Ramathlodi?

**ADV PAUL PRETORIUS SC:** Yes there will be.

**CHAIRPERSON:** Why do I not have the statement for that witness up to now?

**ADV PAUL PRETORIUS SC:** I will inquire and inform you presently. DCJ, I do not want to relay the explanation and then lose the import. But can that be explained to  
20 you after Ramathlodi, or do you wish an explanation now?

**CHAIRPERSON:** Well we can deal with it, but I just want to say; last evening I was looking for the statements of the witnesses who will be giving evidence today, so I could go through them. I had received Mr Ramathlodi's one sometime back and I had read it, I still have that one. But I did not have any statement for the other witness.

**ADV PAUL PRETORIUS SC:** Advocate Moufhe?

**CHAIRPERSON:** Mufhe. I have never received that statement. Obviously it is just unacceptable that I should not have that statement by yesterday at the latest and without any explanation. A few days ago we had a situation, that some file that should have been furnished to me earlier. It was only furnished on the day when we were going to use it. It has happened before, it is not acceptable.

**ADV PAUL PRETORIUS SC:** Yes. I understand and apologies on behalf of the legal team Chair. I will investigate the matter and report back to you. It is the responsibility of the evidence leader to ensure that these matters are dealt with and I will find out what happened.

- 10 **CHAIRPERSON:** Yes. No, no that is fine. The only thing of course is that if the particular evidence leader does not do what they are supposed to do, the head of the team must sure that they do what they are supposed to do.

**ADV PAUL PRETORIUS SC:** Yes no I take full responsibility and accountability and I trust that is noted.

**CHAIRPERSON:** Okay alright.

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

**CHAIRPERSON:** Thank you.

**ADV PAUL PRETORIUS SC:** Chair may we give an explanation now?

**CHAIRPERSON:** Okay.

- 20 **FEMALE SPEAKER:** Thank you Chairman and good morning. Chairman I have been working with Advocates Buthelezi and Advocate Molefe in preparing the bundles and preparing to lead the evidence of Advocate Ramathlodi and Advocate Mufhe. So I take full responsibility for the fact that you do not have a complete of papers before you Chairman, I do apologise for that.

We have – just to deal with the evidence that will be led this morning that of

Advocate Ramathlodi, that bundle has not changed at all, safe that, and I know this is what has upset your Chairman, there are some annexures that have been added to it, some documents that have been added to it. So we will be asking for your leave Chairman to – they are just supporting documents Chairman that will probably be more relevant as you read the papers later on. We will be asking if you would permit us to add those documents to the bundle of Advocate Ramathlodi.

**CHAIRPERSON:** No that is fine, just adding documents to that annexures to a statement that I already have is fine. What is not fine is that I should not have in good time a statement for a witness that is going to be giving evidence. I know that  
10 sometimes the legal team receives this late, but they do not receive them a day or two before the hearing, as far as I understand. Normally it should be possible that I should have these statements at least, or at the latest a week before the hearing. But if there is any delay, certainly it should not be a situation where I get it on the day of the hearing – on that witness's evidence.

**FEMALE SPEAKER:** We do apologise for that Chairman and we will remedy that.

**CHAIRPERSON:** Okay.

**FEMALE SPEAKER:** The bundle that is before you is half of the file that is labelled EXHIBIT Q1. Because what we elected to do as a team Chairman was to combine the bundles of Advocate Ramathlodi and Advocate Muofhe. We thought because they are  
20 fairly slim bundles Chairman, we thought it might be easier for you to handle them in one file.

**CHAIRPERSON:** Okay.

**FEMALE SPEAKER:** That is all that Exhibit Q1 represents safe that – and I will repeat Chairman, from page 27 to page 31 which is not in your bundle Chairman. Those are documents that relate to Advocate Ramathlodi.

**CHAIRPERSON:** Now this one that I have had for sometime which has Mr Ramathlodi's statement and some annexures, obviously without the additional annexures that you are talking about, would it be possible to just to add – in other words to use the same, just add what is not here?

**FEMALE SPEAKER:** Indeed.

**CHAIRPERSON:** Because I have pages where I have made some notes for myself here, which I would like to keep.

**FEMALE SPEAKER:** Indeed so Chairman. In fact, what we can do is if your file Chairman only goes up to page 26, all that we will do is extract from Exhibit Q1 page 27  
10 all the way to page 56.

**CHAIRPERSON:** Ja.

**FEMALE SPEAKER:** Because that is the missing part of the bundle that you do not have Chairman.

**CHAIRPERSON:** Ja mine goes up to page 26. So we can just add the additional annexures and then – ja I think should we not do that right now?

**FEMALE SPEAKER:** We can do that immediately Chairman and we will also ...[intervenes]

**CHAIRPERSON:** Ja the registrar can just get that.

**FEMALE SPEAKER:** We will also furnish her a file-divider so that Moufhe's statement  
20 is clearly separate from the matters you are dealing with this morning.

**CHAIRPERSON:** Okay.

**FEMALE SPEAKER:** Thank you for the indulgence Chairman.

**CHAIRPERSON:** Good morning.

**MS ZINHLE BUTHELEZI:** Morning Chair.

**CHAIRPERSON:** Morning.

**MS ZINHLE BUTHELEZI:** Morning Chair.

**CHAIRPERSON:** Well I have said morning twice already.

**MS ZINHLE BUTHELEZI:** Chair I will be leading the evidence of Advocate Ramathlodi.

May I ask that the witness be sworn in?

**CHAIRPERSON:** Okay alright thank you. You might have to raise your raise Ms Buthelezi.

**MS ZINHLE BUTHELEZI:** I will do so Chair thank you.

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

**MR NGOAKO RAMATHLODI:** Ngoako Abel Ramathlodi.

10 **REGISTRAR:** Do you have any objection in taking the prescribed oath?

**MR NGOAKO RAMATHLODI:** No.

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

**MR NGOAKO RAMATHLODI:** Correct.

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

**MR NGOAKO RAMATHLODI:** So help me God.

**NGOAKO ABEL RAMATHLODI:** (duly sworn stated)

**CHAIRPERSON:** Good morning Mr Ramathlodi.

20 **MR NGOAKO RAMATHLODI:** Morning Chairperson.

**CHAIRPERSON:** Thank you very much for coming forward to assist the Commission. You will know and everybody in the country by now I think that I have been urging past and present Ministers and Directors General to come forward and assist the Commission with whatever they might know that falls under the terms of reference. So I appreciate the fact that you have come forward thank you very much.

**MR NGOAKO RAMATHLODI:** Thank you Chair, thank you very much Chair, this is a bit far.

**CHAIRPERSON:** Yes Ms Buthelezi you may proceed.

**MS ZINHLE BUTHELEZI:** Thank you Chair. Advocate Ramathlodi your evidence today we will be focusing on the Term of Reference 1.1 up to Term of Reference 1.3. I will emphasise per Term of Reference 1.1 and 1.3 and I will read the same to you. Your evidence will be focusing on the Commission's Inquiry on whether and to what extent and by whom attempts were made through any form of inducement, or for any gain of whatsoever nature to influence the members of the National Executive, including the  
10 Deputy Ministers, office bearers and of functionaries employed by the – or the office bearers of any State institution or organ of State. This also includes the directors of the Boards of SOC's.

I will then move to 1.3:

"Whether the appointment of any member of the National Executive, functionary or any office bearer was disclosed to the Gupta family, or any other unauthorised person, before such appointment were formally made, or announced, and if so; whether the President or any member of the National Executive is responsible for such conduct."

That will be the focus of your evidence today Advocate Ramathlodi.

20 **CHAIRPERSON:** Ms Buthelezi I do not whether what you read there in terms of the Terms of Reference does not include dismissals and appointments of members of the executive. I do not know remember hearing that part, you reading that part. Am I correct, you did not read that part? Well if you did not read it ...[intervenes]

**MS ZINHLE BUTHELEZI:** I did not read it Chair.

**CHAIRPERSON:** You did not read it?

**MS ZINHLE BUTHELEZI:** Yes.

**CHAIRPERSON:** But why does his evidence not fall under that as well?

**MS ZINHLE BUTHELEZI:** It should, it should Chair.

**CHAIRPERSON:** Ja you see it is important if you are going to slot the evidence of a witness under a particular Term of Reference.

**MS ZINHLE BUTHELEZI:** Yes.

**CHAIRPERSON:** It is important that you do so if you are sure that that is all it falls under. Because otherwise if you slot it under that Term of Reference and later on it transpires that actually it could fall, or should fall under one, there may be a problem.

10 So otherwise better if you do not slot it unless you are sure.

**MS ZINHLE BUTHELEZI:** I understand Chairperson.

**CHAIRPERSON:** Okay alright.

**MS ZINHLE BUTHELEZI:** Advocate Ramathlodi your evidence should also cover the events that may have led your appointment and dismissal as a member of the Cabinet.

**CHAIRPERSON:** And that remains the position irrespective of the fact that the witness might not himself see it is evident as falling under a particular Term of Reference. I know, having read Mr Ramathlodi's statement that he might not be able to say I was removed from a particular position because of this and that and that. But the fact that he might not himself be able to say that it does not preclude the Commission if there is  
20 enough evidence from making that conclusion.

**MS ZINHLE BUTHELEZI:** Thank you Chairperson.

**CHAIRPERSON:** Okay alright.

**MS ZINHLE BUTHELEZI:** Mr Ramathlodi before you there is a file, or a pile of document Q1. If you look at pages – from page 1 up to 26 of that document. That is the statement that you made for the Commission and on page 6 of the – page 5 of the



same bundle there is a signature that appears at the bottom of that page. Do you confirm that that is your signature?

**MR NGOAKO RAMATHLODI**: Yes I confirm.

**MS ZINHLE BUTHELEZI**: Do you confirm that the documents that I have referred to you it is the statement that you made?

**MR NGOAKO RAMATHLODI**: Correct I confirm.

**MS ZINHLE BUTHELEZI**: The information together with its annexures?

**MR NGOAKO RAMATHLODI**: I confirm.

**MS ZINHLE BUTHELEZI**: Thank you.

10 **CHAIRPERSON**: You confirm that the contents of the statement are true and correct?

**MR NGOAKO RAMATHLODI**: They are indeed true and correct Chair.

**CHAIRPERSON**: Thank you.

**MS ZINHLE BUTHELEZI**: Advocate Ramathlodi, I would like you to give us your background relative to yourself being the member of the ANC as well as the position that you have held within our Government from 1994 to-date?

**MR NGOAKO RAMATHLODI**: Well I joined the ANC in 1977 in Botswana Gaborone. My Commander was Doctor Wallis Rooter. My first political Commissioner is our current Ambassador to the United Nations Mr Matjila, my secretary detail former Commissioner Tim Williams.

20           Then I was introduced back to the country to begin to lead the students' movements in South Africa. I was part of those who form Xhosas and Azusa in 1979. I have recruited and trained many people, like Ephraim Molandi, Peter Mccaba, Collin Chabane, Derrick Hanekom the current Minister and his wife, I trained them in Zimbabwe.

I left the country in 1980 under a lot of pressure and then I joined the exiled in

Lesotho. That is where I schooled and I was made head of the political department in Lesotho under Chris Hani who was my Commander at the time. In that capacity I trained people like Honourable [indistinct] in Lesotho and many others. So basically that is my history.

I trained in Angola in the Soviet Union then for Commander's course, I was then sent to Zimbabwe to help the political military culture of the ANC. When that Mkhathini demised, Comrade Thabo Mbeki who was in the office of the President, then was given the portfolio of Foreign Affairs. So I was transferred from Harare and taken to the President's office in Lusaka.

10           So I worked for President Oliver Tambo as a speech-writer and also as personal secretary. I belonged in that capacity to a small group of us, it was Simons, it was President Tambo, it was Mabitze Edwin and it was myself who were constituting a CO in the office of the President in terms of analysing events which were unfolding in our country.

We were supported in that regard by Doctor Freddy Ganado who was in London, because she has access to the media, so she could send us newspaper cuttings so that we can a look at what is happening in South Africa at that time.

I was then secretary of the Control Commission of the ANC which was composed of Secretary General, of Joe Slovo, of [indistinct] of President Tambo and the  
20 others. That body was responsible for prosecuting the struggle both inside South Africa and outside South Africa.

I think in brief that is what I want to give. So I have been a member of the National Executive from 1991 up to-date. I am still one today as I speak.

Upon our return, I then got elected the Head of the NC, in the Northern Transvaal then. I went to teach at the [indistinct] at the North, after that then

one of my students is here coming to listen to my testimony.

**CHAIRPERSON:** [Laughter]

**MR NGOAKO RAMATHLODI:** He just reminded me.

**CHAIRPERSON:** So you have kept ties for a long time.

**MR NGOAKO RAMATHLODI:** So then I become Premier of Limpopo, then Northern Transvaal 1994. I did two terms, I did 10 years, 1994 to 2004 and then I became – in 2009, I became head of the ANC elections and I went to Parliament, became head of the Constitutional Development Committee where I met the Chairperson himself. I was serving in the Jail Service Commission.

10 **CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** The Judicial Service Commission. I was then appointed Deputy Minister of Correctional Services. That was in 2010, yes and we came back from the elections in 2014 and my wish was not to go back to Government and I communicated that to the officials of the ANC. Because I had other business interests which were being compromised by me being in Government.

Anyway, they insisted that I should go back to Government and I went to Government as Minister of Mineral Resources, of Minerals. When Ministers are appointed, normally the exercise begins in the afternoon after the President has taken an oath. So many of us spent sleepless nights with telephones waiting to be called. If  
20 by morning you have not been called ...[intervenes]

**CHAIRPERSON:** Sometimes waiting and the call does not come.

**MR NGOAKO RAMATHLODI:** It does not come and if it does not come you know, you will be like [indistinct] in the language which we know is in Angola when they take you to the front, you have just lost the opportunity.

Anyway, I did receive my call, it was around midnight 2014 and I happen to be

staying in the same yard as Maklamba Nglobo there, the ministerial residence there. So I then arrived there, I found the President when my time came, he was sitting with the Secretary General of the ANC and I had left other candidates on the other side, outside. When you get into that chamber, into the room with the President, you are informed of what you are going to be and so on and you then leave, you do not go back to the other guys. That is the procedure, protocol.

**MS ZINHLE BUTHELEZI:** Yes and ...[intervenes]

**MR NGOAKO RAMATHLODI:** Sorry?

10 **MS ZINHLE BUTHELEZI:** I was saying, in paragraph 1.4 you tell us about ...[intervenes]

**MR NGOAKO RAMATHLODI:** Sorry?

**MS ZINHLE BUTHELEZI:** You said in 2014 you were appointed as the Minister of?

**MR NGOAKO RAMATHLODI:** Minerals.

**MS ZINHLE BUTHELEZI:** Minerals.

**MR NGOAKO RAMATHLODI:** Ja.

**MS ZINHLE BUTHELEZI:** Yes.

**CHAIRPERSON:** Ja but I just want him to finish that part. I think you are about to finish that part.

20 **MR NGOAKO RAMATHLODI:** Ja, no, no what happens is, you are not supposed to go and tell others what you have just seen in there. You leave through another door and you go home, and possibly worried. But what worried me at the time, there was a strike which had been going on for about 6 months in the Minerals – in the platinum belt. It is only when I reached home that I realised that they put me against the strike.

Anyway, we did manage to stop the strike within a month of my appointment, which I thought was great for the country and so on. Then I began to receive phone

calls, congratulatory messages from well wishes and everybody and I was obliging everybody. Amongst these people, I got a call from the President's son Duduzane Zuma who wished to see me and convey his congratulations in person.

**MS ZINHLE BUTHELEZI:** Yes.

**MR NGOAKO RAMATHLODI:** At the time I was very busy, like I have just gone into a very difficult ministry at the time. So I did not have time to entertain personal engagements with people. So, I kept on push him back, push him back, push him back.

**MS ZINHLE BUTHELEZI:** Advocate Ramathlodi if I may ask, how long have you  
10 known Duduzane Zuma?

**MR NGOAKO RAMATHLODI:** Well I know Duduzane as a youngster from exile.

**MS ZINHLE BUTHELEZI:** Yes.

**MR NGOAKO RAMATHLODI:** But we became much, much closer when we arrived here at home. What happened is, the former President was being charged with corruption in Pietermaritzburg and I was then put in a team which was led by the then Secretary General Kgalema Motlanthe to support the then Deputy President in his trials. So we spent ...[intervenes]

**CHAIRPERSON:** That would have been around 2005/2006?

**MR NGOAKO RAMATHLODI:** Ja 2005/2006 yes. So each time the President would  
20 appear in court we would be there with Duduzane and the sister.

**MS ZINHLE BUTHELEZI:** Yes.

**MR NGOAKO RAMATHLODI:** So we got quite close in that sense. I was also put in a team that supported the President which was established by the National Executive, which was led by Lindiwe Sisulu and in that team there were Judges, there was Professor Seape, there was Magora Mathlodi, there was Tony [indistinct], there was

Collin Chabane.

**CHAIRPERSON:** Did you say there was Judges?

**MR NGOAKO RAMATHLODI:** This team was meant to manage the issues of the files of the Deputy President then.

**CHAIRPERSON:** But what was the Judge there in that team?

**MR NGOAKO RAMATHLODI:** Who, his?

**CHAIRPERSON:** I thought you said there was Judges.

**MR NGOAKO RAMATHLODI:** He was there, he was there.

**CHAIRPERSON:** That is after he was no longer in acting service ja?

10 **MR NGOAKO RAMATHLODI:** Yes correct, correct, correct.

**CHAIRPERSON:** It still sounds strange.

**MR NGOAKO RAMATHLODI:** Ja. So we put a multi [indistinct] team which was both offensive and defensive, in terms of communication, in terms of managing the public perspective, in terms of the legal inputs from people like Judge Heath. Oh there was also – I forgot his name now, he is in Cape Town, but he was the other legal man. We took him, Professor Sipa Seape on the basis of the political inputs that he used to make whilst he was still a professor in Venda at the university.

20 So we had a team like that, which then had to interrogate each and every phase of their appearance in court and to come out with the strategies how to get him off the hook. I believe we did very well in that regard, we got him out Deputy President Zuma.

**CHAIRPERSON:** Yes. Well I just said Mr Ramathlodi, I just said it still sounds strange that a Judge was involved in that. But on reflection I think Judge Heath may have left, I think he definitely had left the bench.

**MR NGOAKO RAMATHLODI:** Correct.

**CHAIRPERSON:** And he may have at that stage assumed the position of being an advocate, but people knew him as Judge Heath, so that is how they would refer to him. So I suspect that that is what happened.

**MR NGOAKO RAMATHLODI:** I think that is correct Chair, I think that is correct.

**CHAIRPERSON:** Thank you.

**MS ZINHLE BUTHELEZI:** Thank you Advocate if I may interject. How long have you known the former President Zuma?

**MR NGOAKO RAMATHLODI:** I met President Zuma when I was head of the PMC – RPMC in Harare. That is 1986.

10 **MS ZINHLE BUTHELEZI:** Yes.

**MR NGOAKO RAMATHLODI:** That is 1986. He came from Lusaka to come and see me, to look at a few operations and so on. Then I get to know him. He had a big hair like I did as well at the time and beard, he was bearded. But today if you look at him he looks like me, more or less the same. I have known since then. Each time I got to Lusaka to report to the PMC, I would find him there as head of Intelligence of the ANC.

Because what happened, we had an incident in Angola in 1984 when there was a rebellion in our camps. Now we had to put that rebellion down with the force of arms. After that the ANC was a signatory to the Viana Convention Uno. Now we instituted a Commission to evaluate if in fact our response to that incident of 1984 was  
20 inconformity with the Viana Convention. It was led by the late Mr Stuart, there was Ms Thape in that Commission and several other senior members. They found that we had exceeded the limits. In other words there were elements of summary executions of some of the people.

So the then head of Intelligence, Mzwandile Piliso had to take political responsibility and resign as head of Intelligence of the ANC. So we were doing this

since – because we were a very principle organisation. When we were wrong we would correct ourselves and that how Joe Nhlanhla and Jacob Zuma became joint heads of Intelligence of the ANC to replace Mzwandile Piliso and so I would then meet him in that capacity.

**MS ZINHLE BUTHELEZI:** Thank you. If I may take you to paragraph 3 of your statement. You have already told that you got a lot of congratulatory messages, including one from Duduzane Zuma. Then in paragraph 3 of the statement, you mention that you got a message that Duduzane wanted to see you. Would you please expand on what was the purpose of his meeting, that is referred to in paragraph 3?

10 **MR NGOAKO RAMATHLODI:** Well he was insisting, I think it is 6 months into office, at Minerals and so on and I realised, maybe I should see and give him a hearing.

**MS ZINHLE BUTHELEZI:** Yes.

**MR NGOAKO RAMATHLODI:** And I met him at St George's Hotel during one of the ANC meetings. He then said to me that it is pity that we are meeting under the circumstances that I was meeting him. I asked him to elaborate. He then said to me there is a rumour he has heard from two sources that I had being bad-mouthing him and his business associates and basically saying they are involved in crime.

**MS ZINHLE BUTHELEZI:** Did he tell you who were those sources?

20 **MR NGOAKO RAMATHLODI:** Well – because later on he mentioned Ajay Gupta. So I understood the business associates to be the Gupta brothers. So I then said to him, Duduzane you are as good as my son, I mean why would I run around bad-mouthing you when you are committing crime. I will not even tell your father, I will summon you and ask you, why are you involved in crime.

So he then said to me, he has told his father the story and I then responded by saying, I am going to tell your father what I said to you. Then he suggested meeting



Ajay Gupta for me to explain. I said I do not know Ajay Gupta and I owe him nothing. So you can go and tell him that I am not seeing him, because I have not bad-mouthed anybody.

**MS ZINHLE BUTHELEZI:** Yes and ...[intervenes]

**CHAIRPERSON:** Was that – I am sorry. Did you say that was about a month or so after your appointment?

**MR NGOAKO RAMATHLODI:** No about six or so months after ...[intervenes]

**CHAIRPERSON:** About 6 months or so?

**MR NGOAKO RAMATHLODI:** Ja because he had been pushing to see me.

10 **CHAIRPERSON:** Oh okay.

**MR NGOAKO RAMATHLODI:** Ja it was quite a while ja.

**CHAIRPERSON:** Okay.

**MS ZINHLE BUTHELEZI:** So I take it this was around the end of 2014?

**MR NGOAKO RAMATHLODI:** Ja possibly ja.

**MS ZINHLE BUTHELEZI:** You mention that he told you ...[intervenes]

**CHAIRPERSON:** I am sorry Ms Buthelezi again. Mr Ramathlodi when I read your statement I did detect that in some areas where certain events happened, there is no indication of dates whereas I think it might be important. So we might be asking you to try and remember. Not necessarily the exact dates, but maybe roundabout what time  
20 certain things happened. Thank you.

**MS ZINHLE BUTHELEZI:** Thank you Chairperson. In paragraph 6 of your statement you say he told you that he heard from his sources. My question was, who are those sources?

**MR NGOAKO RAMATHLODI:** He mentioned two names one from India, he is a businessman and a local fellow that I did not know. So I said to him, he needs to come

back to me with the names in writing, which he never did. So that conversation ended there.

**MS ZINHLE BUTHELEZI**: Thank you.

**CHAIRPERSON**: Let me check. People at the back are you able to hear everything properly? Yes okay alright thank you.

**MS ZINHLE BUTHELEZI**: Thank you Chair. The meeting that he was suggesting that you should have with Ajay Gupta, what would have been the purpose of this meeting?

**MR NGOAKO RAMATHLODI**: He wanted me to explain to Ajay Gupta that I did not bad-mouth them. That is what he said to me was the purpose of the meeting. My own  
10 reflection is that, they have been trying to meet me for a long time and I was refusing. So that would create a story and hoping that maybe I would then go and meet this fellow called "Ajay Gupta".

**MS ZINHLE BUTHELEZI**: Okay. On paragraph 12 of your statement, you also mentioned another – I would say a "request" that was conveyed to you via Advocate Muofhe. Who is Advocate Muofhe?

**MR NGOAKO RAMATHLODI**: At the time he was my special advisor and then the Guptas sent word to him asking him to arrange a meeting between me and them and we both dismissed that request.

**MS ZINHLE BUTHELEZI**: When was this roughly?

20 **MR NGOAKO RAMATHLODI**: I think Advocate Muofhe can assist us, because this one is reported in the newspapers as well, we will find it in this, it is public knowledge.

**CHAIRPERSON**: Okay thank you. But in terms of your recollection, when Mr Duduzane Zuma asked you if you could meet Ajay Gupta and explain that you had not been bad-mouthing them, was that the first request that was being made for you to meet the Guptas after you took the portfolio of Mineral Resources?

**MR NGOAKO RAMATHLODI**: That request came from Duduzane to me. The other one went to Advocate Muofhe. There was also an issue about the DJ who was requested to increase the number of the New Age newspapers that were in the department. In other words, to buy more.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATHLODI**: I advised him that we cannot do that, we have no justification to buy more papers than I found there.

**CHAIRPERSON**: Yes, yes.

**MR NGOAKO RAMATHLODI**: There was also ...[intervenes]

10 **CHAIRPERSON**: Or maybe I must just clarify.

**MR NGOAKO RAMATHLODI**: Yes.

**CHAIRPERSON**: I know you might have more for after your meeting with Duduzane Zuma. So I am just looking at the period before that whether there had been any attempts that had being made either to you or to anyone in the department, including your advisor, or whether this one to the advisor came after your meeting with Duduzane Zuma. I am trying to locate in terms of time. Because I think you said you met Duduzane Zuma about 6 months after your appointment.

**MR NGOAKO RAMATHLODI**: I estimate that it could be about 6 months. The Moufhe issue would have come possibly before that.

20 **CHAIRPERSON**: Okay.

**MR NGOAKO RAMATHLODI**: Ja.

**CHAIRPERSON**: Okay, okay alright thank you.

**MS ZINHLE BUTHELEZI**: You made reference to Annexure "A". If you may turn to page 6 of the bundle?

**MR NGOAKO RAMATHLODI**: Page what, 6?

**MS ZINHLE BUTHELEZI:** Page 6 yes. There is an article there by EWN, I will read the first two paragraphs of that article:

"Public Service and Administration Minister Ngoako Ramathlodi, or Ngoako Ramathlodi's spokesperson has confirmed that Ramathlodi was invited to a social engagement by the Gupta family shortly after he was appointed to his previous job as Mineral Resources Minister. But the Minister's office says he declined the invitation."

This invitation, what does this article relate to, which invitation is it? The invitation by Duduzane, or is it the one that was conveyed to you through  
10 Advocate Muofhe?

**MR NGOAKO RAMATHLODI:** Well they were pushing from all angles. So I cannot ascribe it to one invitation. So they were pushing to get me into a meeting.

**MS ZINHLE BUTHELEZI:** Thank you.

**MR NGOAKO RAMATHLODI:** Then there was also an attempt to get me to appear on the "Breakfast Shows", the so-called SABC Breakfast Shows.

**CHAIRPERSON:** Yes.

**MS ZINHLE BUTHELEZI:** Yes.

**CHAIRPERSON:** Before you tell us about that one Mr Ramathlodi. I know that it may be a long time and you may not have been keeping records necessarily. But if you are  
20 able to place them in terms of their sequence, which one came first, which came after that. That would be helpful. But if it is not possible, you can just say that, I cannot remember which one happened first, but this did happen. So, it is just an attempt to see, you get appointed as a Minister of Mineral Resources in May, I think 2014 and then you have these requests from Duduzane Zuma to meet with you. You try and push them back for sometime, but ultimately you give him an audience about or around

6 months after appointment. Then you say that the approached to Mr Muofhe probably came before your meeting with Duduzane Zuma. So as you go on, if you just make an effort to try and see where you locate in terms of time or sequence that will be helpful.

Thank you. Ms Buthelezi – oh.

**MR NGOAKO RAMATHLODI:** I might want to see if we cannot get some of the diaries from my former PA if she has got.

**CHAIRPERSON:** Oh yes.

**MR NGOAKO RAMATHLODI:** Which could assist.

**CHAIRPERSON:** If that can happen, that would be helpful. So do the best you can  
10 and we will understand that that is subject to trying to find diaries which might be more accurate thank you.

**MS ZINHLE BUTHELEZI:** Thank you Chair. On paragraph 13 you spoke about the request that was made through the DJ, Doctor Ramontja that you increase the order volume of New Age newspapers. When was this made, if you could still remember?

**MR NGOAKO RAMATHLODI:** I believe Doctor Ramontja should be able to give us a rough estimate of that. Because he is the one who talked to me about it.

**CHAIRPERSON:** Okay thank you.

**MS ZINHLE BUTHELEZI:** You then spoke about the mining Indaba that was in Cape Town.

20 **CHAIRPERSON:** Well I am sorry. You may have said this Mr Ramathlodi already, but I guess it is important for you to place on record that you did refuse to authorise the increase of the New Age. Because that is what is in your statement. Then he can give more details about the issue. You confirm that?

**MR NGOAKO RAMATHLODI:** I can confirm yes, he will give us more details.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATHLODI:** I think soon after he came to [indistinct] that one.

**CHAIRPERSON:** Okay thank you.

**MS ZINHLE BUTHELEZI:** Thank you Chair. You said about the mining Indaba that was in Cape Town and what you were told about the Guptas hosting the department in their Cape Town home. Can you elaborate on that?

**MR NGOAKO RAMATHLODI:** Before I do that, let me go back a bit to say, I was mentioning the issue of the Breakfast Shows, which I declined. I have never appeared, there was some Ministers who was doing that, I was not interested in it. Maybe you might be interested in understanding why my attitude?

10 **CHAIRPERSON:** Yes, yes.

**MS ZINHLE BUTHELEZI:** Yes.

**MR NGOAKO RAMATHLODI:** Now my attitude, I did not know these people. They came into South Africa and one day I met Correctional Services that a private jet lands at Waterkloof Air Force base carrying wedding and people. That for me was the last insult. I mean it was a stab at the back for those who died. Because there were many who died when I was there with them. That we should get foreigners they come in here and then they land a wedding charter in our air force base.

20 So we had a meeting of the security cluster, because I was sitting in Correctional Services. I told my fellow Ministers that this is the last insult, we cannot this happen in our country. From then inside we told the President do not attend that wedding do not do it. Because you have just messed up.

**MS ZINHLE BUTHELEZI:** Yes. Did he attend?

**MR NGOAKO RAMATHLODI:** No only did they land there, they actually got even the escorts of the security everything to that place there.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Now if you have been through war like I have, that you do not tolerate and that explains my attitude towards the Guptas.

**CHAIRPERSON:** Yes but you just referred to, you or you and the group telling the President by which obviously he is the former President.

**MR NGOAKO RAMATHLODI:** Billy [indistinct], myself and a few others we told him do not go to that wedding.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** And on this occasion he listened.

**CHAIRPERSON:** He listened.

10 **MR NGOAKO RAMATHLODI:** He did not attend that wedding.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Ja.

**CHAIRPERSON:** From what you say it seemed to me your group whoever, whatever the group was that was talking to him, you made it quite clear that what had happened was completely unacceptable?

**MR NGOAKO RAMATHLODI:** No we told him, Mr President you do not do things like that. We then already knew, we did not know this one is not acceptable.

**CHAIRPERSON:** Was it your understanding that the landing of those aeroplanes there could not have happened without his knowledge or approval, or not necessarily? I am  
20 just asking that because you are saying you said to him, you know, I think you must tell me if I did not hear properly. You have messed up, this is not acceptable, this is not done, or something like that.

**MR NGOAKO RAMATHLODI:** We said to him, Mr President it is unacceptable that a private jet carrying wedding party from another country lands at our air force base. We had fought for this base to be under our command. So it is not acceptable. So do not

graze this thing by going to the wedding, in addition to what has already happened.

Now, ourselves at the time – let me speak about me.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** I had a feeling that it could not happen without his knowledge and in fact there was talk like that, because the Chief of Protocol in the Presidency Ambassador, I forgot his surname, he was in Holland now. Because after that he had to be redeployed to Holland.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATHLODI:** So apparently that fellow got a call from "Number One"  
10 as they call him those days.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Then he authorised the landing.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Ja.

**CHAIRPERSON:** That is important thank you.

**MS ZINHLE BUTHELEZI:** Where did you hear about that from if I may ask, how did you learn about what you have just told us that "Number One" was called?

**MR NGOAKO RAMATHLODI:** Well we have meetings in the ANC we spoke most of ourselves, so I cannot say I got it from so and so or the other one. But my impression  
20 was precisely that that he actually authorised it.

**MS ZINHLE BUTHELEZI:** Thank you.

**CHAIRPERSON:** Everything else that you have heard since then, in terms of that incident that you subsequently had, has not changed your sense that he must have known?

**MR NGOAKO RAMATHLODI:** You see Chair, precedents I have got friends in the



business, community and so on. They do see people and so on. But these ones I felt they were insulting even the President. Because what they were doing was to show off. You know that they had captured the Republic it is theirs. They are not presidents but they can land at an air force base.

**CHAIRPERSON:** Well I am very interested that you give us the picture as you see it of this incident, because it is quite clear from what you have said to us that you really found this whole thing so unacceptable. So it is just important that we get that full picture. So I just invite you to talk more about it, to give us that sense how rebutment it was to you and why so. I know you have already said some things that if you have  
10 been to war and something like this happens what your reaction would be like.

**MR NGOAKO RAMATHLODI:** Chair what happens at air force base of South Africa is only Heads of States land there, and when they land we receive them with all the protocols, either one Minister or the other is sent to go and do that. But on this occasion this aeroplane from India just landed there. There was preparations, because even the traffic cops were escorting those buses which were going to North West.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATHLODI:** So it was a well planned reception, which could not happen without higher authority knowing. Well they mobilise even the Municipalities to provide security for those buses to go there. So I think it was quite heavy for us, some  
20 of us.

**CHAIRPERSON:** Did you say something like a few minutes ago that it was a "show off" as far as you are concerned of this family showing that they have actually captured the country?

**MR NGOAKO RAMATHLODI:** They were disrespectful of the President, they were disrespectful of the President of the country, they were disrespectful of us. That is the

essence they were totally disrespectful.

**CHAIRPERSON:** Because of what that the air force base represents in the country?

**MR NGOAKO RAMATHLODI:** Not just any air force base, the one which is head quarters in Pretoria.

**CHAIRPERSON:** Yes, yes.

**MR NGOAKO RAMATHLODI:** Not just any air force base, that one.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Some things are very secret to us, those of us who have gone through the military things. Like a flag, it is sacred, when we hold that flag it is sacred. So that air force is not a place where you can just go and play around.

**CHAIRPERSON:** No thank you very much. You can keep your microphone on, I think it will not disturb anything.

**MR NGOAKO RAMATHLODI:** Oh thank you, thank you.

**MS ZINHLE BUTHELEZI:** Thank you Chair. Advocate Ramathlodi ...[intervenes]

**MR NGOAKO RAMATHLODI:** Just a minute. Then after I spoke to Duduzane, I went to his father.

**MS ZINHLE BUTHELEZI:** Thank you.

**MR NGOAKO RAMATHLODI:** We met in Cape Town. I told him, look your son is saying this and this that I am bad-mouthing him. But I can assure you that I told him that if he is misbehaving, I will summon him like his uncle or his father so to speak. So Mr President that is what I told your son. Then he said, "ku lungile mfanakithi" then he left me. Ja I am done with that.

**CHAIRPERSON:** "Ku lungile mfanakithi" being it is alright or what, it is alright my mate or it is alright whatever. Well I am sure somebody will give a translation. I see Mr [indistinct] ...[intervenes]

**MR NGOAKO RAMATHLODI:** Yes, no he it is alright, "mfanakithi" it is alright.

**CHAIRPERSON:** [Laughter]. Well I guess Ms Buthelezi is the one who should be assisting.

**MS ZINHLE BUTHELEZI:** I will say it is alright my buddy, I am not sure. Thank you.

**CHAIRPERSON:** Okay.

**MS ZINHLE BUTHELEZI:** Advocate Ramathlodi if you may proceed with your statement. It appears that you were also invited, or ja there was an invite that you be hosted by the Guptas in Cape Town during mining Indaba.

**MR NGOAKO RAMATHLODI:** No I was not invited.

10 **MS ZINHLE BUTHELEZI:** Yes?

**MR NGOAKO RAMATHLODI:** What happened, we have an annual mining gathering in South Africa in Cape Town.

**MS ZINHLE BUTHELEZI:** Thank you.

**MR NGOAKO RAMATHLODI:** We have got another one in Australia, we have got another one in Canada. Those are called "mining indabas" the big ones.

**MS ZINHLE BUTHELEZI:** Yes.

**MR NGOAKO RAMATHLODI:** So I was in China with Doctor Ramontja my Director General, so he was relating to me how they used to operate under the previous Ministers.

20 **CHAIRPERSON:** This was soon after your appointment, a few months after your appointment?

**MR NGOAKO RAMATHLODI:** Ja it was before our local mining indaba.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Which could have been around 2015 early in the year, because it happens around February/March/April.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Something like that. So, he told me that during the mining indaba, all the – him the DG and DDGs from all my departments Minerals would then be hosted by the Guptas in their Cape Town home.

**CHAIRPERSON:** In their home?

**MR NGOAKO RAMATHLODI:** Ja in Cape Town yes. They would then call other business people to attend there.

**CHAIRPERSON:** In their private home?

**MR NGOAKO RAMATHLODI:** Yes in their home, DDGs of the departments.

10 **CHAIRPERSON:** A government thing?

**MR NGOAKO RAMATHLODI:** I think we must inquire, you must ask them those were at the – they should be able to confirm if that is true or not. But what I did was to say to the DG, he was not persuading me to do it, but I told him but this will not happen on my watch. There is no one who is going to Guptas home to be hosted by them. The way they operate, they were demonstrating power these people. What they do, they will call this whole department there and then call people who would be investors and say, you see we have got the department, it is here.

**CHAIRPERSON:** Sjoe.

**MR NGOAKO RAMATHLODI:** So we want to you do this and that and that.

20 **CHAIRPERSON:** To come here.

**MR NGOAKO RAMATHLODI:** So they are demonstrating power.

**CHAIRPERSON:** That you ...[intervenes]

**MR NGOAKO RAMATHLODI:** Called the whole department.

**CHAIRPERSON:** Ja we are in charge.

**MR NGOAKO RAMATHLODI:** The whole department, the whole department it would

go there.

**MS ZINHLE BUTHELEZI:** You said even the Minister will be hosted?

**MR NGOAKO RAMATHLODI:** The Minister would be there, the previous Ministers they can speak for themselves when they appear here.

**CHAIRPERSON:** Yes. That is Minister Shabangu as you understand or is it the previous one?

**MR NGOAKO RAMATHLODI:** Ja, ja Shabangu specially.

**CHAIRPERSON:** Ja okay.

**MS ZINHLE BUTHELEZI:** Thank you.

10 **CHAIRPERSON:** No but, well we will hear evidence in due course Doctor Ramontja from what you say who obviously had been at some of those. But the whole idea that a government indaba – a Government Department indaba must be held at the private home of some private citizens.

**MR NGOAKO RAMATHLODI:** No Chair.

**CHAIRPERSON:** Yes?

**MR NGOAKO RAMATHLODI:** The indaba itself would be held in Cape Town hall whatever, the big thing.

**CHAIRPERSON:** Oh okay.

**MS ZINHLE BUTHELEZI:** I see.

20 **MR NGOAKO RAMATHLODI:** But in the evening they then summoned the department to go to the Guptas.

**CHAIRPERSON:** For what?

**MR NGOAKO RAMATHLODI:** To show off.

**CHAIRPERSON:** Sjoe.

**MR NGOAKO RAMATHLODI:** To demonstrate their powers, to be – because they

would intimidate people these guys.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** And say to them, look if you do not cooperate with me, you will not get the license from Minerals. If you do not do this, you will not get that and that. That is what they were doing, they were actually demonstrating their power to intimidating possibly the investors. Because the investors come from all over the world.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** When we talking "indaba" they are coming from across the world, they are coming to look for an opportunities in South Africa. So they invite  
10 selected people to come and meet the department in their home.

**CHAIRPERSON:** Sjoe. Ja no I mean all kinds of questions that I am thinking of should not be for you, because you have never been in those.

**MR NGOAKO RAMATHLODI:** Maybe I should have been there to see what is there.

**CHAIRPERSON:** But I mean, what is it that could not have been dealt with at the venue wherein indaba was held and why should there be another gathering involving everybody I guess – or most people who were at indaba, you know?

**MR NGOAKO RAMATHLODI:** Chair the Guptas had the power to summon the President to their home.

**CHAIRPERSON:** Yes.

20 **MR NGOAKO RAMATHLODI:** And they would boast about it. Now they had the power to then summon Ministers who were wet behind the ears, who can just run there and – so they are calling you to their home, they are not even trying to meet you in a hotel, they want you in their home. So that is their modus operandi.

**CHAIRPERSON:** Well if you can, please just tell us more about that because we have heard evidence from, among others Mr Jonas and Ms Mento both of whom told me that

they had on – obviously different occasions been to the Gupta residence and I think one of them, I think Ms Mento, but it may be that Mr Jonas too, one of them, or both of them said, you know the Gupta brother that I was talking to at the Gupta residence, I think they said it is Ajay Gupta, told me that – or I think Mr Maseko – to Mr Maseko during his evidence, in effect that they – Ajay Gupta said, the former President would do whatever they wanted, or something to very much along those lines, that if there were Ministers who were not cooperating they would call them to their residence.

So what you are telling me seems to corroborate what I have heard already. So I do not know whether you might have any specific instances, or even Ministers that  
10 you know were called there. I must just say that I ask you that question knowing that maybe you might be viewed in a certain way by certain people maybe if you specify names. But we are investigating something very serious for the country and we need to get to the truth. So if you do remember please let us know.

**MR NGOAKO RAMATHLODI:** It is public knowledge Chair that Minister van Rooyen, Minister Zwane before their appointment they were camping there in Saxonwold.

**CHAIRPERSON:** They were camping there you say?

**MR NGOAKO RAMATHLODI:** Ja they were staying there.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATHLODI:** They would go there, I mean the public telephones can  
20 show it, it is public knowledge that they, I can point out those.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** They are not even ashamed, they would tell you, we are a Gupta minister, so what.

**CHAIRPERSON:** Is that so?

**MR NGOAKO RAMATHLODI:** Ja.

**CHAIRPERSON:** Sjoë.

**MR NGOAKO RAMATHLODI:** I think when they do appear here, they should explain how many times they went there before the Gupta [indistinct].

**CHAIRPERSON:** Yes. No thank you very much. Thank you.

**MS ZINHLE BUTHELEZI:** Thank you Chairperson. Advocate Ramathlodi ...[intervenes]

**CHAIRPERSON:** Please raise your voice, raise your voice.

**MS ZINHLE BUTHELEZI:** Okay. As a Deputy Minister ...[intervenes]

**MR NGOAKO RAMATHLODI:** Can I repeat something?

10 **MS ZINHLE BUTHELEZI:** Yes.

**MR NGOAKO RAMATHLODI:** Not repeat, just say something.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** In the National Executive Chair, we would raise this issue with the President.

**MS ZINHLE BUTHELEZI:** Yes.

**MR NGOAKO RAMATHLODI:** Who would say to you, this thing – relationship of yours with those guys is toxic. Why do we not end it? We can talk as high and as loud as we like. When we finish – when we close the meeting, you say those people are my friends because they help my children when I was a *persona non-grate*, they helped to  
20 Duduzane, they helped Edward they give them jobs when no one wanted me. So what are you asking of me? So he was refusing to budge on that one.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Ja.

**CHAIRPERSON:** You say this would have been at a National Executive?

**MR NGOAKO RAMATHLODI:** National Executive ja.



**CHAIRPERSON:** Is that so?

**MR NGOAKO RAMATHLODI:** There was many people who were very uncomfortable with that relationship.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Because it was humiliating him.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** And we cared about him, you know, besides the ANC, but it is someone who we have known, he is a nice person. You know when you are with him you are in a happy ground. But the things he was doing were a bit irrational at  
10 the time.

**CHAIRPERSON:** You think this would have happened a few times where the NEC or groups or some in the NEC would say, Mr President please why do you not this friendship?

**MR NGOAKO RAMATHLODI:** Ja indeed, indeed not once, not once. I am sure you can get the minutes of the NEC who will say some of the things in there. It is just that his style of leadership was such that we debate issues. When we finish – because we do not vote in the NEC. What we do, we try and reach sufficient consensus, if I must use that word.

**CHAIRPERSON:** Yes.

20 **MR NGOAKO RAMATHLODI:** But when you summarise as the last speaker, he can decide to go in a tangent against the majority view.

**CHAIRPERSON:** Oh.

**MR NGOAKO RAMATHLODI:** And none of us can come back to him and say, Mr President you are misrepresenting us. Because he is the last speaker.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** So some of the decisions might not show in the minutes if they were not properly recorded. But I suppose we can peruse and see if we find something there.

**CHAIRPERSON:** Yes. Okay no thank you very much that is very helpful thank you.

**MS ZINHLE BUTHELEZI:** Thank you Advocate Ramathlodi. If I may take you back to your statement, paragraph 15 you talk about a call, another call that you received from ...[intervenes]

**CHAIRPERSON:** Sorry Ms Buthelezi I am sorry to interrupt you again.

**MS ZINHLE BUTHELEZI:** Thank you.

10 **CHAIRPERSON:** I just want to make a proposition and you might wish to comment on it, or if you do not wish to comment you might say so. So from what you say, could it be possible that it was because of, at least among other things, the assistance that the Gupta family appears to have given his son or his children that he may have felt that he had to keep that friendship whatever the consequences?

**MR NGOAKO RAMATHLODI:** That is my impression Chair.

**CHAIRPERSON:** Thank you.

**MS ZINHLE BUTHELEZI:** Thank you Chair. On paragraph 15 you talk about a call that you received from Duduzane and that he sounded desperate. Can you tell us about that call?

20 **MR NGOAKO RAMATHLODI:** Ja in fact he demanded to see me. He called and said, I must see you today, Duduzane.

**CHAIRPERSON:** I am sorry?

**MR NGOAKO RAMATHLODI:** Paragraph 15.

**CHAIRPERSON:** One five?

**MS ZINHLE BUTHELEZI:** Yes paragraph 15 of the statement it is on page 3.

**MR NGOAKO RAMATHLODI:** 15 ja page 3.

**CHAIRPERSON:** Yes, thank you. No I am sorry my mind was still on something else, but I understand and will look at this.

**MR NGOAKO RAMATHLODI:** No we can wait, we can wait with 15 and go back to what you were wanting to engage on Chair.

**CHAIRPERSON:** Ja. You see you have also said that the landing of that aircraft at the airbase, air force base, you know was an act of disrespect by the Gupta family to the President. I am sure you mean to the whole country as a whole?

**MR NGOAKO RAMATHLODI:** An insult was.

- 10 **CHAIRPERSON:** Ja. Now you know Ms Mento in her evidence with regard to her meeting with one of the Gupta brothers, according to her evidence. He said he found that Mr Ajay Gupta whom she says met with her was disrespectful to the President, because even when the President entered the room and she stood up to show respect, Ajay Gupta just sat there you know and did nothing and did not stand. But she went further and if I recall correctly, said something suggesting that the way Ajay Gupta was talking to the former President showed that he was not respectful of the President.

So I am just saying, maybe there might be a connection between lack of respect for the President from them.

- MR NGOAKO RAMATHLODI:** Somebody told me and he is an old comrade of mine,  
20 Jabu Ngwena, I can name him and he says to me, you see the Guptas have got a secretary in their house which handles the President's diary. In other words, the President has got two secretaries, one belongs to the Guptas, the other is in Makla Manglu, or union buildings. So they can easily interfere with his diary, if they wanting, then says to you come and then he comes running there.

So we were asking ourselves, what is this thing, that this hold that they have

on him, over him. We could not understand the grip, you know. You know it is like a python, you know – when a python wraps itself around you, unless somebody takes out the tail from the soil you are finished. Because it has got a hole at the back there, which gives it a balance. Now it was just like that, it was like python which had wrapped itself around him.

**CHAIRPERSON:** Yes Ms Buthelezi.

**MS ZINHLE BUTHELEZI:** Thank you Chair. I am not sure if we still have time.

**CHAIRPERSON:** You do not want to use the next 3 minutes?

**MS ZINHLE BUTHELEZI:** I can use the next 3 minutes.

10 **CHAIRPERSON:** Ja.

**MS ZINHLE BUTHELEZI:** Advocate Ramathlodi if I may take you back to your statement paragraph 15 where you spoke about the desperate call that you received from Duduzane Zuma on a Friday, would you please take us to what transpired there?

**MR NGOAKO RAMATHLODI:** Well he demanded to see me and I said, I will see him on Monday. Because I wanted to understand what the issues would be.

**MS ZINHLE BUTHELEZI:** Yes.

20 **MR NGOAKO RAMATHLODI:** It was not a friendly call, it was something which required me to exercise some caution. So I asked the department officials what could it be that he wants to see me about. Then they showed me pictures of people who were working unprotected in the Gupta owned mine. I think it must an uranium mine if I am not mistaken. So the department has got the power to suspend the operations of the mine that is Section 54 of Minerals Act, if the mine is not compliant impose conditions for them to comply and then reopen. So he wanted to see me about that.

Once I saw that, I arranged to see his father, the President at the time. I went to see him in Mathla Manglu, I said to him, Mr President as Minister of Mineral

Resources, I am a Court of Appeal. No one comes straight to me such as your son calling to intervene in these matters, these things have to be processed, you should please tell him to talk to the officials in the department and stop calling me. That was it.

**MS ZINHLE BUTHELEZI:** You never met with Duduzane Zuma?

**MR NGOAKO RAMATHLODI:** No, no he said again "lungile mfanakithi".

**MS ZINHLE BUTHELEZI:** And you never got to meet Duduzane himself?

**MR NGOAKO RAMATHLODI:** No I did not see him again since.

**MS ZINHLE BUTHELEZI:** Thank you. Then ...[intervenes]

**CHAIRPERSON:** So we just need to say, it is alright my friend it is alright.

10 **MR NGOAKO RAMATHLODI:** Yes indeed.

**CHAIRPERSON:** Ja, I think that is the closest English that is what he said.

**MR NGOAKO RAMATHLODI:** Ja. You know Chair, I found the President one day I asked him, do you know I have been trained to look after Presidents. He says, yes. I said, who trained me? He said, Thambo. I said to him, but why do you not use me, you know, to look after you? He did not answer. But I asked him that question one time, when these things were unravelling I could see he was losing all courtesies, everything was just not happening. We are there, we are the brains that have been trained by the organisation and he is not utilising us.

Now we will come back to [indistinct]. Let me talk a bit.

20 **CHAIRPERSON:** Ja.

**MR NGOAKO RAMATHLODI:** There is another thing, that is, when Ministers are appointed, I have mentioned the Secretary General is there. But when the President [indistinct] falls, he is alone. Meaning, there is a discontinuity somewhere. So who is advising him to reach – then you see I said to him, Mr President let us help you. The team we had before, the one I mentioned which saved him from going to jail previously,

why do we not institute this team again, reconstitute it so that when you are making these decisions at least there is a sounding board. You can disagree with us, but at least we would have told you something. But you are talking to yourself and doing things alone and we cannot run the country like that, no one does not, it does not work.

**CHAIRPERSON:** What did he say?

**MR NGOAKO RAMATHLODI:** Then you see sometimes he does not respond, he just keeps quiet and when you do this, thank you very much comrades, something like that.

**CHAIRPERSON:** Ja okay.

10 **MS ZINHLE BUTHELEZI:** So is there any NEC raise some concerns regarding ...[intervenes]?

**MR NGOAKO RAMATHLODI:** Not once, not once. Like I said before, several times.

**MS ZINHLE BUTHELEZI:** Thank you. Chair I am told ...[intervenes]

**CHAIRPERSON:** Oh it is about teatime. But maybe I will say this. I am just wondering whether – if the NEC was very concerned about what his friendship with the Gupta family was doing to him, to the organisation itself and maybe to the country already, whether the NEC was feeling helpless as to what should be done, because the fact that they did not raise the issue once they raised it a number of times, it must mean it was bothering them. So I do not know whether you want to answer now, to say something now?

20 **MR NGOAKO RAMATHLODI:** Yes. You see Chair, he had a strong faction in the NEC. So there are people who are supporting him.

**CHAIRPERSON:** Even on the friendship?

**MR NGOAKO RAMATHLODI:** Ja because some of them came from that friendship themselves.

**CHAIRPERSON:** Oh.

**MR NGOAKO RAMATHLODI:** They are beneficiaries of that friendship.

**CHAIRPERSON:** Is that so?

**MR NGOAKO RAMATHLODI:** Now, now at some point some of us just decided to keep quiet and I was telling them in the last NEC that, at least today what we discuss in politics, so some of us will speak. Because you can almost predict as to who is going to say what before they speak. So there is factions solidified, there was a faction which was not very – it was unrelenting in defending him. That is why it has lasted so long, this saying, this saga. When we were recalling him after he lost – he finished the presidency of the ANC and we were trying to get him to get out of office and he was asking the question, what have I done? You know.

**CHAIRPERSON:** This is now when?

**MR NGOAKO RAMATHLODI:** Now recently.

**CHAIRPERSON:** 2018?

**MR NGOAKO RAMATHLODI:** Ja.

**CHAIRPERSON:** The beginning of the year.

**MR NGOAKO RAMATHLODI:** Ja. Because we sent the Secretary General and the President to go and talk to him. He asked the question, what have I done? Because he sees nothing wrong with what he did. So in response in a meeting, I was saying, what he has done was to auction Executive Authority. Now the next President who comes is going to inherit an empty office in terms of authority. That is the biggest sin is that to auction Executive Authority.

**CHAIRPERSON:** Now you were saying this where?

**MR NGOAKO RAMATHLODI:** In the National Executive.

**CHAIRPERSON:** In the National Executive?

**MR NGOAKO RAMATHLODI:** When we were debating his removal.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATHLODI:** Ja when we were forcing him to resign now.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** So that is what I said.

**CHAIRPERSON:** Yes, yes.

**MR NGOAKO RAMATHLODI:** He has auctioned Executive Authority.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Gave it to third parties. So we are going to inherit an empty State.

10 **CHAIRPERSON:** Well that is a profound statement. It seems to suggest that you were saying he had basically given his executive authority to somebody else?

**MR NGOAKO RAMATHLODI:** To a third party yes.

**CHAIRPERSON:** That is what you are saying?

**MR NGOAKO RAMATHLODI:** Ja to a third party.

**CHAIRPERSON:** What was the sense of the NEC about that statement, was it share that view, sentiment was it shared by many or not, or you do not know?

**MR NGOAKO RAMATHLODI:** I think there was general agreement that the then President had actually failed us. But now he was not in a position to change the decisions of the NEC, because he was no more President. That is why we asked him  
20 to resign. So it means by that act, the executive endorsed the decision, the assessment that were giving that, the man must leave before he does more and more damage.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Because he wanted 6 months before he could leave office, that is what he was suggesting to us and we then took a decision that we might



have to remove him by force, by ordering the Cocas to actually remove him and then we conveyed to him and then he relented.

**CHAIRPERSON:** In terms of your recollection, roundabout when was it that the NEC began to express to him their concern about his friendship with the Gupta family? If you can go back, what is the earliest you can remember?

**MR NGOAKO RAMATHLODI:** Now during the second term Chairman 2014 going forward, the first time was okay. We did not see much of the damage.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** But this second time something else happened and that  
10 is when some comrades began to express reservations about many things that were going wrong in the country and also in the organisation.

**CHAIRPERSON:** Yes. Maybe I just say before you complete your answer. There is the second term of his President as an ANC President then the second term as ...[intervenes]

**MR NGOAKO RAMATHLODI:** Yes and also Government yes.

**CHAIRPERSON:** As country President. Ja.

**MR NGOAKO RAMATHLODI:** In fact starting from [indistinct] once he got the second time, there began to be a bit of tensions within – even the officials themselves.

**CHAIRPERSON:** Yes there are.

20 **MR NGOAKO RAMATHLODI:** Because some of them were talking to us, they were telling us, you know guys this is a difficult situation. I can demonstrate something. You know when I went to Minerals I found that ...[intervenes]

**CHAIRPERSON:** In 2014?

**MR NGOAKO RAMATHLODI:** Ja. I found that the Mineral Acts needed to be amended. Because we wanted to do certain policy changes. One; to promote local

beneficiation of minerals, so that we then put a price which encourages industrialisation in South Africa.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Two; the question of once empowered, forever empowered. In other words, the BEEs the first ones, some sold their shares and then there was an issue whether they can be reissued with new shares. Those sort of issues.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATHLODI:** There was the issue of gas and oil exploration. So we  
10 needed policy certainty in terms of amending that Act. Because the industry was saying so, that look we cannot invest money unless we are clear what Government position is on these things. So we put the Bill through Parliament, whilst it was in Committee stage, I decided I was going to consult with the officials of the NEC so that I have got a clear mandate, political mandate.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATHLODI:** So I go to these officials, he is chairing the meeting and I bring them about these issues, he says, the Minister never talked to me, these Ministers do as they wish. Now we cannot process this thing here and they allowed him to return me back ...[intervenes]

20 **CHAIRPERSON:** We cannot process, the meeting could not continue?

**MR NGOAKO RAMATHLODI:** The issues that I had brought to them. Because he wants me to talk to him alone. Now the result of that is that the Minerals Act is still being processed in Parliament, because of that. Because he did not give me a second chance to talk to him on this particular issue.

**CHAIRPERSON:** Ja, ja.

**MR NGOAKO RAMATHLODI:** So we are dealing with a situation of – we can call it "reckless management". Because we are saying we do not have jobs in the country, but we cannot create certainty, policy certainty for people to invest in the country and in a critical department line Minerals. So the only thing – because after I left there, Minister Zwane came in. I think the only thing why he was unhappy is because I had not materialised the Guptas to qualify for BEEE in South Africa. That is what they did after I left.

**CHAIRPERSON:** I am sorry, just repeat that, you had not what?

**MR NGOAKO RAMATHLODI:** You see Chairman the BEEs for citizens of the  
10 country. Now these people Guptas had just come into the country. Now they amend the policy to say, even the naturalised citizens can qualify for BEE. I think that was the reason why partly they got rid of me from Minerals.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Or promoted me, as he put it.

**CHAIRPERSON:** No that is very important. Now you said they are just coming to the country from what one – I think affidavits that I have read, they seem to have arrived at different times, but the first ones I do not know, early 90's and then others late 90's bla-bla-bla. But in terms of your knowing about their existence that would have been around when?

20 **MR NGOAKO RAMATHLODI:** Again, Jabu my friend told me something. There was a world cricket match in South Africa who did not happen – it was meant to be done in India and then that match was shifted to South Africa. So there were other guys who were working on hosting that match. That is when Jabu became aware of their presence, because they simply grabbed that match and made lots of money out of it.

So it would make them – I cannot remember, we can check when that match

was. But I think it is before the world cup.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATHLODI:** Ja I think it is before the world cup ja, in that period somewhere there.

**CHAIRPERSON:** Okay.

**MR NGOAKO RAMATHLODI:** That is when they started grabbing everything from the citizens.

**CHAIRPERSON:** Yes. Now when you were Minister of Mineral Resources, as far as you know, had they become naturalised citizens or had they not, as far as you know?

10 **MR NGOAKO RAMATHLODI:** No I do not know, but we can verify that.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** Because the matter before the Parliamentary Committee.

**CHAIRPERSON:** Yes, yes.

**MR NGOAKO RAMATHLODI:** The former Minister Gubane he is talking about it then. So we can find out easily, easily.

20 **CHAIRPERSON:** Yes. But I want to go back to what you were saying when you talking about BEE and naturalised citizens. You said something along the lines that you are removed because you did not want to naturalise them, or you did not want to extend the benefits of BEE to naturalised citizens. I just want to make sure I understand what you are saying there, because that might be very important.

**MR NGOAKO RAMATHLODI:** Well Chair, there is not one single reason why I was promoted from Minerals.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATHLODI:** There is a conjecture of circumstances, which surround

the family, the Gupta family.

**CHAIRPERSON:** They all surround this thing?

**MR NGOAKO RAMATHLODI:** Ja everything is revolving around them.

**CHAIRPERSON:** Revolves around them yes.

**MR NGOAKO RAMATHLODI:** Ja. So the only conclusion I could arrive at was that they tried everything to convince me to do certain things and that I was becoming an obstacle in that sense. That goes to the heart of the Commission that Ministers could be removed.

**CHAIRPERSON:** It does ja.

10 **MR NGOAKO RAMATHLODI:** Ministers could be removed if they do not cooperate. Then they tell others, you see Ramathlodi now we have shifted him, if you do not cooperate we are going to remove you. So they are using that real authority.

**CHAIRPERSON:** That is the Gupta family you are talking about?

**MR NGOAKO RAMATHLODI:** I am talking about the Gupta family Chair.

**CHAIRPERSON:** Yes, yes. Okay. It is half past, we will take the short adjournment which is just for tea. We will resume at 11:45 thank you. We adjourn.

**MS ZINHLE BUTHELEZI:** Thank you Chair.

**MR NGOAKO RAMATHLODI:** Thank you Chair thank you.

**COMMISSION ADJOURNS**

20 **COMMISSION RESUMES**

**CHAIRPERSON:** Ms Buthelezi before we proceed. Mr Ramathlodi I am sorry I am going to take you back, because some of the evidence you have told us about is very important. Let us go back to NEC meetings where the former President would have been asked, at least by some of the members of the NEC why he was not ending this friendship of his between himself and the Gupta family, because it was, as I understand

your evidence, damaging him, it was damaging the organisation as well. What you said when I asked you why the NEC might not have taken any further steps if it realised that this was damaging, you mentioned that there was a faction within the necessary which was un, I think you may have said unrepentant?

**MR NGOAKO RAMATLHODI**: Unrelenting.

**CHAIRPERSON**: Oh unrelenting ja, unrelenting in – I understood that you were saying in defending his position is that correct?

**MR NGOAKO RAMATLHODI**: Correct Chair, correct.

10 **CHAIRPERSON**: And this faction, was it in the majority in the NEC or not necessarily?

**MR NGOAKO RAMATLHODI**: My chances it had the upper hand because of the power or the President in the NEC.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: And in other words he would disregard the flow of debates.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: And arrive at his own conclusions.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Contrary to what the flow of debates were.

20 **CHAIRPERSON**: Yes, yes.

**MR NGOAKO RAMATLHODI**: And use that position as to summarise and then impose his own thoughts. I can give you one example.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: You see the conference in KZN was called forward, they had not finished five years, the conference before the last one.

**CHAIRPERSON**: Is that the National conference or Provincial?

**MR NGOAKO RAMATLHODI**: No, the Provincial conference.

**CHAIRPERSON**: Of the ANC in KZN?

**MR NGOAKO RAMATLHODI**: Ja, ja, so there was a debate on that issue. He wanted the conference; in fact he wanted to terminate the Chairmanship of Senzo Mchunu earlier than the Constitution required.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: So the debate in the NEC was going against that.

**CHAIRPERSON**: Yes.

- 10 **MR NGOAKO RAMATLHODI**: Now what he then did in summarising, he insisted on the conference being brought forward and that happened.

**CHAIRPERSON**: Oh.

**MR NGOAKO RAMATLHODI**: Where Mchunu was removed as Chairman. Now that scene led to a lot of unhappiness in KZN, because then it meant that the Province was becoming disunited, and that might have implications for the coming elections in 2014 for the ANC, and there are such examples. So this is not the only one but there are several others.

- CHAIRPERSON**: Well you must tell me if my understanding of what you are saying is correct. I understand you to say there would be a discussion on an issue at an  
20 NEC meeting and the weight or the preponderance of the views would be flowing in a certain direction, but there would be some people who take a different view, but their view would not be – would not seem to be as important ...[intervenes].

**MR NGOAKO RAMATLHODI**: [Indistinct].

**CHAIRPERSON**: As the other one.

**MR NGOAKO RAMATLHODI**: Ja, ja.

**CHAIRPERSON**: But when he summarises he would go for ...[intervenes].

**MR NGOAKO RAMATLHODI**: He takes the minority view.

**CHAIRPERSON**: He would take the minority view and that minority view would then be recorded as the decision of the NEC.

**MR NGOAKO RAMATLHODI**: Correct.

**CHAIRPERSON**: And you say that is what happened in regard to the bringing forward of the Provincial conference of the ANC that you have referred to.

**MR NGOAKO RAMATLHODI**: In KZN.

**CHAIRPERSON**: In KZN, and you there are a number of examples where that is  
10 what – that is how he operated yes. And this was never raised to – this would never be raised like in the next NEC, because I understand that once he had spoken at the end of the conference nobody could speak after that.

**MR NGOAKO RAMATLHODI**: Occasionally some people would speak, like when things began to unravel in KZN the issue was reopened. People were saying can you not see that this decision is wrong because now we have introduced divisions in the Province, which we could have avoided had the President not insisted on the conference being brought forward.

**CHAIRPERSON**: Ja, so you have a situation where you say at NEC meetings the NEC would not vote on issues, they would – it would try to make decisions by  
20 sufficient consensus. But what you are saying is effectively sometimes, and you say there are a number of those times, what would be recorded as reflecting the NEC decision would be a minority view but it would stay as the decision of the NEC.

**MR NGOAKO RAMATLHODI**: That is my understanding Chair, Chairperson. And you see Chair, a faction is something, it is a very difficult animal to control because these people meet before a big meeting, somewhere, and they canvass positions



and then they arrive at decisions and then no member of a faction is allowed to descend, because the faction can punish you badly.

**CHAIRPERSON**: Oh.

**MR NGOAKO RAMATLHODI**: If you are caught disrespecting the decisions. So unlike informal consultations where you do not take binding decisions amongst yourselves but you can exchange views on an issue that is coming, but you do not go there and sing the same page, same song, you know hymn. So that is what the faction does.

**CHAIRPERSON**: Ja, ja.

- 10 **MR NGOAKO RAMATLHODI**: But the result is that it factionalises the non-faction in the sense that those who are not members of the faction would then take positions which are not canvassed by the faction. So you could end up with that sort of situation where you have got a non-faction becoming factionalised or by a faction. So – and that is what we have been dealing with in that National Executive, new tendency in the ANC.

**CHAIRPERSON**: Yes, and as far as you recall for the second term, for the former President's second term as ANC President, this issue of factions in the NEC was quite strong.

**MR NGOAKO RAMATLHODI**: Ja solidified.

- 20 **CHAIRPERSON**: Solidified.

**MR NGOAKO RAMATLHODI**: You know we went to a conference in Bloemfontein and where we elected him the second time, as President of the NC and the then Secretary General Kgalema Motlanthe was challenging him for the position.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: And he lost. I mean Motlanthe lost. Now I was

staying with Mabusa Msimane in the same compound. The old man, former [indistinct] General of the MC, Msimane, and I asked him why are you guys supporting this guy.

**CHAIRPERSON**: Meaning?

**MR NGOAKO RAMATLHODI**: President Zuma.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Why are you guys supporting him?

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Because we know him, we are going to run into  
10 trouble. My response was I do not want us to repeat what we did with Mbeki you know previously, and then you have a COPE you know, coming out and so on. So I think let us allow him to finish his term, err on the side of caution. But once he started doing what we have been describing here, I could not even look them in the eye because they told me.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: They warned me.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: They said you see this thing that you guys are about to do is going to fall flat on your face, ja.

20 **CHAIRPERSON**: So you would say that the NEC, for most of the time while you remained President of the ANC as well, seemed to feel helpless as to what to do to force him to end this friendship with the Gupta family?

**MR NGOAKO RAMATLHODI**: Ja, we could not do much, he had too much power and in then in my view, in the NEC, and the power arises out of the support system that was within the organisation in the NEC. That is where the power came from. So

you can speak until you are red on the face and they just look at you. At the end you cannot convince any member of a faction, at some point you get tired of talking, you just look at them and keep quiet. Go to the NEC, stay for a week and keep quiet, just watch them.

**CHAIRPERSON:** Well it is possible that after all the evidence has been heard in this Commission, when I look at what environment may have been there, either in the country or I mean including maybe in the ANC, in the NEC, that may have contributed or facilitated the continuation of certain things or certain things happening, it may be that one might have to look at what should have been done to  
10 arrest the situation. Do you have any views of what you think the NEC could have done and should have done maybe at a certain stage, which might have contributed to arresting the situation in terms of the Gupta activities?

**MR NGOAKO RAMATLHODI:** We are talking now about renewal of the [indistinct] and at the heart of that message it is an attempt to break the back of factions in the NEC so that we are guarded by logic and rationality, that we are able to make decisions in the interests of the country not in the interests of individuals. That is what we are trying to do. We are trying to address that. It is not going to be easy because a faction group is like a tree, it has got some roots.

So you have got to uproot it and teach people new ways of doing things, and  
20 political education alone is not enough. You are dealing with a situation where at least you are not going to have patronage which was feeding this animal that I am talking about, and that patronage came from the top.

So at least we have removed that top and my sense is we should be able to begin to move elsewhere. Like in the last meeting which we had of the NEC, people were quite rational. They were talking politics so some of us began to speak. We

had lost our tongues previously. So there is element of progress, that is my sense.

**CHAIRPERSON:** Well that seems to have arisen only after the former President was no longer President to the ANC. My question is while he remained President of the ANC why did the NEC not do something? Because on your evidence you are saying they realised that his friendship with the Gupta family was detrimental to him, was detrimental to the organisation, and if I understood you correctly detrimental to the country.

They, the ANC had been elected by the people of South Africa, now they have put forward the former President as their candidate for the President. He was  
10 elected in Parliament, he became the President. There were a number of meetings of NEC meetings where I imagine the NEC would be looking at events in the country and seeing how it was doing and how its Government was doing, how its President was performing as President of the country.

They were concerned and they had expressed their concern to him at NEC meetings, on what you have told us, to say this friendship of yours with the Gupta family is damaging yourself, damaging you, it is damaging the organisation, it is damaging the country, why do you not end it. And you have told us that each time he would say at the end but the Gupta family assisted my children, assisted me or assisted my children when I was *persona non grata*, when nobody would assist us.  
20 So one would have thought that if the NEC was convinced this friendship is really detrimental to the organisation and to the country, they would want to look at the next thing to do. So the question is why did they wait until he was no longer President of the ANC? What is it that was disempowering them from doing something?

**MR NGOAKO RAMATLHODI:** Chair, you can characterise that period as a season of madness in the organisation in the sense that there was a paralysis of the NEC,

occasioned by what I have described as a faction which was led by the head of the organisation.

Now this went to ridiculous levels. I mean at some point we voted on a collective responsibility to something, I cannot remember what it was but the NEC basically owned up to the mistakes that the former President had done, and we took collective responsibility. So it went to the extreme levels. So it means the balance of power within the NEC was in his favour. That can only be – that is the only rational explanation one can give that he had two cents to his advantage, he had a group of people he was leading, who would caucus and impose some decisions. If they cannot he does it himself on the organisation. So others just become paralysed.

**CHAIRPERSON:** The NEC as I understand it, for a long time, I do not know if whether for now, had many members; I think over 80 at some stage?

**MR NGOAKO RAMATLHODI:** Ja we are more or less that number.

**CHAIRPERSON:** Now that is a large group of people which I assume are from all over the country and here is a situation which, at least as far as they are concerned, they see it is really unacceptable and it is damaging the organisation, it is damaging the President, it is damaging the country. They raised the issue with him and I take it that the reason he used to provide was not being accepted by you know, the majority as acceptable for not ending the friendship but then they do not do anything until he is no longer President of the ANC.

So my question goes back to saying apart from having factions would there be anything else maybe in the way the NEC operates or in the way the ANC operates or in the Constitution, that simply made it impossible or disempowered people who may have seen what the right thing is to do but they would not go there?

**MR NGOAKO RAMATLHODI:** My own sense is if we are looking for improvement

we might want to amend the way the NEC is making decisions. I think it is a key thing that we need to do, and that no one has got sole authority to summarise the decisions of the organisation as it takes them, and substitute those decisions with his own decisions and call them the decisions of the NEC.

So we might want to look at how the decisions of the NEC are arrived at, so that you do not have – we might even consider voting as a mechanism so that numbers can speak for themselves. The NEC is big; you have got directly elected members and those who are representing Provinces. Each Province Secretary and Chairman of the NC attends the NEC by invitation, so they are full members of the  
10 NEC. So I just think that would be the possible way forward.

**CHAIRPERSON:** Well that may be, and probably is right to say that they may have to look at saying you know this thing of not voting ends up with a situation where decisions are made that might not really be supported by the majority.

**MR NGOAKO RAMATLHODI:** Correct.

**CHAIRPERSON:** But that might not be the only thing, was there not – can one not also say there may not have been enough people with courage to say at the next meeting of the NEC, hang on, what was recorded by the President at the end of the last meeting as reflecting the decision was actually a decision of – the view of the minority. We must change that because that, somebody could say that.

20 **MR NGOAKO RAMATLHODI:** You see the role of the office of the Secretary General becomes important because he or she is the one recording the decisions, and if such does not come out clearly in the minutes, because we do go through the minutes.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** Then you might not be able to really challenge those

sort of decisions.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATLHODI:** So there were people who were – there are people who are courageous in the NEC; some of them got fired because of that, from their jobs.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** So you can think of Minister Hanekom and all that Group.

**CHAIRPERSON:** Ja.

10 **MR NGOAKO RAMATLHODI:** So there were actually tabling a motion of no confidence.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** In the President, in the NEC.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** Which was never carried through, because we never voted on any of those. So there are people who are people who were definitely very vocal.

**CHAIRPERSON:** Yes.

20 **MR NGOAKO RAMATLHODI:** They tried it twice I think, and twice that motion failed.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATLHODI:** Ja.

**CHAIRPERSON:** And is the position that maybe there were too few members of the NEC who were prepared to stand up and say no, no but this is wrong?

**MR NGOAKO RAMATLHODI:** I suppose that could be a reading of the situation in

some meetings. At some point I think there are many who resigned themselves to the fact.

**CHAIRPERSON**: To say there is nothing I can do?

**MR NGOAKO RAMATLHODI**: It is useless. You cannot change anything. You speak up. At the end you are just wasting your breath.

**CHAIRPERSON**: And then once you have reached that point and you are a member of a Committee or anybody, and once there are actually, enough people have reached that point quite frankly it ceases to have as much value as it might have had if everybody feels free to contribute.

10 **MR NGOAKO RAMATLHODI**: No, I agree with that Chair. Like I said in the last NEC, you reach a point where it is useless to speak because you cannot influence anybody from their rigid positions.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: You tend to give up.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: Maybe the honourable thing would be to resign.

**CHAIRPERSON**: Yes.

20 **MR NGOAKO RAMATLHODI**: But if you do the balance of power might change one day and you might not be able to implement what we did eventually, with the numbers, that is to force him to resign. Eventually we managed to do it.

**CHAIRPERSON**: You see I hear the part about the NEC having been able to effectively get him to resign when he did. My concern is more why ...[intervenes].

**MR NGOAKO RAMATLHODI**: This late?

**CHAIRPERSON**: Ja why this late you know, because from what you have said and from what you have said for quite some time the NEC was seeing what was



happening and what effects, you know this friendship was having on the organisation and so on and so on, and had raised the issue, not once as you have said, a number of times, and each time he would say you know they assisted my children when nobody else could assist me. And then that is where the matter would end. Then to the extent that the friendship may have continued to damage the organisation, to the extent that the friendship may have continued to damage him, to the extent that the friendship may have continued to damage the country, the country is entitled to ask the question, and I would ask the question why would the NEC not have acted earlier?

- 10 **MR NGOAKO RAMATLHODI**: It took a conference to change the balance of power. Nazrec, it has only that remedy that came in. Before that it was paralysis. If you are paralysed you do not do much.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: So you could look at the NEC in that sense.

**CHAIRPERSON**: Yes, yes.

**MR NGOAKO RAMATLHODI**: As a paralysed organisation.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Because of the factors [indistinct] been ...[intervenes].

- 20 **CHAIRPERSON**: Factionalism.

**MR NGOAKO RAMATLHODI**: Trying to elucidate.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: So it took a conference change the balance.

**CHAIRPERSON**: You see part of the concern would be this, that you obviously take a certain view of the position after that change of leadership in the party in terms of

what is happening and what the NEC and the organisation as a whole made, is able to do blah, blah, blah, and that may well work fine but the question is that may be so because of the incumbent to the position, to the office of President of the organisation now. What if in the future could there be another personality who become President of the organisation and the organisation goes back to the kind of paralysis that you have told us about? And of course maybe I am looking at that because insofar as the ANC is the governing party, and insofar as it may still be the governing party, well if that were to happen in the future the country needs to say could we go back through the same situation with an NEC that realises a situation

10 that is unacceptable but being helpless to stop it?

**MR NGOAKO RAMATLHODI:** Chair, I think we are discussing renewal of ANC and we are looking at the Constitution as well, in terms of branches. For instance we did not have branches for professionals, let us put it that way. So we are looking at a whole area Constitutional amendment. But I think at the heart of your question, what you are seeking to do, to achieve, would be the Constitution should be amended in a manner that the fate of the organisation is not in the hands of one individual.

So if we achieve that it would be okay because you cannot regulate the type of people who occupy those strategic positions whilst they get voted for in office by membership, some by membership. Even the membership systems can be corrupted

20 but if you build a system which does not depend on the will of one individual then perhaps that is where we should be heading for ja.

**CHAIRPERSON:** Okay thank you very much. I thought it was important to explore all of those issues. Yes Ms Buthelezi.

**MS ZINHLE BUTHELEZI:** Thank you Chair. Before we close this topic, how often did the NEC meet?

**MR NGOAKO RAMATLHODI:** Sorry?

**MS ZINHLE BUTHELEZI:** How often did you have these NEC meetings?

**MR NGOAKO RAMATLHODI:** They are scheduled once maybe for – or quarterly, something like that. You can have emergency meetings as well. So ...[intervenes].

**CHAIRPERSON:** So can [indistinct] four times a year?

**MR NGOAKO RAMATLHODI:** You would have about six or so a year I think.

**MS ZINHLE BUTHELEZI:** Thank you. Let us go back to your statement. Your interaction with Mr Molefe and Ngubane regarding suspension of [indistinct]. I am sorry. I will repeat the question, my mic was off. Your interaction with Dr Ngubane

10 and Mr Molefe regarding the suspension of Optimum Mine?

**MR NGOAKO RAMATLHODI:** Ja what happened is there is Hendriena Power Station, which is supplied by the Glencoe owned at the time, mine of what do you call it again?

**MS ZINHLE BUTHELEZI:** Optimum.

**MR NGOAKO RAMATLHODI:** Optimum, Optimum Mines.

**MS ZINHLE BUTHELEZI:** Yes.

**MR NGOAKO RAMATLHODI:** And that is a coal fired power station built right on the site of the mine. Now – so it is supplied with a conveyor belt. They get the coal and then get into the power station Hendriena, Mpumalanga. Now what happened is

20 Mr Molefe, we were in the middle of power outages at the time and then Molefe was then transferred from Transnet to ...[intervenes].

**CHAIRPERSON:** Eskom.

**MR NGOAKO RAMATLHODI:** To Eskom. Upon arrival there he then suspended the collection of the coal from that mine, Optimum, which is dedicated to that power station, and his reasons were that Glencoe owes Eskom R2 billion and he wants the

money before he can continue with the operations.

**CHAIRPERSON**: Are you able to remember more or less how soon after his arrival at Eskom he did this? You might not remember.

**MR NGOAKO RAMATLHODI**: No I do not.

**CHAIRPERSON**: But you would say soon?

**MR NGOAKO RAMATLHODI**: But I think we can verify.

**CHAIRPERSON**: Ja okay.

**MR NGOAKO RAMATLHODI**: It is public knowledge.

**CHAIRPERSON**: [Indistinct].

- 10 **MR NGOAKO RAMATLHODI**: So we can get the information. Now, so I arranged to meet him one-on-one. I met him here in Waterfall at [indistinct], it is a hotel somewhere in Waterfall there. I could do that because I gave Brian Molefe his first job as a young student from [indistinct]. He was bright and so on and I was Premier. I made him Chief Director fresh from school.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: So I have got a relationship with him.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: It is like my younger brother.

**CHAIRPERSON**: Yes.

- 20 **MR NGOAKO RAMATLHODI**: And so I discussed this issue with him and he agreed to open negotiations with Glencoe.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Then that same evening he called me to say the Chairman wants him and the Chairman himself, to meet with me the next day.

**CHAIRPERSON**: That is Dr Ngubane?

**MR NGOAKO RAMATLHODI**: That is Dr Ngubane ja.

**CHAIRPERSON**: That is Dr Ngubane, the Chairman?

**MR NGOAKO RAMATLHODI**: Dr Ngubane, Chairman of Eskom at the time.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Now I realised that there is something which does not make sense so I decided to involve the department.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: So I asked them to come to Mineral Resources' offices in Pretoria.

10 **CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: In attendance were several of my officials.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: And so Dr Ngubane demands that I should take all the licenses.

**CHAIRPERSON**: At the meeting now?

**MR NGOAKO RAMATLHODI**: That Glencoe has.

**CHAIRPERSON**: That is at the meeting now?

**MR NGOAKO RAMATLHODI**: Ja at the meeting, right in the meeting. So he is overriding the agreement with Molefe.

20 **CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Now so I then said to him doctor ...[intervenes].

**CHAIRPERSON**: And you say he demands?

**MR NGOAKO RAMATLHODI**: Ja he demands.

**CHAIRPERSON**: You used that word.

**MR NGOAKO RAMATLHODI**: He says he wants to finish with the meeting, he is

going to report to the President before the President leaves. So I said to him such things cannot be done. He says but you are the Minister, you have the power, you can do it.

**CHAIRPERSON**: So he was like he wanted you to do it now, now.

**MR NGOAKO RAMATLHODI**: Ja, I had to do it before the President left for Europe. Now I said to him I do not take decisions like that without due process. We are in the middle of power outages here, now you want me to take all the licenses, how many mines of Glencoe are they supplying our power stations. I do not even have that information. Do you not want us to go into a phased approach so that these things

10 that you are demanding of me are properly processed?

By the time I make a decision I would have to go and look at the organisation as well, because there are implications here. If I suspend licenses it means the workers are going to lose jobs, (2) we are not going to have electricity as we do not, even now. The situation will get worse; (3) you are going to be treating investors as if they are your children. So I cannot take a decision like that. And then he then said no, then I am going to tell the President now. I took that to be intimidation. I thought he was intimidating me, that he is going to tell the President. If I do not do it then the President will deal with me.

**CHAIRPERSON**: And when he mentioned for the first time that he effectively would  
20 need to tell the President or report to the President, when he mentioned that for the first time did you get the impression that he had had a discussion with the former President about the issue and that he was there to ...[intervenes].

**MR NGOAKO RAMATLHODI**: He had been sent.

**CHAIRPERSON**: He had been sent to speak to you to – ja okay.

**MR NGOAKO RAMATLHODI**: Ja, he had been sent by the President, that is my

impression.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Because he would not have mentioned reporting back if he had not had discussions with the President before.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: So he said I want to report back to the President before he leaves.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Which would be about midday, somewhere there. So  
10 I said well you can tell the President ...[intervenes].

**CHAIRPERSON**: Oh he was going to be – the President was going to ...[intervenes].

**MR NGOAKO RAMATLHODI**: Was going abroad ja.

**CHAIRPERSON**: He was going to be leaving around midday you say?

**MR NGOAKO RAMATLHODI**: Ja somewhere there.

**CHAIRPERSON**: Okay, ja.

**MR NGOAKO RAMATLHODI**: He was going abroad, I think to either Russia or India, one of those countries.

**CHAIRPERSON**: Yes. Now before you proceed, I do not know whether this is one of those which I noted, might not have dates, are you able to remember round about  
20 when it was when that meeting took place, even if you do not remember the exact date but in terms of months and year?

**MR NGOAKO RAMATLHODI**: I was – Chair, I was - upon the return of the President from that trip, which was 2015.

**MS ZINHLE BUTHELEZI**: Yes.

**MR NGOAKO RAMATLHODI**: I think around September more or less, that is when I

was summoned to [indistinct].

**CHAIRPERSON**: So the meeting would have been early in September or in August?

**MR NGOAKO RAMATLHODI**: More or less.

**CHAIRPERSON**: More or less okay, 2015.

**MR NGOAKO RAMATLHODI**: But we will confirm that Chair.

**CHAIRPERSON**: Ja 2015.

**MR NGOAKO RAMATLHODI**: We will confirm that Chair.

**CHAIRPERSON**: Ja okay.

**MR NGOAKO RAMATLHODI**: Now – so ...[intervenes].

10 **MS ZINHLE BUTHELEZI**: Adv Ramatlhodi if I may refer you to Annexure B that you referred to.

**MR NGOAKO RAMATLHODI**: Page?

**MS ZINHLE BUTHELEZI**: Page – it starts from page 7.

**CHAIRPERSON**: 27 You said?

**MS ZINHLE BUTHELEZI**: Page 7.

**CHAIRPERSON**: Page 7?

**MS ZINHLE BUTHELEZI**: Yes.

**CHAIRPERSON**: Okay, your voice is soft so remember to always try and raise it.

**MS ZINHLE BUTHELEZI**: I will do so Chair. On paragraph – on the following page,  
20 page 8, paragraph 10 you ...[intervenes].

**MR NGOAKO RAMATLHODI**: Page 8?

**MS ZINHLE BUTHELEZI**: Yes, of that article.

**MR NGOAKO RAMATLHODI**: Okay.

**MS ZINHLE BUTHELEZI**: You do confirm the contents of this article, there is a report that said Zuma went to China on 2<sup>nd</sup> September 2015.



**MR NGOAKO RAMATLHODI**: Ja, ja, I confirm.

**CHAIRPERSON**: Oh.

**MS ZINHLE BUTHELEZI**: Will that be the date?

**MR NGOAKO RAMATLHODI**: Ja that is the date yes.

**CHAIRPERSON**: So your meeting with Dr Ngubane and Mr Brian Molefe would have happened on the 2<sup>nd</sup> of September 2015, which was the day the President was going to leave?

**MR NGOAKO RAMATLHODI**: When he was leaving ja.

**CHAIRPERSON**: Ja okay. Alright, that is very helpful, yes.

10 **MS ZINHLE BUTHELEZI**: Thank you Chair.

**CHAIRPERSON**: Right you may continue. So you – how did this meeting between yourself on the one hand and your officials and Brian Molefe and Dr Ngubane on the other hand, how did it end?

**MR NGOAKO RAMATLHODI**: It ended with me saying I am not able to just revoke the licenses like that, and that I want a phased approach to resolve the issue of the two billion, and that the department would be ready and willing to mediate, and that he could then go and tell the President my answer.

**CHAIRPERSON**: Just repeat that?

20 **MR NGOAKO RAMATLHODI**: No I then advised him to go and report back to the President.

**CHAIRPERSON**: There again this is Dr Ngubane?

**MR NGOAKO RAMATLHODI**: Ja.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: I said to him go and report back to the President, this is what I mean, this is my approach.

**CHAIRPERSON**: This is my stance ja.

**MR NGOAKO RAMATLHODI**: It is my approach to this issue.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Ja.

**CHAIRPERSON**: And that is how the meeting ended?

**MR NGOAKO RAMATLHODI**: It ended and then the President came back after a week or so and then he asked me to come to [indistinct], to his house, residence.

**CHAIRPERSON**: Okay before that let us go back to the meeting. Did you raise the issue with the two men as to but what happened to my arrangement with Molefe that  
10 he must open negotiations. Did you raise that, and if you did what was the response?

**MR NGOAKO RAMATLHODI**: I did not ask Molefe that, in that meeting because it was obvious to me that Dr Ngubane had taken a position which was overruling the agreement.

**CHAIRPERSON**: Yes, yes.

**MR NGOAKO RAMATLHODI**: And I simply repeated what I had said to Molefe, that I am prepared to engage, to assist to resolve the thing and that is it. That is where it is. It ended there.

**CHAIRPERSON**: Yes, and your position was that if you did what Dr Ngubane was  
20 saying you should do, was demanding you should do, then the situation about outages, electricity outages would ...[intervenes].

**MR NGOAKO RAMATLHODI**: And workers.

**CHAIRPERSON**: And then the workers.

**MR NGOAKO RAMATLHODI**: About 35 000 or so would have been affected, plus minus.

**CHAIRPERSON**: Ja, and when you made these points to them what was their response about the fact that workers would lose jobs.

**MR NGOAKO RAMATLHODI**: Dr Ngubane repeated. He repeated this thing, you are a Minister, you gave got the power, you can do it.

**CHAIRPERSON**: Yes thank you, you were continuing and I disturbed you. Ms Buthelezi you want to lead him?

**MS ZINHLE BUTHELEZI**: Thank you, I wanted to find out from you what did Mr Molefe, what was Molefe's contribution to this meeting, the second meeting now that you had in the presence of Ngubane?

10 **MR NGOAKO RAMATLHODI**: No he said no word. His [indistinct] was there now. He was accompanying the Chairman. He did not utter a word in that meeting.

**CHAIRPERSON**: So but – so basically it was the Chairman who had taken over as ...[intervenes].

**MR NGOAKO RAMATLHODI**: Ja he had taken over the operations.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: He had descended into the arena.

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

**MR NGOAKO RAMATLHODI**: He was now the Chief Executive Officer of Eskom.

**CHAIRPERSON**: Ja, yes.

20 **MR NGOAKO RAMATLHODI**: In addition to be Chairperson.

**CHAIRPERSON**: Okay.

**MS ZINHLE BUTHELEZI**: Adv Ramatlhodi what could have been – why would the President have an interest in Glencoe or Optimum Mine?

**MR NGOAKO RAMATLHODI**: Subsequent events speak for themselves because once I left minerals to public administration ...[intervenes].

**CHAIRPERSON**: Or maybe, I am sorry Ms Buthelezi, maybe let us deal with your departure from minerals resources because you were starting that and then you can come back to this question.

**MR NGOAKO RAMATLHODI**: Thank you Chair.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: Thank you Chair.

**CHAIRPERSON**: The President came back from China.

**MR NGOAKO RAMATLHODI**: Ja then he asked me, it was one afternoon, I was even tired there, I cannot remember, I was in you know buildings, meetings. He  
10 took me out of the meeting then I went to see him there. Waited for a while and then he called me in, there were two of us, and ...[intervenes].

**CHAIRPERSON**: You had gone there for something else?

**MR NGOAKO RAMATLHODI**: No, no, in the Union Building.

**CHAIRPERSON**: You were just in Union Building?

**MR NGOAKO RAMATLHODI**: Ja, Union Buildings is next to [indistinct].

**CHAIRPERSON**: Oh ja.

**MR NGOAKO RAMATLHODI**: They are just neighbours ja.

**CHAIRPERSON**: Okay.

**MR NGOAKO RAMATLHODI**: So I was in the Union Buildings for a meeting and  
20 then I was asked to go to see the President.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: And then I arrived there. He then congratulated me on managing the department very well and that he wants to wish me well because I am now being promoted to Public Service and Administration job, following the demise of Minister Chabane.

Now he then said to me that portfolio needs somebody senior, with your experience as Premier, with your legal background, with everything else we think you can manage that department and therefore I am thanking you and promoting you to public service, and I thanked him and left.

**CHAIRPERSON**: So you say that at that meeting with you he specifically praised you for having managed the Department of Mineral Resources well?

**MR NGOAKO RAMATLHODI**: No he did so, Mr President did so at the time.

**CHAIRPERSON**: Yes, and prior to that he had never had any – he had never expressed any concern about your performance in that portfolio?

10 **MR NGOAKO RAMATLHODI**: No, he never did.

**CHAIRPERSON**: Yes, and how did you ...[intervenes].

**MR NGOAKO RAMATLHODI**: Except Chair, the thing I raised about him sending, my attempts to solicit the opinion of officials on that policy issue.

**CHAIRPERSON**: Yes, yes, except for that.

**MR NGOAKO RAMATLHODI**: And at that time he complained that ...[intervenes].

**CHAIRPERSON**: You had not ...[intervenes].

**MR NGOAKO RAMATLHODI**: Ministers are not consulting me, they do as they like, something like that.

**CHAIRPERSON**: Yes, yes.

20 **MR NGOAKO RAMATLHODI**: So I would want – so that was the complaint.

**CHAIRPERSON**: Okay.

**MR NGOAKO RAMATLHODI**: I remember that one.

**CHAIRPERSON**: Okay. How did you understand this concept that from – that being taken from the position of Minister of Mineral Resources to being Minister of Public Service Administration was a promotion?

**MR NGOAKO RAMATLHODI**: Well we serve at the will of the President, as Ministers so I might have my own ideas but when I was appointed to minerals I did not object. So subsequent to that when I was taken to public administration, also I did not object. I did not enquire as to why. I simply left but had my own conclusions that – and I began to see certain things happen. The issue of Optimum was not resolved until the mine was sold to the Guptas under Minister Zwane's supervision, who went to minerals when I left right.

**CHAIRPERSON**: No I understand that and I understand that every Minister says at the pleasure of the President, and the President can move a Minister from one  
10 portfolio to another but I am interested in your own understanding. I am interested in knowing whether in your own understanding of these portfolios of minerals and of public service administration, whether in your own understanding this was a promotion or it was same level or what was your own understanding? I know that he was saying he was promoting you.

**MR NGOAKO RAMATLHODI**: Chair, I had refused to cooperate with him in that portfolio.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: In other words in minerals, I had refused.

**CHAIRPERSON**: Yes.

20 **MR NGOAKO RAMATLHODI**: Because I felt we were doing a good job and we were being forced to do wrong things. So the promotion was punishment, to send a message, and the interesting thing is that once I got out there, a Gupta Minister came in.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Now, so there is a correlation between this

[indistinct].

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: That you are sent to public administration and then a man who is known and who confesses to be a Gupta friend, replaces you and then all of a sudden Optimum Mine is sold to the Guptas. That is the sequence of events.

**CHAIRPERSON**: Well let us talk about your successor at minerals being a man who confesses to be a Gupta person or associated with the Guptas. Can you just speak more about that because that may be important? From what you are saying it is like you know he has said so in your presence. I just want to ...[intervenes].

- 10 **MR NGOAKO RAMATLHODI**: No, when Minister Zwane was MEC for agriculture in the Free State. He is the one who issued a letter of invitation to the Guptas to – there is a case running of the dairy and all ...[intervenes].

**CHAIRPERSON**: Estina?

**MR NGOAKO RAMATLHODI**: Ja something like that.

**CHAIRPERSON**: Estina ja.

**MR NGOAKO RAMATLHODI**: Ja, so he is supposed to have invited the Guptas to come to South Africa, then they used that letter as a basis for them to land at Waterkloof, claiming to be carrying some Ministers from India. So there is a very clear connection between him and them.

- 20 **CHAIRPERSON**: Yes, yes. That part I understand but you were saying confesses, and I thought maybe he may have, in your presence said well you know I do not hide my relationship with the Guptas or anything like that.

**MR NGOAKO RAMATLHODI**: Definitely yes. When we were in Cabinet together yes, I was sitting next to him.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Ja, so he was not hiding it.

**CHAIRPERSON**: He was not hiding it.

**MR NGOAKO RAMATLHODI**: So Van Rooyen was not hiding it.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: They were not hiding that relationship.

**CHAIRPERSON**: Okay, so even Mr van Rooyen?

**MR NGOAKO RAMATLHODI**: Yes.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: Even Van Rooyen, very boastful about it in particular.

10 **CHAIRPERSON**: He was boastful about his association.

**MR NGOAKO RAMATLHODI**: About his relationship with them, even this guy, so you can call me a Gupta Minister it does not bother me.

**CHAIRPERSON**: Okay. No thank you very much. Let us go back to – you have already articulated in some way what you regard as the reasons for your removal from mineral resources. I just want to make sure that I have captured, I understand it correctly, what I understand you to be saying is that in actual fact when you look at the sequence of the events and what happened before I was removed, the reason why I was removed from being Minister of Mineral Resources is my refusal to cooperate with the Gupta family, is that an accurate ...[intervenes].

20 **MR NGOAKO RAMATLHODI**: That is my [indistinct], Chair that is my [indistinct].

**CHAIRPERSON**: That is your position?

**MR NGOAKO RAMATLHODI**: Ja.

**CHAIRPERSON**: Thank you.

**MS ZINHLE BUTHELEZI**: Thank you Chair. If we may move onto the issue of the appointment of the Director General DMR, after your departure, you, in your



statement you state that you were approached or you were given a recommendation from DMR to appoint Mr Manyi, can you elaborate on that?

**MR NGOAKO RAMATLHODI**: Will what happens is Director Generals and Deputy Director Generals are appointed by the President in Cabinet. Now – but the way it happens is that the Minister of Public Administration is the one in charge of the processes. In other words I have got to look at qualifications of the particular candidates. I have got to look at the composition of the interviewing panel. In the case of director [indistinct] there must be no less than two Ministers present in the interview.

10           So they conduct – first they advertise the post and then they constitute a panel which select the candidates who come for interviews. After the interviews then they approach Public Service and Administration to take the memo to Cabinet for concurrence. So in other words no Minister can employ a head of department without the concurrence of Public Service Administration.

So the Minister of Public Administration is in fact a supervisor in terms of the selection processes of the chiefs of the heads or heads of the departments. On this occasion ...[intervenes].

**CHAIRPERSON**: Maybe that is where the promotion comes from.

**MR NGOAKO RAMATLHODI**: Ja indeed because you become a Minister of  
20   Ministers in some respects.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: Because you can say no or yes and then the fight starts. So on this occasion they brought in an application where they were recommending Mr Manyi, and they looked ...[intervenes].

**CHAIRPERSON**: For which department now, minerals?

**MR NGOAKO RAMATLHODI**: For minerals. You see what they did these people, they brought in a Gupta Minister and they were bringing a Director General of the Guptas.

**CHAIRPERSON**: But ...[intervenes].

**MR NGOAKO RAMATLHODI**: So they would bring them as twins.

**CHAIRPERSON**: Ja, but had Dr Ramontja, had he left or what, the one who was ...[intervenes].

**MR NGOAKO RAMATLHODI**: No, they got rid of him quickly, as soon as I left they made it clear to him that he must leave, and other Chiefs of Directors were shifted.

10 They clean – what they do, they operate, they clean everybody in the department and put their own people. That is the way they act. They bring in a Minister and then they deal with the department. So in other words they are destroying the capabilities that are in Government, by bringing people who know nothing about – they do not even keep institutional memory, they are ruthless.

**CHAIRPERSON**: As a matter of interest what – how long had, is it Dr Ramontja?

**MR NGOAKO RAMATLHODI**: Been there?

**CHAIRPERSON**: Was that his name, how long had he been there by the time you left more or less?

**MR NGOAKO RAMATLHODI**: No, I found him there.

20 **CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: He was Director General.

**CHAIRPERSON**: And you kept him?

**MR NGOAKO RAMATLHODI**: Ja, so I inherited him and I basically just inherited the structure as I found it.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Because I do not subscribe to the view that when you are a Minister you must come and sweep and Hoover, like a Hoover, take out the staff out of the department and put your own people. I do not subscribe to that. So ...[intervenes].

**MS ZINHLE BUTHELEZI**: Adv Ramatlhodi if I may just stop you for a second, if I may – you may have a look at page 8 of the bundle, it is there, your annexure that you attached.

**MR NGOAKO RAMATLHODI**: Ja, ja.

**MS ZINHLE BUTHELEZI**: It is an article by ...[intervenes].

10 **MR NGOAKO RAMATLHODI**: [Indistinct].

**MS ZINHLE BUTHELEZI**: Yes.

**CHAIRPERSON**: At page 8 you said?

**MS ZINHLE BUTHELEZI**: Yes on page 8.

**MR NGOAKO RAMATLHODI**: Ja, number?

**MS ZINHLE BUTHELEZI**: Line number 6.

**MR NGOAKO RAMATLHODI**: 6 Ja.

**MS ZINHLE BUTHELEZI**: Yes, it appears that Dr Ramontja resigned in December 2015.

20 **MR NGOAKO RAMATLHODI**: Ja, citing personal reasons. They put him under pressure.

**CHAIRPERSON**: You ...[intervenes].

**MR NGOAKO RAMATLHODI**: It is three months after I left.

**CHAIRPERSON**: Yes, you left in September.

**MR NGOAKO RAMATLHODI**: Ja.

**CHAIRPERSON**: And he left in December?

**MS ZINHLE BUTHELEZI**: He resigned in December.

**MR NGOAKO RAMATLHODI**: Ja, three months he left after I left.

**MS ZINHLE BUTHELEZI**: Yes.

**CHAIRPERSON**: And then you were approached to concur in the appointment of somebody else?

**MR NGOAKO RAMATLHODI**: In this case Mr Mzwanele Manyi.

**CHAIRPERSON**: Manyi yes.

**MR NGOAKO RAMATLHODI**: Then I – there was an exchange of letters between me ...[intervenes].

10 **CHAIRPERSON**: I am sorry, I am sorry, I am sorry Mr Ramatlhodi, I just remember the question I wanted to ask earlier, you cannot remember how long Dr Ramontja had been in the Department of Mineral Resources at the time you left but you know that you found him there. In terms of his qualifications do you know whether his qualifications may or may not have been related to mining and so on?

**MR NGOAKO RAMATLHODI**: I think he is a geoscientist, something like that. I think he has got a doctorate in that.

**CHAIRPERSON**: Would that – do you know whether that would be related in any way to mining or you do not?

**MR NGOAKO RAMATLHODI**: Definitely.

20 **CHAIRPERSON**: It definitely would be yes, okay, and his doctorate would have been in that field.

**MR NGOAKO RAMATLHODI**: Ja in the minerals.

**CHAIRPERSON**: In the minerals?

**MR NGOAKO RAMATLHODI**: Ja.

**CHAIRPERSON**: So this was somebody who even academically was quite – had a

lot of qualifications in the sector of minerals?

**MR NGOAKO RAMATLHODI**: Correct.

**CHAIRPERSON**: And he had been DG for a long time at minerals.

**MR NGOAKO RAMATLHODI**: Minerals.

**CHAIRPERSON**: Okay, and now he resigned, and then you were asked to concur in the appointment of Mr Mzwanele Manyi?

**MR NGOAKO RAMATLHODI**: Correct.

**CHAIRPERSON**: Yes, then you may continue.

**MR NGOAKO RAMATLHODI**: Now Chair, I then indicated to Minister Zwane that I  
10 was unable to appoint Mr Manyi because he did not have a postgraduate certificate or degree as per our minute, which tells me Minister responsible that for a candidate to succeed in this he must have a postgraduate. On that basis, which is a technical thing, we were not able to then appoint Mr Manyi.

**MS ZINHLE BUTHELEZI**: Sorry Adv Ramatlhodi if I may ask you to look at page 27 of the bundle.

**MR NGOAKO RAMATLHODI**: Ja.

**MS ZINHLE BUTHELEZI**: That is the communication from yourself to Minister Zwane.

**MR NGOAKO RAMATLHODI**: 27? Yes. Yes I have got it, 27.

20 **MS ZINHLE BUTHELEZI**: Yes, you give reasons why you did not agree with them to table the memo to Cabinet on the appointment of Mr Manyi, can you read the reasons you provided, for the record? They appear from the last paragraph of that page and the first paragraph of the page that follows, 28.

**MR NGOAKO RAMATLHODI**: The last paragraph on page 27 reads as follows:

"Your department recommendation ..."

By the way this is the letter to Minister Zwane from me.

**CHAIRPERSON:** Yes, yes.

"Your department's recommendation that Mr Manyi be appointed as Director General Mineral Resources does not comply with the requirements of the post as advertised, and with the provisions of the directive on compulsory capacity development, mandatory training days and minimum entry requirements for senior management services issued on the 1<sup>st</sup> April 2015 as amended."

**MR NGOAKO RAMATLHODI:** Amongst the requirements of the said directive are  
10 specific entry requirements regarding the minimum educational qualifications for the appointment of a head of department, which are "an undergraduate qualification and a postgraduate qualification and QF level 8 as recognised by South African Qualifications Authority". So those are the reasons I provided.

**CHAIRPERSON:** Yes, so appointing Mr Manyi would have been in breach of the legislative framework?

**MR NGOAKO RAMATLHODI:** Correct, of the directive which we issued on the 1<sup>st</sup> April 2015.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** To all departments, that we are looking for this and  
20 that and that as Public Service Administration.

**CHAIRPERSON:** Okay you may continue Ms Buthelezi.

**MS ZINHLE BUTHELEZI:** Thank you, you then on paragraph 26.3 you also pointed out that Mr Manyi worked for the Guptas after he left public service.

**MR NGOAKO RAMATLHODI:** Mr Manyi, following that refusal.

**CHAIRPERSON:** Sorry?

**MR NGOAKO RAMATLHODI:** Following my refusal to appoint him.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** He then approached my then special advisor Adv Muofhe, and asked as to whether there was a problem between the Minister and Mr Manyi. Minister referring to Minister Ramatlhodi.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATLHODI:** So Adv Muofhe then replied that there was no problem, the only problem is that you did not qualify for the post. So there are no issues between you and Minister Ramatlhodi. Subsequent to that then Adv Muofhe  
10 then informed me of this discussion.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** And I did not follow up, I just left it as it was.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** To me the matter was closed.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** Thanks sir.

**MS ZINHLE BUTHELEZI:** Have you had any interaction with Mr Manyi regarding this issue, following that?

**MR NGOAKO RAMATLHODI:** In relation, about last week I got a call from someone  
20 who told me I need to meet with Mr Nchabeleng. Mr Nchabeleng is in the media space. So when I was – his name is Groovin Nchabeleng. So when I was in – heading the NC elections he had assisted us to advertise it and things. The result was that the NC was owing him some money, that is this Mr Nchabeleng.

Now so Mr Nchabeleng comes to me, he shows me a cell phone number where Manyi is complaining to him that I am singling him out, he Manyi is being

singled out by me because there are many other people who were not appointed when I was Public Service Administration manager, and I have never mentioned them by name. Now, so ...[intervenes].

**CHAIRPERSON**: You have never mentioned them by name in what context?

**MR NGOAKO RAMATLHODI**: In the sense that I did, because when he came to the department to ask if there were issues between me and him, after that I was then reshuffled from Public Service.

**CHAIRPERSON**: Oh.

**MR NGOAKO RAMATLHODI**: So I said to Nchabeleng look, the only reason I  
10 mentioned him is because he went to the department to enquiry, none of other candidates have done that before. So I am associating my departure with the failure or refusal to appoint him.

**CHAIRPERSON**: Oh now that conversation with Mr Nchabeleng I think you said, when was that?

**MR NGOAKO RAMATLHODI**: Ja now, it is about a week or so ago.

**CHAIRPERSON**: Or maybe Mr Manyi might have received a copy of your statement and saw that ...[intervenes].

**MR NGOAKO RAMATLHODI**: No he did I suppose.

**CHAIRPERSON**: Okay.

20 **MR NGOAKO RAMATLHODI**: But it is also in the newspapers.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: I thought I saw it somewhere in the newspapers, in one of the newspapers here.

**CHAIRPERSON**: Oh okay.

**MR NGOAKO RAMATLHODI**: Now I am – there are things which Mr Manyi is



raising, unless if he wants to come and canvass them here, I would rather not elaborate. There was just that contact and I think I do not want to take it further at this stage unless he comes and makes the claim that he made.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: In a text to Mr Nchabeleng.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: But my response to Mr Nchabeleng was that I am not about to change the statement I have made. So I am going to stay with my statement regardless of what Mr Manyi can say or do later.

10 **CHAIRPERSON**: Well that is something that happened last week or so you said.

**MR NGOAKO RAMATLHODI**: Correct, correct.

**CHAIRPERSON**: I think we will come back to it. I would like you to go back to earlier, you had refused to appoint him. You had written to Minister Zwane and told him why you were not agreeing. Did Minister Zwane ever talk to you about your refusal, or write to you, and if so what did he say?

**MR NGOAKO RAMATLHODI**: I think there is a letter in here from Minister Zwane. The one I was reading was a response to him.

**CHAIRPERSON**: Oh okay.

**MR NGOAKO RAMATLHODI**: To his letter that ...[intervenes].

20 **CHAIRPERSON**: Ms Buthelezi, I apologise to you, have been asking a lot questions and not giving you a chance to do your part.

**MS ZINHLE BUTHELEZI**: Thank you. The letter on page 29.

**CHAIRPERSON**: Ja it is on page 29 from Minister Zwane to Minister Ramatlhodi. Now he is recommending the appointment and the one I read earlier on was a response.

**CHAIRPERSON**: Was a response yes.

**MR NGOAKO RAMATLHODI**: To this letter on page 29.

**CHAIRPERSON**: Yes, but what I was asking is whether having received your letter refusing whether he ever – you ever got any communication from him as to what he thought of your refusal or whether he ever spoke to you about it.

**MR NGOAKO RAMATLHODI**: Ja he did raise the issue verbally because we are sitting next to each other in Cabinet.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Then I explained to him why I could not do it.

10 **CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: And we are still friends, me and Minister Zwane. I do not see bad blood at all.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: Not even with Mr Manyi, there is no bad blood. I just did what I had to do.

**CHAIRPERSON**: Ja okay, okay.

**MS ZINHLE BUTHELEZI**: Thank you, and you said immediately after that you were reshuffled or removed from the Department of Public Service. The letter that I referred you to on page 27, where the signature appears on page 28 it is dated 2016.

20 That is the 8<sup>th</sup> of June 2016.

**MR NGOAKO RAMATLHODI**: That is the 8<sup>th</sup> of June.

**MS ZINHLE BUTHELEZI**: 2016, and when was your removal from DPSSA?

**MR NGOAKO RAMATLHODI**: I cannot remember, it is public knowledge.

**MS ZINHLE BUTHELEZI**: Was it not ...[intervenes].

**MR NGOAKO RAMATLHODI**: But it was the 1<sup>st</sup> of April I remember.

**MS ZINHLE BUTHELEZI**: 1<sup>st</sup> of April 2017?

**MR NGOAKO RAMATLHODI**: It was April fools day.

**CHAIRPERSON**: Well that must have been 2016?

**MS ZINHLE BUTHELEZI**: 2017.

**MR NGOAKO RAMATLHODI**: Maybe 2017.

**CHAIRPERSON**: Or 2017.

**MR NGOAKO RAMATLHODI**: 16, 17, I am not sure.

**MS ZINHLE BUTHELEZI**: Yes, it is the 31<sup>st</sup> of March or 1<sup>st</sup> of April because it was around midnight in 2016.

10 **CHAIRPERSON**: 2016?

**MS ZINHLE BUTHELEZI**: Sorry 2017, 2017.

**CHAIRPERSON**: 2017.

**MS ZINHLE BUTHELEZI**: 2017 yes.

**CHAIRPERSON**: Is there something in the bundle that refreshes our memory?

**MS ZINHLE BUTHELEZI**: It is in his statement, paragraph 1.4.

**CHAIRPERSON**: It is in his statement.

**MS ZINHLE BUTHELEZI**: And it is the same date on which Minister Gordhan was removed.

**CHAIRPERSON**: Oh.

20 **MR NGOAKO RAMATLHODI**: Ja, there were four of us.

**CHAIRPERSON**: Okay, okay.

**MR NGOAKO RAMATLHODI**: Hanekom, Gordhan, Ramatlhodi and I cannot remember who else.

**MS ZINHLE BUTHELEZI**: And how did you get to know of your removal?

**MR NGOAKO RAMATLHODI**: I had made a joke in the Cabinet the previous week

and I was talking about April fools day.

**CHAIRPERSON**: You were talking about?

**MR NGOAKO RAMATLHODI**: April fools day.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: The next ...[intervenes].

**CHAIRPERSON**: Which was coming.

**MR NGOAKO RAMATLHODI**: Which was coming. So I wake up in the morning. My wife then tells me that you are no longer a Minister papa. So ...[intervenes].

**CHAIRPERSON**: I mean when you went to bed the previous night ...[intervenes].

10 **MR NGOAKO RAMATLHODI**: I was a Minister.

**CHAIRPERSON**: You were Minister.

**MR NGOAKO RAMATLHODI**: Ja.

**CHAIRPERSON**: And then ...[intervenes].

**MR NGOAKO RAMATLHODI**: I woke up; I was no longer a Minister. No communication, nothing. Then I looked at the news and said it is as well.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: Let me go and rest a bit ja.

**CHAIRPERSON**: And now when, if you are able to remember, and Ms Buthelezi will tell us if it is in the bundle, more or less how long was it that you were removed as  
20 Minister of Public Service Administration, how long did it take before – after Mr Manyi's inquiry? Was it the previous week or a month?

**MR NGOAKO RAMATLHODI**: It could have been three to four months.

**CHAIRPERSON**: Three to four months?

**MR NGOAKO RAMATLHODI**: Ja.

**CHAIRPERSON**: Okay.

**MR NGOAKO RAMATLHODI**: Because I stayed there long enough to appoint a new head of department for Minister Zwane.

**CHAIRPERSON**: Yes, yes.

**MR NGOAKO RAMATLHODI**: Ja, and that takes a few months to do that.

**CHAIRPERSON**: Ja.

**MR NGOAKO RAMATLHODI**: The advert and interviews, selections.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: So I remember I stayed there until I was able to appoint the next head of department.

10 **CHAIRPERSON**: Okay, Ms Buthelezi?

**MS ZINHLE BUTHELEZI**: And in paragraph 29 of your statement you speak about the interview that you had with ...[intervenes].

**MR NGOAKO RAMATLHODI**: Page 29?

**MS ZINHLE BUTHELEZI**: Yes paragraph 29.

**MR NGOAKO RAMATLHODI**: Ja.

**MS ZINHLE BUTHELEZI**: On page 5, the interview that you had with ENCA.

**CHAIRPERSON**: Oh before the interview, now we know that when you were removed as Minister of Mineral Resources, the former President called you and you had a discussion. He was – he expressed his happiness with how you had performed as Minister of Mineral Resources and said he was now promoting you to the position of Minister of Public Service Administration. That is how your removal happened there.

20

This one, you have told us that the first person to tell you was your wife, and you had never had any communication by the President about whether he was happy or was not happy about your performance in the position of Minister of Public Service

Administration.

**MR NGOAKO RAMATLHODI**: No, and it was strange because me and him are friends, even today.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: When we meet we call each other [indistinct] because the Zumas come from Lesotho originally. They went down the mountain. Their first [indistinct] was Masilo. So I know him very well.

**CHAIRPERSON**: Ja, ja.

**MR NGOAKO RAMATLHODI**: We are quite close and nothing has changed today.

10 **CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: We just disagreed on issues and that is it.

**CHAIRPERSON**: Yes, yes, yes, and you were able to say in regard to your removal from the position of Minister of Mineral Resources, what your own conclusion is about – what your own conclusion is as to the reasons for your removal, are you able to – have you been able to make any conclusion as to why you were removed as Minister of Public Service Administration, and maybe why it happened the way it happened and not the same way as the other one?

**MR NGOAKO RAMATLHODI**: I am linking it up to two issues, that is my removal (1) I had not acceded to the appointment of Mr Manyi.

20 **CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: (2) I had made a statement, public statement.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: When the President called Minister Pravin from Europe.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI:** And it was announced that he has been called back.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** When he had just left and [indistinct] somewhere.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** And the next day he was recalled to South Africa.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** So somebody called me from the newspapers, radio or something like that, and they asked me what were my thoughts about that, and I made a statement that I would hope those who made decisions about  
10 Pravin Gordhan's leadership would take the interests of the country into heart, into account.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** And that I would hope that the President in particular would address that matter with that in mind. So that was the week before we were removed, Pravin, myself and others.

**CHAIRPERSON:** Yes, yes.

**MR NGOAKO RAMATLHODI:** Ja, I had made that statement.

**CHAIRPERSON:** Yes, and so you believe the two may have been or were the reasons?

20 **MR NGOAKO RAMATLHODI:** Ja, they might have irritated the President.

**CHAIRPERSON:** Yes thank you. You may proceed.

**MS ZINHLE BUTHELEZI:** Thank you sir. Sir, I have just been informed that it is now 13:00, if you want to take the lunch adjournment.

**CHAIRPERSON:** Oh okay, I did not realise that it is already ...[intervenes].

**MS ZINHLE BUTHELEZI:** I will not take more than 15 minutes when we come back.

**CHAIRPERSON**: You will be able to finish in 15 minutes?

**MS ZINHLE BUTHELEZI**: Yes, when we come back.

**CHAIRPERSON**: Maybe we should go up to quarter past and then finish with him, what do you think?

**MS ZINHLE BUTHELEZI**: Oh okay, I will go until quarter past, it is fine.

**CHAIRPERSON**: Okay I think let us try and if you are going to be 15 minutes or so let us try and see whether we can finish so that we can release Mr Ramatlhodi.

**MS ZINHLE BUTHELEZI**: Thank you Chair.

**CHAIRPERSON**: Thank you.

- 10 **MS ZINHLE BUTHELEZI**: Mr Ramatlhodi if we may go to the interview that you had with ENCA, you basically summarise what could be the reasons for your removal.

**MR NGOAKO RAMATLHODI**: Which page is that?

**MS ZINHLE BUTHELEZI**: On page 29, sorry on paragraph 29, page 5 you talk about the interview that you had with ENCA, and you make reference to an annexure that is on page 26, Annexure E.

**MR NGOAKO RAMATLHODI**: 26?

**MS ZINHLE BUTHELEZI**: Yes, in fact you refer us to paragraph 5, that you did not cooperate with the Gupta members.

**MR NGOAKO RAMATLHODI**: Page 26 right. Oh yes, I see that one.

- 20 **MS ZINHLE BUTHELEZI**: Yes, can you talk to what – were those the reasons or the conclusion that you have drawn for your removals?

**MR NGOAKO RAMATLHODI**: Ja it goes like – you want us to go to 5?

**MS ZINHLE BUTHELEZI**: Yes.

**MR NGOAKO RAMATLHODI**: Whereas I did not cooperate with the Gupta members, that is an interview.



**CHAIRPERSON:** Ja that is it ja.

**MR NGOAKO RAMATLHODI:** Ja.

**CHAIRPERSON:** Ja.

**MS ZINHLE BUTHELEZI:** Was that the reason you gave for your removal?

**MR NGOAKO RAMATLHODI:** I confirm.

**MS ZINHLE BUTHELEZI:** Chair, I think that will be all unless of there is something specific that the Chair would like me to address.

**CHAIRPERSON:** Yes, Mr Ramatlhodi we talked about the NEC being concerned, the NEC of the ANC being concerned about the former President's friendship with  
10 the Gupta family and what that friendship was doing to the organisation and to him and the country. What about the National Executive, the Cabinet, were there no concerns that you know about, and I know that you are not able to discuss things that may have been discussed at Cabinet unless they are declassified, but you might be aware of discussions that might have happened outside of Cabinet, discussions by and between people who were members of the executive, maybe expressing concern.

**MR NGOAKO RAMATLHODI:** Not in Cabinet.

**CHAIRPERSON:** Yes but outside? I mean outside, members of the Cabinet outside.

**MR NGOAKO RAMATLHODI:** Well outside, some members of Cabinet I can single  
20 out Minister Hanekom.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** Minister Gordhan.

**CHAIRPERSON:** Yes.

**MR NGOAKO RAMATLHODI:** I might have forgotten some of them.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATLHODI**: But they were speaking out, definitely.

**CHAIRPERSON**: Yes, yes.

**MR NGOAKO RAMATLHODI**: Outside Cabinet.

**CHAIRPERSON**: Outside Cabinet ja.

**MR NGOAKO RAMATLHODI**: I particular in the NEC.

**CHAIRPERSON**: Yes, yes. Okay no that is fine. Anything?

**MR NGOAKO RAMATLHODI**: Cabinet was very cooperative. We were all very cooperative.

**CHAIRPERSON**: Is that so?

10 **MR NGOAKO RAMATLHODI**: Ja, in Cabinet ja. Very tame, all of us.

**CHAIRPERSON**: Is that because you Cabinet members have had the pleasure of the President?

**MR NGOAKO RAMATLHODI**: I think that might have been the reason.

**CHAIRPERSON**: Yes, yes. Going back to the party ...[intervenes].

**MR NGOAKO RAMATLHODI**: Sir, in Cabinet, one of those things, once the banks withdrew the recognition of – that is the – closed the accounts of ...[intervenes].

**CHAIRPERSON**: Of the Gupta?

**MR NGOAKO RAMATLHODI**: Gupta families.

**CHAIRPERSON**: Ja.

20 **MR NGOAKO RAMATLHODI**: It was towards the end of Cabinet, that is when Minister Zwane suggested that we investigate the banks, and then a Committee was set up. At the time Minister Gordhan was still Minister of Finance. He was supposed to be part of that group. That is a group of four who met with the banks and the banks refused to cooperate.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI:** Yes.

**CHAIRPERSON:** Is your understanding that that Committee was trying to get the bank to reverse their decisions? What is your understanding?

**MR NGOAKO RAMATLHODI:** Ja, it was called white monopoly capital, needed to be dealt with.

**CHAIRPERSON:** Ja.

**MR NGOAKO RAMATLHODI:** So Cabinet Committee was set up specifically for that.

**CHAIRPERSON:** Yes, ja, but what I am asking is whether your understanding was  
10 that what this Committee was supposed to do included trying to persuade the banks to reverse their decisions or not really?

**MR NGOAKO RAMATLHODI:** That is my understanding.

**CHAIRPERSON:** Ja, okay. Okay. Just going back to the party, do you think that the fact that the way in which members of the ruling party get sent to Parliament, sent to Provincial Legislatures, maybe to Municipal Councils, do you think that the way the process and how that happens may have contributed to some, maybe many members of the party who might have been or might have had strong views about this friendship between the former President of the ANC and the Gupta family? Do you think that might have deterred people from maybe really standing up and saying  
20 this must stop because then maybe that could be career limiting in their political careers and so on? Do you think that may have had some influence?

**MR NGOAKO RAMATLHODI:** I do not understand the question Chair.

**CHAIRPERSON:** Oh okay, maybe I am being too careful.

**MR NGOAKO RAMATLHODI:** Ja, ja.

**CHAIRPERSON:** Let me try and put it this way. Maybe let me start with another

question, for a person, for a member of the ANC to get to Parliament or a Provincial Legislature, to be an MP or an MPL and maybe even a Counsellor, maybe let us talk about Parliament and Provincial Legislatures, does the process not maybe give party leadership a lot of power in terms of who gets onto the list and so on?

**MR NGOAKO RAMATLHODI**: Ja, we are talking about the party system?

**CHAIRPERSON**: Yes, yes.

**MR NGOAKO RAMATLHODI**: That is what we are talking about?

**CHAIRPERSON**: Yes, yes.

**MR NGOAKO RAMATLHODI**: As opposed to the constituency system?

10 **CHAIRPERSON**: Yes, yes.

**MR NGOAKO RAMATLHODI**: Yes the party, under the party system has got a lot of power over the members.

**CHAIRPERSON**: Ja, and that of course would apply to all political parties.

**MR NGOAKO RAMATLHODI**: Ja, that is starting Provincial, National.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: To some extent local Government but it is a mixed system in local Government.

**CHAIRPERSON**: Yes, yes.

20 **MR NGOAKO RAMATLHODI**: In local Government you have got constituency and you have got a list process.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: So Provincial, National, there are no constituencies. In other words it is just a party that lines up its members through its own conference and the leadership then administers that list.

**CHAIRPERSON**: Yes, yes.

**MR NGOAKO RAMATLHODI**: To some extent yes, there is much power on the leadership.

**CHAIRPERSON**: Yes, yes.

**MR NGOAKO RAMATLHODI**: In the leadership rather.

**CHAIRPERSON**: And my logic says that if there is a lot of power in the leadership at a party level then if I have ambitions to be in Parliament, to be in a Provincial Legislature or to stay long or even to get promoted to be MEC or to be Minister, and knowing the influence of the party on those decisions, if I do anything that may put me in or let me make the leadership think that I am not supportive, then that might  
10 count against me in terms of my political career is that correct?

**MR NGOAKO RAMATLHODI**: Ja, I think ...[intervenes].

**CHAIRPERSON**: I know it may be very general what I am saying but ...[intervenes].

**MR NGOAKO RAMATLHODI**: Ja but I understand.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: Given the authority of the party obviously you have to fall in line.

**CHAIRPERSON**: No thank you very – is there anything arising?

**MS ZINHLE BUTHELEZI**: Yes Chair.

**CHAIRPERSON**: Oh okay.

20 **MS ZINHLE BUTHELEZI**: It does not arise from your question.

**CHAIRPERSON**: Okay.

**MS ZINHLE BUTHELEZI**: I have just been sensitised that the question that I asked earlier regarding President's interest on Optimum Mine was not answered. If I may ask Adv Ramatlhodi why would the President have an interest in Optimum Mine?

**CHAIRPERSON**: Oh now I ...[intervenes].

**MS ZINHLE BUTHELEZI**: It is the Glencoe Mine.

**MR NGOAKO RAMATLHODI**: I hear what you are saying.

**MS ZINHLE BUTHELEZI**: Yes.

**MR NGOAKO RAMATLHODI**: Now ...[intervenes].

**CHAIRPERSON**: Yes, and it was not Mr Ramatlhodi's fault, I intervened and then we forgot about it, yes.

**MS ZINHLE BUTHELEZI**: Thank you Chair.

**MR NGOAKO RAMATLHODI**: No I think the answer is very obvious, I mean he wanted it for the Guptas and that is what actually happened.

10 **MS ZINHLE BUTHELEZI**: Thank you, and it is another issue that you earlier on testified that you had at some stage formed a Committee that assisted the President when he was dealing with his court case, and you have suggested a Committee of a similar sort in order to assist him. My last question to you it is what would be your recommendation in assisting a President in as far as appointment of Ministers is concerned?

**MR NGOAKO RAMATLHODI**: My idea was that we should create a buffer between himself and the Guptas.

**CHAIRPERSON**: Yes.

**MR NGOAKO RAMATLHODI**: You surround him with people who then assist him to  
20 make decisions which are proper and informed.

**CHAIRPERSON**: Ja, ja.

**MR NGOAKO RAMATLHODI**: Because what was clear, he was not dealing with his colleagues. He was not consulting anymore, particularly when he does the reshuffles. So I thought we would need to create a buffer around him, a wall so that these guys do not tell him everything to do and he does it. That was my thought.

That is how I thought of it. So going forward we might want to look at creating structures like that for our Presidents as an additional mechanism. In other words it is a political advisory thing; it is not a technical tool. We are looking at a political input into the various issues.

**COMMISSIONER**: Well I am just wondering whether it was not expected that he would consult the party like the top six or the other five even before reshuffling and if it was expected that he would but he did not then maybe even that committee it might be there, but maybe he would not consult it.

10 **ADV NGOAKO RAMATLHODI**: To my knowledge Chair the President is expected to consult the officials, but the way he has been going about it was not to consult it was to inform them and hence you saw some revolt with regard to some of the decisions that he was making.

**COMMISSIONER**: Yes.

**ADV NGOAKO RAMATLHODI**: So he was not consulting properly.

**COMMISSIONER**: Yes, yes, yes. Now the – you mentioned earlier on when you referred to your meeting with Mr, I think Thabeng, Nchabeleng.

**ADV NGOAKO RAMATLHODI**: Yes, Ruben, yes.

20 **COMMISSIONER**: Yes. You mentioned that there are certain things that you would rather not say unless Mr Manyi comes here and says them. I think it remains for me to just check whether those things might fall within the terms of reference or you might not be sure?

**ADV NGOAKO RAMATLHODI**: I doubt...[intervenes]

**COMMISSIONER**: Okay.

**ADV NGOAKO RAMATLHODI**: But I think the essence of what he said was that he had refused help them send when I was head of elections and that is

why maybe I did not appoint him. Something along those lines.

**COMMISSIONER**: Okay.

**ADV NGOAKO RAMATLHODI**: But he did not sent that to me he sent it to...[intervenes]

**COMMISSIONER**: Okay...[intervenes]

**ADV NGOAKO RAMATLHODI**: He sent it to...[intervenes]

**COMMISSIONER**: To somebody else.

**ADV NGOAKO RAMATLHODI**: To Nchabeleng, yes.

**COMMISSIONER**: Yes, okay.

10 **ADV NGOAKO RAMATLHODI**: But he showed me the text on the phone.

**COMMISSIONER**: Yes.

**ADV NGOAKO RAMATLHODI**: Yes.

**COMMISSIONER**: Okay. That is it, all right.

**ADV NGOAKO RAMATLHODI**: Thank you Chair. I have nothing further at this stage for Mr Ramatlhodi. There have been two letters that we have received from the representative of Doctor Ngubane and Mr Duduzane Zuma. They have not applied for cross-examination at this stage. They have referred their right. They said they will exercise that right once evidence has been finalised.

20 So at this stage I will not be in a position to close the evidence of Advocate Ramatlhodi up until such time we have seen or, yes, their version.

**COMMISSIONER**: Okay all right.

**ADV ZINHLE BUTHELEZI**: That will be all.

**COMMISSIONER**: Okay. Mr Ramatlhodi we are done for now. We probably or we may ask you to come back. There are parties mentioned in your evidence that may apply for leave to cross-examine you. So, but the legal



team would be in touch with you when the time is right, but otherwise thank you very much for coming forward. Thank you for your evidence. You are excused for now.

**ADV NGOAKO RAMATLHODI**: Thank you Chair.

**COMMISSIONER**: Thank you.

**ADV NGOAKO RAMATLHODI**: Thank you very much.

**WITNESS EXCUSED**

**COMMISSIONER**: We will take the lunch adjournment now. It is 13:20 we will resume at 14:20. We adjourn.

10 **HEARING ADJOURNS**

**HEARING RESUMES**

**COMMISSIONER**: Yes Mr Pretorius?

**ADV PAUL PRETORIUS SC**: Thank you Chair. The next witness who is present to give evidence is Adv Muofhe and he will be led by Ms Molefe.

**COMMISSIONER**: Thank you.

**ADV REFILOE MOLEFE**: Thank you Chair. Chair...[intervenes]

**COMMISSIONER**: Thank you. Yes?

20 **ADV REFILOE MOLEFE**: Yes the witness' evidence will not be long as his evidence overlaps with and in some respects corroborates the evidence that was given by Advocate Ramatlhodi.

**COMMISSIONER**: I am sorry, I am sorry. Let us start afresh I missed some things at the beginning.

**ADV REFILOE MOLEFE**: Thank you Chair. I was saying that the evidence of Advocate Muofhe will not be long as his evidence overlaps in some respects with that of Advocate Ramatlhodi.

**COMMISSIONER**: Well the fact that it overlaps might not mean it should be shorter because corroboration may be important.

**ADV REFILOE MOLEFE**: Certainly Chair.

**COMMISSIONER**: Okay, all right.

**ADV REFILOE MOLEFE**: May I request the witness to be sworn in?

**COMMISSIONER**: Yes Registrar swear him in or affirmation.

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

**ADV MAHLODI SAMUEL MUOFHE**: Mahlodi Samuel Muofhe.

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

10 **ADV MAHLODI SAMUEL MUOFHE**: No.

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

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

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

**ADV MAHLODI SAMUEL MUOFHE**: So help me God.

**ADV MAHLODI SAMUEL MUOFHE** (duly, sworn, states)

**ADV REFILOE MOLEFE**: Thank you Chair.

20 **COMMISSIONER**: Thank you Mr Muofhe. Thank you. I hope I am pronouncing the surname correctly, Muofhe?

**ADV MAHLODI SAMUEL MUOFHE**: It is a Venda surname.

**COMMISSIONER**: Is it, but am I pronouncing it correctly?

**ADV MAHLODI SAMUEL MUOFHE**: Yes Chair it is Muofhe.

**COMMISSIONER**: Okay just say that again.

**ADV MAHLODI SAMUEL MUOFHE**: Muofhe.

**COMMISSIONER**: Muofhe?

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**COMMISSIONER**: Like a P at the end?

**ADV MAHLODI SAMUEL MUOFHE**: A voiceless F.

**COMMISSIONER**: Okay.

**ADV MAHLODI SAMUEL MUOFHE**: H-E.

**COMMISSIONER**: Okay.

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**COMMISSIONER**: Thank you.

10 **ADV MAHLODI SAMUEL MUOFHE**: Thank you Chair.

**COMMISSIONER**: If I get it wrong just forgive me.

**ADV MAHLODI SAMUEL MUOFHE**: Thank you Chair.

**COMMISSIONER**: Yes. I will try. Thank you.

**ADV REFILOE MOLEFE**: Thank you Chair. Might I also indicate Chair that I do have a bit of a flu, but I will try and speak as closely to the mic as I can.

**COMMISSIONER**: You have flue?

**ADV REFILOE MOLEFE**: Yes.

**COMMISSIONER**: They are making you work when you are sick.

**ADV REFILOE MOLEFE**: But I will speak closely to the mic Chair.

20 **COMMISSIONER**: The head of the legal team is making you work when you are sick.

**ADV REFILOE MOLEFE**: And I am surviving Chair.

**COMMISSIONER**: Okay all right.

**ADV REFILOE MOLEFE**: Thank you. Advocate Muofhe please turn to page 38 of bundle Q1 that is in front of you. Is that your statement to the

Commission?

**ADV MAHLODI SAMUEL MUOFHE**: Sorry I cannot hear you?

**ADV REFILOE MOLEFE**: Is that your statement to the Commission?

**ADV MAHLODI SAMUEL MUOFHE**: Yes this is my statement to the Commission.

**ADV REFILOE MOLEFE**: Can you also turn to page 54?

**ADV MAHLODI SAMUEL MUOFHE**: Page?

**ADV REFILOE MOLEFE**: 54.

**ADV MAHLODI SAMUEL MUOFHE**: Yes I am on page 54.

10 **ADV REFILOE MOLEFE**: Is that your signature appearing on that page?

**ADV MAHLODI SAMUEL MUOFHE**: That is my signature.

**ADV REFILOE MOLEFE**: Thank you. Before we confirm the correctness of your statement are there any corrections or amendments you wish to make to your statement?

**ADV MAHLODI SAMUEL MUOFHE**: Yes Chair there are.

**ADV REFILOE MOLEFE**: Can you please take us through those corrections?

**ADV MAHLODI SAMUEL MUOFHE**: Chair on page 39 paragraph 2,6  
...[intervenes]

**COMMISSIONER**: Paragraph?

20 **ADV MAHLODI SAMUEL MUOFHE**: 2,6.

**COMMISSIONER**: Yes?

**ADV MAHLODI SAMUEL MUOFHE**: I would like to replace the word dismissed by released.

**COMMISSIONER**: Sorry just repeat what you said?

**ADV MAHLODI SAMUEL MUOFHE**: Chair I would like to replace the word,

the last sentence Mr Zuma dismissed him. Instead o dismissed I would like to use released.

**COMMISSIONER**: Release?

**ADV REFILOE MOLEFE**: Released him.

**COMMISSIONER**: Okay, thank you. Yes?

**ADV MAHLODI SAMUEL MUOFHE**: And so it will be on whatever the term dismissed appears it should be replaced by released.

**COMMISSIONER**: From what you have just said I infer that you might not know all the other places where it appears or do you know?

10 **ADV MAHLODI SAMUEL MUOFHE**: I just did not mark them...[intervenes]

**COMMISSIONER**: Because...[intervenes]

**ADV REFILOE MOLEFE**: I think it is just one.

**COMMISSIONER**: If you did not we can continue after you have told us about other corrections, but one of the members of the legal team can check all the other paragraphs where there may, that word may be used and then inform counsel that is leading you so that then at a later stage we can specify and make the corrections in the right places. So that is what we will do. Are there other corrections that you want to make other than those that relate to the word dismissed?

20 **ADV MAHLODI SAMUEL MUOFHE**: Thank you Chair on page 54 the last paragraph really conclusion I would like this paragraph to read as follows "based on what is entailed in the ...[intervenes]

**COMMISSIONER**: I am sorry it is the last paragraph of your statement?

**ADV MAHLODI SAMUEL MUOFHE**: Yes the last paragraph of my statement.

**COMMISSIONER**: Are you changing it altogether?

**ADV MAHLODI SAMUEL MUOFHE**: No.

**COMMISSIONER**: Okay. First tell us what we must cross out then tell us what we must write in place.

**ADV MAHLODI SAMUEL MUOFHE**: What we must cross out Chair first is the date on which my statement was signed.

**COMMISSIONER**: Yes?

**ADV MAHLODI SAMUEL MUOFHE**: It is said to have been signed on the 16<sup>th</sup> whereas it was on the 21<sup>st</sup>.

**COMMISSIONER**: Okay.

10 **ADV MAHLODI SAMUEL MUOFHE**: Of November.

**COMMISSIONER**: Okay. Yes?

**ADV MAHLODI SAMUEL MUOFHE**: And I would like this conclusion to commence by this sentence ...[intervenes]

**COMMISSIONER**: Right?

**ADV MAHLODI SAMUEL MUOFHE**: Based on what is entailed in the body of my statement...[intervenes]

**COMMISSIONER**: Based on what is contained?

**ADV MAHLODI SAMUEL MUOFHE**: Entailed in the body of my statement...[intervenes]

20 **COMMISSIONER**: In the body of this statement?

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**COMMISSIONER**: Okay this statement...[intervenes]

**ADV MAHLODI SAMUEL MUOFHE**: My conclusion and submission Chairperson is that South Africa lost a professional Cabinet Minister ...[intervenes]

**COMMISSIONER**: One second. My conclusion and submission ...[intervenes]

**ADV MAHLODI SAMUEL MUOFHE**: Chairperson is that...[intervenes]

**COMMISSIONER**: Is that?

**ADV MAHLODI SAMUEL MUOFHE**: South Africa lost a professional Cabinet Minister in Advocate Ramatlhodi simply because he at all material times refused to execute irrational instructions either from former President himself or by extension those who purported to have been sent by him with dubious mandates.

**COMMISSIONER**: Okay, thank you. So the, with the amendment that you  
10 have now just dictated the last paragraph of your statement therefore reads as follows and you must just confirm at the end of, after I finish reading the paragraph that it is correct. Based on what is contained in the body of this statement, my conclusion and submission, Chairperson, is that South Africa which is SA, lost a professional Cabinet Minister in Advocate Ramatlhodi simply because he at all material times refused to execute irrational instructions either from former President himself or by extension those who purported to have been sent by him with dubious mandates. Is that...[intervenes]

**ADV MAHLODI SAMUEL MUOFHE**: I confirm that.

20 **COMMISSIONER**: Okay, all right thank you.

**ADV REFILOE MOLEFE**: Thank you Chair. Might I also refer Advocate Muofhe to paragraph 15 where the word dismisses appears as well as paragraph 15.1 where the word dismissed appears.

**COMMISSIONER**: Have you established if it is only two places?

**ADV REFILOE MOLEFE**: I have Chair.

**COMMISSIONER**: Okay. Just repeat where we are.

**ADV REFILOE MOLEFE**: Paragraph 15 on page 53.

**COMMISSIONER**: Paragraph 15?

**ADV REFILOE MOLEFE**: Yes.

**CHAIRPERSON**: Okay Para 15.1 is so we replaced dismissed with released.

**ADV REFILOE MOLEFE**: Indeed, Chair but that would also apply to the heading on paragraph 15 because there Advocate Muofhe talks about dismisses.

**CHAIRPERSON**: Yes. Are those the only two places?

**ADV REFILOE MOLEFE**: No, Chair. Then I would like to refer Advocate Muofhe to  
10 paragraph 9.6.

**CHAIRPERSON**: Paragraph?

**ADV REFILOE MOLEFE**: 9.6.

**CHAIRPERSON**: Okay.

**ADV REFILOE MOLEFE**: This appears on page ...[intervenes]

**CHAIRPERSON**: Well because he knows, we know what he has said about the word dismissal and dismiss. We can go and effect the amendment and he will tell us if we are effecting the amendment where we should not be. So yes paragraph, what paragraph?

**ADV REFILOE MOLEFE**: Paragraph 9.6 on page 44. This does not relate to the word  
20 dismisses but it was brought to my attention that there is an amendment that is sought under paragraph 9.6.

**CHAIRPERSON**: Oh, this has got nothing to do with dismissal?

**ADV REFILOE MOLEFE**: Indeed, Chair.

**CHAIRPERSON**: Okay. Okay, Mr Muofhe.

**ADV MAHLODI SAMUEL MUOFHE**: Chair, I would like just to keep one attachment



which is my letter of appointment. The rest should be deleted.

**CHAIRPERSON**: Okay. Just repeat what we must do at paragraph 9.6.

**ADV MAHLODI SAMUEL MUOFHE**: Paragraph 9.6 we are attaching just one...[intervenes]

**CHAIRPERSON**: Letter of appointment?

**ADV MAHLODI SAMUEL MUOFHE**: Letter of appointment.

**CHAIRPERSON**: Okay.

**ADV MAHLODI SAMUEL MUOFHE**: B and C we delete.

**CHAIRPERSON**: And we delete. So we put a full stop after letter of appointment?

10 **ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: And then we cross out the rest of that paragraph?

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: Okay so 9.6 then reads:

"Attached herewith is:

a) my letter of appointment."

Actually a) should go where?

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: You agree? Okay. Okay, thank you.

20 **ADV REFILOE MOLEFE**: Thank you, Chair. Advocate Muofhe, having made the corrections to your statement do you now confirm the correctness of your statement?

**ADV MAHLODI SAMUEL MUOFHE**: Yes I do.

**ADV REFILOE MOLEFE**: Thank you. Can you then turn back to page 38 which is the first page of your statement. What position do you currently hold?

**ADV MAHLODI SAMUEL MUOFHE**: I am employed by the Special Investigating Unit SIU as a Chief Governance Officer.

**ADV REFILOE MOLEFE:** Is this the position you held at the time of preparing the statement?

**ADV MAHLODI SAMUEL MUOFHE:** Yes.

**ADV REFILOE MOLEFE:** In paragraph 2.3 on page 38 to 2.6 you speak of Advocate Ramatlhodi's appointment and your subsequent appointment. Please take the Chair through that period.

**ADV MAHLODI SAMUEL MUOFHE:** In 2014 at the commencement of this current 2014 to 2019 government administration former State President Mr J G Zuma appointed Advocate Ngoako Ramatlhodi as Minister Department of Mineral Resources,  
10 in short DMR.

After his appointment Advocate Ngoako Ramatlhodi appointed me as his Special Advisor. I remained Special Advisor to Advocate Ramatlhodi throughout his deployment period from the DMR to the Department of Public Service and Administration, in short DPSA.

My employment as Special Advisor to former Minister Ramatlhodi terminated by operation of the law as my contract of employment was linked to his term of office when former State President Mr Zuma released him from his Cabinet post on 31 March 2017.

**ADV REFILOE MOLEFE:** And what is the role of a Special Advisor?

20 **ADV MAHLODI SAMUEL MUOFHE:** The role of the Special Advisor, Chair is to advise the Minister on various issues. There may be political matters. As an advocate there were also legal matters and in addition the role of a Special Advisor is to ensure that the interface between the Minister's executive and the Accounting Officer, the DG of the Department works efficiently and professionally.

**ADV REFILOE MOLEFE:** And can you briefly take us through the process of

appointing a special advisor?

**ADV MAHLODI SAMUEL MUOFHE**: The process of appointing a special advisor is governed by a different dispensation which is found in the Ministerial Handbook. As you would know Ministers when they are appointed to departments they have a prerogative to bring whomsoever they wish to support them in executing their political mandate in the department.

So ministerial staff including Special Advisors do not necessarily go through the normal recruitment processes.

10 **ADV REFILOE MOLEFE**: And what decisions if any can a Special Advisor take in a department?

**ADV MAHLODI SAMUEL MUOFHE**: Special Advisors have no other decision other than advising their principals. In other words Special Advisors have no role in interfering in the running of any department because departments are managed by accounting officers, DGs in the national departments and HODs in the provincial departments and municipal managers or city managers in local government municipalities.

**ADV REFILOE MOLEFE**: Now in paragraph three of your statement on page 39 you then set out certain events relating to the Gupta family. In paragraph 3.1 you speak of a letter that you received from a Gupta business. For whose attention was this letter?

20 **ADV MAHLODI SAMUEL MUOFHE**: The letter that I received from one of the Gupta companies, I cannot remember which one as they have various companies was addressed to me and inviting me or in all fairness directing me and the former Minister to report to Saxonwold for dinner and a working relationship.

**ADV REFILOE MOLEFE**: Thank you. Advocate Muofhe can I ask you to just move your mic a bit closer to you if you can?

**ADV MAHLODI SAMUEL MUOFHE**: Oh, sorry.

**ADV REFILOE MOLEFE**: Thank you so much and you state that the invite was to have a working dinner if I recall what you have just said?

**ADV MAHLODI SAMUEL MUOFHE**: Yes that was the purpose of that letter.

**ADV REFILOE MOLEFE**: And do...[intervenes]

**CHAIRPERSON**: Well...[intervenes]

**ADV REFILOE MOLEFE**: Pardon me, Chair.

**CHAIRPERSON**: Dinner not necessarily a working dinner as I understand dinner. To have dinner and to discuss a working relationship?

10 **ADV MAHLODI SAMUEL MUOFHE**: Yes. We were directed to report at Saxonwold for dinner and to discuss a working relationship.

**ADV REFILOE MOLEFE**: And do you know or did you understand the nature of the working relationship that was being referred to or that was sought to be established?

**ADV MAHLODI SAMUEL MUOFHE**: Well the letter basically stated that without necessarily going further than enabling me to understand why we received such a letter.

**ADV REFILOE MOLEFE**: Yes and was there any response to the letter?

**ADV MAHLODI SAMUEL MUOFHE**: Before I could even respond to that letter I then received a call from someone who called himself a Gupta reminding me that we have a  
20 dinner.

**ADV REFILOE MOLEFE**: Can I – can I just – I am sorry to interrupt. Can I just pause you there? What was the period between the letter and the call that you received?

**ADV MAHLODI SAMUEL MUOFHE**: It was on the same day.

**ADV REFILOE MOLEFE**: The same day?

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**ADV REFILOE MOLEFE**: Okay and before you move on earlier you repeatedly referred to this letter being a direction to report to Saxonwold. Are you deliberate in your use of the word directing?

**ADV MAHLODI SAMUEL MUOFHE**: Because that was the tenor of that letter. It was not a request in the normal sense where you are requesting someone to come and have dinner at your house or whatever you want.

You are directing a person to come for dinner at your place and if I remember well we were directed to be there on a Thursday.

**CHAIRPERSON**: Who was the letter addressed to?

10 **ADV MAHLODI SAMUEL MUOFHE**: It was addressed to me.

**CHAIRPERSON**: Yes but in its body it talked about you and Minister Ramatlhodi?

**ADV MAHLODI SAMUEL MUOFHE**: Yes, Chairperson. The reason I suppose it was addressed to me is because I was the Special Advisor to the Minister. So I was the gateway to the Minister.

**CHAIRPERSON**: Yes. Now you must be remembering some part of the wording if not the whole wording of the letter for you to insist that it was a directive or direction and not a request, is that so?

**ADV MAHLODI SAMUEL MUOFHE**: Yes, Chair I would not say I remember the wording to appoint of quoting them.

20 **CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: But I know the tenor because it was no way a letter inviting us to go and have dinner with them.

**CHAIRPERSON**: I see the letter is not attached here. Do you know whether it can be found in the department or not or whether you might have it somewhere?

**ADV MAHLODI SAMUEL MUOFHE**: The letter I am not too sure Chair if at the DMR

offices it could still be located.

**CHAIRPERSON**: Yes?

**ADV MAHLODI SAMUEL MUOFHE**: I read the letter there.

**CHAIRPERSON**: Yes?

**ADV MAHLODI SAMUEL MUOFHE**: And...[intervenes]

**CHAIRPERSON**: Would it have been in a particular file or not? You do not know?

**ADV MAHLODI SAMUEL MUOFHE**: No. It was not in a particular file. It was a letter which was just brought to my office.

**CHAIRPERSON**: Yes?

10 **ADV MAHLODI SAMUEL MUOFHE**: And I read it.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: And even before I could respond to it...[intervenes]

**CHAIRPERSON**: Yes?

**ADV MAHLODI SAMUEL MUOFHE**: Then there was a telephone call.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: Reminding me that we have to report at Saxonwold and I must say, Chair I did not take kindly to the letter.

**CHAIRPERSON**: Yes?

20 **ADV MAHLODI SAMUEL MUOFHE**: So much that I would not even remember where it ended.

**CHAIRPERSON**: Yes?

**ADV MAHLODI SAMUEL MUOFHE**: In the Ministry where we were.

**CHAIRPERSON**: Yes now prior to you receiving this letter from the Gupta family had you had any interaction with the Gupta family prior to this?

**ADV MAHLODI SAMUEL MUOFHE**: No, Chair. I had not had any interactions with them.

**CHAIRPERSON**: So you did not know each other?

**ADV MAHLODI SAMUEL MUOFHE**: I did not even know them.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: Now this letter which you say was not a request or invitation for you and Minister Ramatlhodi to go to the Gupta residence at Saxonwold for dinner and for purposes of discussing a working relationship it specified – it told you what date you  
10 must be there and what time?

**ADV MAHLODI SAMUEL MUOFHE**: Yes, Chair.

**CHAIRPERSON**: And it told you this without there having been any prior discussion about the possibility of arranging a dinner?

**ADV MAHLODI SAMUEL MUOFHE**: Yes, Chair. At that time it was public knowledge, Chair that some of the Cabinet Ministers soon after their appointment reported at Saxonwold. That is public knowledge. So even as the letter came I understood it in that context.

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

**ADV MAHLODI SAMUEL MUOFHE**: Because it came soon after the appointment  
20 of...[intervenes]

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: Former Minister Ramatlhodi to his position.

**CHAIRPERSON**: If you are able to tell us what your estimation is of how long or how soon after the appointment this happened after Minister Ramatlhodi's appointment as Minister of Mineral Resources. The appointment would have been around 9, 10 May

2014 I think. So a week, two weeks, a month?

**ADV MAHLODI SAMUEL MUOFHE**: No it was done within a week.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: And it was done at the time when we were busy attempting to resolve the platinum belt AMCO strike. As Chair would remember at that time the strike which had run for almost five months unresolved.

So when Minister Ramatlhodi assumed that position his main focus was that that strike was crippling the economy and we had to focus all our attentions on resolving that strike.

10 **CHAIRPERSON**: So you get this letter within a week or so of Minister Ramatlhodi's appointment and your own appointment by him and it says you must be at Saxonwold for dinner on a certain date. Do you remember what date you were asked to be there?

**ADV MAHLODI SAMUEL MUOFHE**: Chair, it was in 2014. So many things were happening. I would not remember the date.

**CHAIRPERSON**: No, no I accept. I just thought in case.

**ADV MAHLODI SAMUEL MUOFHE**: I really do not remember the date.

**CHAIRPERSON**: And it seems you were not so interested in it.

**ADV MAHLODI SAMUEL MUOFHE**: Yes I was less interested.

**CHAIRPERSON**: Yes.

20 **ADV MAHLODI SAMUEL MUOFHE**: I had read so much about them.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: And I had personally taken a stance.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: Against them anyway.

**CHAIRPERSON**: Yes. Okay thank you.



**ADV REFILOE MOLEFE**: Thank you, Chair. You earlier said that the call was purportedly from one of the Guptas. What makes you say that?

**ADV MAHLODI SAMUEL MUOFHE**: Because it is a call somebody saying he is so and so Gupta. I do not know the person personally so because I had never met the person but it is a call which says I am so and so Gupta and giving me that directive.

**ADV REFILOE MOLEFE**: And can you recall whether the caller was male or female?

**ADV MAHLODI SAMUEL MUOFHE**: It was a male.

**CHAIRPERSON**: So now you say this call came on the same day on which you received the letter?

10 **ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: How did the letter get to the department? Was it hand delivered? Was it by post? Was it by fax? Do you know?

**ADV MAHLODI SAMUEL MUOFHE**: Chair, I suspect that the letter was by fax.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: Because it was brought to my office.

**CHAIRPERSON**: Yes?

**ADV MAHLODI SAMUEL MUOFHE**: By one of the colleagues.

**CHAIRPERSON**: Oh, not in an envelope?

20 **ADV MAHLODI SAMUEL MUOFHE**: Not in an envelope. Yes it was not in an envelope. Yes it was just a straight letter yes.

**CHAIRPERSON**: Now the caller can you just repeat what he said to you?

**ADV MAHLODI SAMUEL MUOFHE**: The caller said to me that he was reminding me that we have a dinner date with them at Saxonwold.

**CHAIRPERSON**: And what was your response to that?

**ADV MAHLODI SAMUEL MUOFHE**: My response to the caller, Chair was that

personally I am not interested in having dinner with them nor any working – discussing any working relationship with them. I however told the caller that it is not so much me who they wanted.

They wanted the Minister and to that end I will oblige and inform the Minister accordingly that there is this directive for both of us to go and have dinner and discuss the working relationship with the Guptas at Saxonwold and indeed, Chair I informed the former Minister that I received the letter.

Before responding to it, it was followed by that call and I told the Minister what the letter was all about supported by the call and I also told the Minister that I  
10 have told the caller that for my part I am not interested in meeting with them however I told him that I told the caller that I will pass on the message to the Minister in case the Minister had the appetite to go and meet with them.

The Minister without even winking said to me decline the invite. I do not want to see them. Decline the directive because we were very conscious. I was very conscious that this is not an invite. It is a directive and I accordingly declined that directive.

**CHAIRPERSON**: Well I want to go back to the call. From what you said it appears that the caller spoke to you as if it was a given that you and the Minister would come. He was not asking. He was not talking about the possibility. He seems to have been  
20 saying remember you have a date with us even though on what you are telling me no arrangements have been made where you agreed to any date with them?

**ADV MAHLODI SAMUEL MUOFHE**: Yes, Chair that is true. The call really was more still of a directive and I understood it in that context.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: Because at that point it was generally known that

Cabinet Ministers soon after their appointment they must go and report at Saxonwold.  
So I understood it in that context.

**CHAIRPERSON**: That information namely that Cabinet Ministers soon after their appointment were expected to go to Saxonwold or went there at that stage is that something you knew by virtue of your interaction with people from other government departments, colleagues and within maybe DMR as well?

**ADV MAHLODI SAMUEL MUOFHE**: It was at that time reported widely by the media about...[intervenes]

**CHAIRPERSON**: Already?

10 **ADV MAHLODI SAMUEL MUOFHE**: Some Ministers had gone to Saxonwold.

**CHAIRPERSON**: Yes but I just want to make sure that you are not making a mistake. I know that at a certain stage that was in the public domain but was it in the public domain so soon after it had happened because the appointments had just happened. The election had just happened.

**ADV MAHLODI SAMUEL MUOFHE**: Yes, Chair. Chair, in 2014 the Gupta family by then had already had that reputation of summoning Ministers.

**CHAIRPERSON**: Ministers.

**ADV MAHLODI SAMUEL MUOFHE**: To Saxonwold.

**CHAIRPERSON**: Yes.

20 **ADV MAHLODI SAMUEL MUOFHE**: And some Ministers because you know this was the second term of the former President...[intervenes]

**CHAIRPERSON**: Zuma.

**ADV MAHLODI SAMUEL MUOFHE**: Former State President. So from 2009 to 2014 this was a general occurrence.

**CHAIRPERSON**: Oh, it had been happening already?

**ADV MAHLODI SAMUEL MUOFHE**: It had happened...[intervenes]

**CHAIRPERSON**: Prior to...[intervenes]

**ADV MAHLODI SAMUEL MUOFHE**: By that time when we got in...[intervenes]

**CHAIRPERSON**: Yes?

**ADV MAHLODI SAMUEL MUOFHE**: It was public knowledge that Ministers report, some of them but not all of them. There were those who even acknowledged themselves that they had gone to the Guptas.

**CHAIRPERSON**: You also said that it was understood already that Ministers got summoned to the Gupta residence, is that right or am I putting into your mouth  
10 something you did not say?

**ADV MAHLODI SAMUEL MUOFHE**: Well basically, Chair I know we were summoned. How other Ministers got to go there...[intervenes]

**CHAIRPERSON**: Yes?

**ADV MAHLODI SAMUEL MUOFHE**: I am not too sure whether they also went via a directive.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: Or they had some kind of relationship...[intervenes]

**CHAIRPERSON**: Yes.

20 **ADV MAHLODI SAMUEL MUOFHE**: With that family.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: But insofar as myself and former Minister Ramatlhodi are concerned it was a directive.

**CHAIRPERSON**: So in regard to other Ministers going to Saxonwold you do not have any incidents that you have personal knowledge of. You just know what was written in

the media and so on?

**ADV MAHLODI SAMUEL MUOFHE**: There is one incident, Chair where I heard on radio by former Minister Fikile Mbalula.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: Who actually said himself on radio that he heard about his appointment to Cabinet that he was going to be appointed as a Cabinet Minister by the Gupta family. He said it on radio.

**CHAIRPERSON**: Okay.

**ADV MAHLODI SAMUEL MUOFHE**: So I heard on radio.

10 **CHAIRPERSON**: Okay.

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: Thank you.

**ADV REFILOE MOLEFE**: Thank you, Chair and did Mr Fikile Mbalula specify the portfolio that he spoke of?

**ADV MAHLODI SAMUEL MUOFHE**: Can you repeat the question?

**ADV REFILOE MOLEFE**: You have just stated to the Chair that the knowledge that you have is in respect of Mr Fikile Mbalula. My question to you then is did he specify the portfolio within which he was to be appointed?

20 **ADV MAHLODI SAMUEL MUOFHE**: I cannot remember whether he specified the portfolio but I am sure records are still there but I remember him saying that he got to know and he was a bit perturbed that he got to know about his appointment to cabinet from the Guptas.

That was he was so vocal about that so the department he was going to I cannot remember but I know that former Minister Mbalula was unhappy about the fact that he had to be told by the Guptas that he is going to be a Cabinet Minister.

**CHAIRPERSON**: And you say you heard this in a radio interview?

**ADV MAHLODI SAMUEL MUOFHE**: Yes. He said it in a radio...[intervenes]

**CHAIRPERSON**: Yes. Okay. You cannot remember what station it might have been?

**ADV MAHLODI SAMUEL MUOFHE**: I cannot remember.

**CHAIRPERSON**: Just in case you have one station that you listen to.

**ADV MAHLODI SAMUEL MUOFHE**: I cannot remember which station but at the time I generally surfed different media platforms because at some point in my life, Chair I also practiced as a scribe.

**CHAIRPERSON**: Oh.

10 **ADV MAHLODI SAMUEL MUOFHE**: So it was in my interest generally.

**CHAIRPERSON**: Oh, okay.

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: No, thank you. Ms Molefe?

**ADV REFILOE MOLEFE**: Thank you, Chair. So other than the letter and the call was there any other communication from the Guptas or persons from the Gupta entities?

**ADV MAHLODI SAMUEL MUOFHE**: The manner in which we responded to them – I responded to them they understood that we do not have any interest in interacting with them and I do not remember engaging with – in fact to the best of my knowledge that was the only time that I engaged with them.

20 **ADV REFILOE MOLEFE**: And in your indication to the Guptas of your disinterest to meet with them for a dinner or to establish what you have referred to as a working relationship did you tell them of your reasons?

**ADV MAHLODI SAMUEL MUOFHE**: Did I?

**ADV REFILOE MOLEFE**: Did you tell them of your reasons?

**ADV MAHLODI SAMUEL MUOFHE**: Tell who?

**ADV REFILOE MOLEFE**: The Guptas.

**ADV MAHLODI SAMUEL MUOFHE**: Which reasons?

**ADV REFILOE MOLEFE**: Did you provide them with your reasons as to why you were disinterested in meeting with them?

**ADV MAHLODI SAMUEL MUOFHE**: No, I told them that we are not keen and at the same time we were in the middle of attempting to resolve a serious platinum belt strike. We had no interest in meeting anybody for that matter who had no bearing in assisting us to resolve that strike.

**ADV REFILOE MOLEFE**: Yes so have you ever met with any of the Guptas?

10 **ADV MAHLODI SAMUEL MUOFHE**: Have we?

**ADV REFILOE MOLEFE**: Have you ever met any of the Guptas?

**ADV MAHLODI SAMUEL MUOFHE**: To the best – personally I have not and to the best of my knowledge and because of my close relationship with former Minister Ramatlhodi he too never met them.

**ADV REFILOE MOLEFE**: Thank you. We then move on to the topic which you have titled Mr Duduzane Zuma as appears on page 41 under paragraph four. In paragraph 4.1 you speak of a conversation between yourself and Advocate Ramatlhodi about Mr Duduzane Zuma. What was this conversation about?

20 **ADV MAHLODI SAMUEL MUOFHE**: Well former Minister Ramatlhodi and myself used to engage in many, many, many issues and this is just one of those where he informed me that he had received a call from Mr Duduzane Zuma that Mr Duduzane Zuma wanted to have a meeting with him to congratulate him on his appointment as the Cabinet Minister.

**ADV REFILOE MOLEFE**: And do you recall what Advocate Ramatlhodi's stance was in respect of Mr Duduzane Zuma's meeting request?

**ADV MAHLODI SAMUEL MUOFHE:** Former Minister Ramatlhodi knew Duduzane well from childhood and he also had a relationship with former State President Mr Zuma by virtue of having worked together in the National Executive Committee of the African National Congress for many, many years.

So there was not really anything untoward in terms of how I understood their engagements save to say that it was you know Mr Duduzane Zuma who was and is still a very young person who wanted to meet former Minister Ramatlhodi solely just to congratulate him for being appointed as the Minister.

**ADV REFILOE MOLEFE:** Yes and in paragraph five you speak of Mr Brian Molefe and  
10 Doctor Ngogani. In paragraph 5.1 you speak about engagements between Advocate Ramatlhodi, Mr Molefe as well as Doctor Ngubani. Could you take the Chair through these engagements that were held?

**ADV MAHLODI SAMUEL MUOFHE:** Again, Chair when this happened former Minister Ramatlhodi informed me that he had spoken with Mr Brian Molefe who he had employed when form Minister Ramatlhodi was the Premier of Limpopo wanting to meet with him and I think they met.

I cannot remember but subsequently there was a meeting between – he told me there was a meeting solicited for him to meet with Mr Brian Molefe and Doctor Ngubani then also surfaced at that meeting.

20 **ADV REFILOE MOLEFE:** And what positions did Mr Brian Molefe and Doctor Ngubani hold at that point in time?

**ADV MAHLODI SAMUEL MUOFHE:** At the time I cannot remember whether Brian Molefe was still the CEO of Transnet or Eskom. I suppose he was at Eskom because Doctor Ngubani at that time was the chairperson of Eskom.

**ADV REFILOE MOLEFE:** Yes and you also speak of Mr Molefe and Doctor



Ngubani wanting to influence him. When you speak of him is that reference to Advocate Ramatlhodi?

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**ADV REFILOE MOLEFE**: And ...[intervenes]

**ADV MAHLODI SAMUEL MUOFHE**: That is, Chair that is what former Minister Ramatlhodi told me that when they met the purpose of the meeting was to try and influence him to take decisions.

**ADV REFILOE MOLEFE**: And which decisions in particular?

**ADV MAHLODI SAMUEL MUOFHE**: Decisions in relation to dealing with I  
10 think it was the Optimum mine. Some size thing, but it was a decision which ordinarily someone who is not part of any department or ministry would not have a right to come and tell a certain Minister to do things the way he or she wanted him to do.

**ADV REFILOE MOLEFE**: In paragraph 6 you then speak to the former Minister Ramatlhodi's views and yours during your stay at DMR. In paragraph 6.1 you reiterate the refusal by yourself and advocate Ramatlhodi to go to Saxonwold and you say "to have a working relationship dinner with the Guptas." You then speak of another refusal by Advocate Ramatlhodi in relation to Mr Molefe and Doctor Ngubani. Please explain what it was that  
20 Advocate Ramatlhodi refused to do?

**ADV MAHLODI SAMUEL MUOFHE**: Let me just read paragraph 6.1 is that what you are talking to?

**ADV REFILOE MOLEFE**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: We refused to go to Saxonwold for a working relationship dinner with the Guptas. That is the first refusal. Former

Minister's refusal to do what he told me Mr Molefe and Doctor Ngubani wanted him to do lead us to conclude that our stay at the Department of Mineral Resources will not last for too long. Here we are basically reflecting Chair that we were directed to go to Saxonwold and we declined to go to Saxonwold and former Minister Ramatlhodi met with Doctor Ngubani and Mr Molefe and he declined to execute whatever they wanted him to execute and knowing the proximity that Mr Molefe, Doctor Ngubani and the Guptas had to the former State President we concluded that our stay in that department is not going to be long.

- 10 **ADV REFILOE MOLEFE**: You say that knowing the relationship that they had, what relationship did they have with the former President?

**ADV MAHLODI SAMUEL MUOFHE**: Well it is public knowledge that the Guptas and the former State President himself said he had, the Guptas are his friends and Doctor Ngubani and Mr Molefe according to former Minister Ramatlhodi basically told him that he needed to do things the way they wanted him to do, because the President needed those things to be done in that fashion and he had, Doctor Ngubani, to go and report back to the President at that time. So that us, that led me to conclude that they have a close relationship.

- 20 **ADV REFILOE MOLEFE**: You also make mention of corruption in paragraph 6.2 where you state that yourself and Advocate Ramatlhodi had resolved that you would rather be out begging in the street than to allow anyone, the former President included, to corrupt us. On what basis did yourself and Mr Ramatlhodi reach that conclusion?

**ADV MAHLODI SAMUEL MUOFHE**: Because personally I was taken aback

and shocked to say the least as to the power some of these people had over a certain Minister. The power they had to come and tell the sitting Minister that he has to report at Saxonwold, to come and tell a certain Minister that he has got to do things differently and, but that was not in consonant with how government works. So for people to have, you know, the audacity to give those directives people may have been pretty much powerful and already in the public domain Chair there were various reports of governments being flouted at Eskom. Even in other departments where the Guptas were involved and we told ourselves at least that the two of us told ourselves that no one is  
 10 going to give us any instruction for that matter to do wrong things which at that time, because of what has been happening and not in the public space were corrupt practices.

**ADV REFILOE MOLEFE:** Thank you. You also make further allegations relating to Mr Molefe and Doctor Ngubani in later parts of your statement particularly paragraph 11 which we will return to. The next topic that you deal with is under paragraph 7 which is the reshuffle.

**ADV MAHLODI SAMUEL MUOFHE:** Paragraph?

**ADV REFILOE MOLEFE:** Paragraph 7 on page 42.

**ADV MAHLODI SAMUEL MUOFHE:** Okay.

20 **ADV REFILOE MOLEFE:** Where you talk about the reshuffle. When did this reshuffle take place? I am on paragraph 7 ...[intervenes]

**ADV MAHLODI SAMUEL MUOFHE:** Paragraph 7.1 as anticipated by former Minister Ramatlhodi and I former President Mr Zuma on Tuesday 22<sup>nd</sup> 2015 reshuffled his cabinet and moved former Minister Ramatlhodi from DMR to DPSA.

**ADV REFILOE MOLEFE:** Yes and still staying on paragraph 7.1 your opening line there is as anticipated, what was the basis for that anticipation?

**ADV MAHLODI SAMUEL MUOFHE:** The basis for this anticipation Chair is what I am explaining that here are powerful people who when they talk certainly some Minister listen and here is this one Minister, I was a special advisor, the main person really was the former Minister, basically declining any instruction from on the one hand the Gupta family and on the other from Doctor Ben Ngubani and Mr Brian Molefe.

**ADV REFILOE MOLEFE:** And in paragraph 8 you set out your feelings about  
10 the reshuffle. In paragraph 8.1 you state that Advocate Ramatlhodi was displeased by the reshuffle. Why was he displeased by this reshuffle?

**ADV MAHLODI SAMUEL MUOFHE:** Irrational reshuffles much as you serve at the invitation of the President impugns on your dignity more so when you do not understand why it is done. You accept that you serve at the behest of the President. At any given time he can release you, but just to be reshuffled like that you are bound to be a bit disturbed especially the DMR where we were at that time like any other department really needed political stability. Former Minister Ramatlhodi had succeeded in resolving a very difficult platinum belt strike which many people could not get to resolve it. It went on for five  
20 months. The economy was threatened to get into recession and at that point in time he was getting the rhythm of the department and it is at a time when you basically say there are other things we have got to get right. The mining space is a very volatile space and dangerous space. We know Chair that mineworkers perish in different mines and so former Minister Ramatlhodi was at a time when you say we now have a relationship with labour and we have

got to make sure that we try and resolve issues of casualties, mine health safety in the sector. So as he was really focussed in shaping the department all of a sudden he gets reshuffled to a different department.

**ADV REFILOE MOLEFE**: Yes and this volatility and state of stability brought about by Advocate Ramatlhodi is what you have set out in the latter parts of paragraph 8.1 of your statement?

**ADV MAHLODI SAM MUOFHE**: Repeat that again?

**ADV REFILOE MOLEFE**: The stability that was brought about by adv Ramatlhodi as you have just testified is what you have set out in the latter part of paragraph 8.1 of  
10 your statement?

**ADV MAHLODI SAM MUOFHE**: Yes, yes, yes.

**ADV REFILOE MOLEFE**: Thank you. And you had also stated that the decision to reshuffle adv Ramatlhodi was long overdue. Would the reasons for having stated that be the same as the anticipation that you have earlier referred to?

**ADV MAHLODI SAM MUOFHE**: Yes, because remember we were directed just in the first week to go to Saxonwold, which we did not. He declined to execute the instructions by Dr Ngubane and Mr Brian Molefe and so we – as we were generally talking, we would say – we would always say that we are probably surviving in this department simply because of our success in resolving the platinum mine belts strike.

20 If it was not for that we could have – he could have been reshuffled much earlier.

**ADV REFILOE MOLEFE**: Yes, you then move on to speak of your interactions with Mr Nathi Nhleko under paragraph 9 on page 43 of your statement. Can you just tell the, Chair, what position Mr Nathi Nhleko held during the period you referred to under paragraph 9?

**ADV MAHLODI SAM MUOFHE:** Yes, Chair, paragraph 9.1, Mr Nathi Nhleko at the commencement at the current 2014 to 2019 administration was appointed by the former President Mr Zuma as Minister South African Police Services.

**ADV REFILOE MOLEFE:** Thank you. Thank you, Chair, and in paragraph 9.2 to 9.5 you speak of a reference group. Can you tell the, Chair, how that reference group came about and what your involvement was in the reference group?

**ADV MAHLODI SAM MUOFHE:** Chair, I did not know former Minister Nhleko personally. Former Minister Ramatlhodi sometime between September 2014 informed me that he received a request from the then Minister of SAPS Mr Nathi Nhleko that I  
10 serve as a member of a reference group, which he was going to set up.

My area of focus on the reference group was going to be advising the then Minister SAPS on various matters not limited to – but including matters relating to the Nkantla project. On 30 September 2014 I received a letter of appointment to serve on the reference group from Minister Nathi Nhleko. This was a reference group comprising of different people who were basically advising former Minister Nhleko on various issues in his portfolio.

**ADV REFILOE MOLEFE:** Yes, and so you would have basically then act in an advisory role?

**ADV MAHLODI SAM MUOFHE:** Your flu is really getting at you.

20 **ADV REFILOE MOLEFE:** I apologise. I will repeat the question. So you would have been acting in an advisory role in the reference group?

**ADV MAHLODI SAM MUOFHE:** Yes, I was acting in an advisory role, albeit not on a full time basis, because I remained former Minister Ramatlhodi's special advisor. If you wish it is like serving on a board of a company, yes.

**ADV REFILOE MOLEFE**: Yes, and, Chair, the letter of – well firstly may I refer you to page 55 to 56 of the bundle?

**ADV MAHLODI SAM MUOFHE**: Page?

**ADV REFILOE MOLEFE**: 55 to 56 of the bundle. Can you ...[intervenes]

**ADV MAHLODI SAM MUOFHE**: Let us see? Page 55?

**ADV REFILOE MOLEFE**: Yes.

**ADV MAHLODI SAM MUOFHE**: Hmm?

**ADV REFILOE MOLEFE**: What is that document before you?

**ADV MAHLODI SAM MUOFHE**: This is the letter of appointment.

10 **ADV REFILOE MOLEFE**: Appointment as?

**ADV MAHLODI SAM MUOFHE**: Appointment as a referenced group member.

**ADV REFILOE MOLEFE**: Thank you. Now in paragraph 10 of your statement returning to your statement on page 45, you speak of a meeting with the former state President Mr Zuma. When did this meeting take place?

**ADV MAHLODI SAM MUOFHE**: We are on page 40?

**ADV REFILOE MOLEFE**: We are on page 45 paragraph 10.

**ADV MAHLODI SAM MUOFHE**: Yes, meeting for former President Zuma.

**ADV REFILOE MOLEFE**: Yes, when did this meeting take place?

20 **ADV MAHLODI SAM MUOFHE**: Chair, as I state in my statement I cannot remember the exact date in March 2015 when my meeting with the former President took place.

**ADV REFILOE MOLEFE**: And who called for the meeting?

**ADV MAHLODI SAM MUOFHE**: Who?

**ADV REFILOE MOLEFE**: Who called for the meeting?

**ADV MAHLODI SAM MUOFHE**: Former Minister Nhleko told me about it.

**CHAIRPERSON**: Before you go further on that meeting, can I go back to the meeting that you had with former Minister Nathi Nhleko in Cape Town in his office? In your statement you flew down to Cape Town to meet Minister Nhleko, is that right?

**ADV MAHLODI SAM MUOFHE**: Correct, Chair.

**CHAIRPERSON**: Was this in September 2014 when you flew down to meet him in his office?

**ADV MAHLODI SAM MUOFHE**: Chair, what paragraph are we on?

**CHAIRPERSON**: Well you deal with flying down to Cape Town at paragraph – at page 45, paragraph 9.8, but the story is that in the preceding paragraph?

10 **ADV MAHLODI SAM MUOFHE**: Yes, Chair, I flew down to Cape Town and held a meeting with former Minister Nhleko in his Cape Town office, Chair.

**CHAIRPERSON**: Now, I get the impression here that you got the letter of appointment before flying down. Which one happened first, was it the flying down or the appointment?

**ADV MAHLODI SAM MUOFHE**: I got – by the time I received the letter of appointment I had commenced doing some work...[intervenes]

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAM MUOFHE**: Of advising former Minister – and I think I flew down to Cape Town before receiving the appointment letter.

20 **CHAIRPERSON**: Well this – there must have been some meeting where you would have asked questions about this reference group that you had been asked to be part of. Did that happen, or did it not happen?

**ADV MAHLODI SAM MUOFHE**: Yes, yes, Chair, when former Minister Ramatlhodi told me about the request and that obviously he had to give me permission to go and serve,



which he did, ja, several meetings were held. Some of them at O R Tambo, others would have been in Richards bay, because we generally started working.

**CHAIRPERSON**: So this reference group you said I believe was – its function was essentially to advise Minister Nhleko on certain matters, is that right?

**ADV MAHLODI SAM MUOFHE**: Yes, Chair.

**CHAIRPERSON**: And you had a specific portfolio that you were to focus on as part of that group?

**ADV MAHLODI SAM MUOFHE**: Yes, Chair.

10 **CHAIRPERSON**: Do you know how it came about that you were selected to be part of that group?

**ADV MAHLODI SAM MUOFHE**: Chair, to date that remains a million dollar question to me, because I did not know former Minister Nhleko, but there was a general feeling that I played a very active role in resolving that platinum mine belt strike, which perception, Chair, was premised on I think on the basis that I was more on the face of that interaction Minister Ramatlhodi would give us a directive as to how to engage as officials , and because I was his personal advisor I led those engagements, you interacted with the stakeholders. AMCU Union and other stakeholders. So, because people saw me in the public phase and former Minister Ramatlhodi, besides advising him said I should be his spokesperson. So I was more – you know, in the public eye  
20 more than other officials, so there was this, I think understanding that seemingly that strike I played a key role and in that – that is just what I thought, because I still did not understand why I was appointed – I was requested to serve.

**CHAIRPERSON**: But you were not going to be resolving strikes at the Minister of Police portfolio?

**ADV MAHLODI SAM MUOFHE**: I would imagine, well, Chair as I say I am not so sure what informed the decision to invite me, other than speculating. It could have been that perhaps. There was a feeling that one could assist in stabilising SAPS, I do not know.

**CHAIRPERSON**: Well I would have thought that if you got approached by a Minister that you did not know, you had never known to be part of a panel to advise him in the way in which this one happened, I would have thought you would have asked the question how it came about firstly that you to the extent that it was Minister Ramatlhodi who told – who may have told you that this is what Minister Nathi Nhleko would like you to do, that you would have asked him how does he – how come he approaches me?

10 You know, what happened or when you got a chance with Minister Nhleko that you would ask the question, did you not ask the question?

**ADV MAHLODI SAM MUOFHE**: I asked those questions, Chair. I am a member of the African National Congress, have been a member of the African National Congress for over 40 years now, and the ANC we are more of a family. Former Minister Nhleko is a member of the African National Congress and in the ANC there is a dictum which says that if you are requested to do a thing you do it.

And I understood it in that concept that it was a deployment I had to execute...[intervenes]

**CHAIRPERSON**: But you had not been asked by the ANC, you were being asked by a  
20 government Minister.

**ADV MAHLODI SAM MUOFHE**: Who is an ANC member.

**CHAIRPERSON**: Yes, but this was a state matter.

**ADV MAHLODI SAM MUOFHE**: Yes, but he was not asking me to go and work in the department. He is a political executive.

**CHAIRPERSON**: Yes, but he was asking you to be one of his advisors in his capacity, not as a member of the ANC, but in his capacity as a government Minister?

**ADV MAHLODI SAM MUOFHE**: Yes, but on to advise on matters political and otherwise. Not necessarily on administration of the department.

**CHAIRPERSON**: But he was asking you to advise him as part of the executive, the national executive. The matters he needed advise were matters, he needed advise or him to make certain decisions relating to his position as a government Minister, is it not?

**ADV MAHLODI SAM MUOFHE**: Yes, that is true.

10 **CHAIRPERSON**: Yes.

**ADV MAHLODI SAM MUOFHE**: That is true.

**CHAIRPERSON**: So the issue of what the ANC rules are should not come in, should it?

**ADV MAHLODI SAM MUOFHE**: Even if they would not have played a role, but it is a tradition that if you were asked by a leader of the organisation, you know, even if it is not an ANC matter, the understanding would not have been as difficult as it was someone as who would have come from the same political party that I belonged to.

**CHAIRPERSON**: What does the rule say that you, the ANC rule or policy – just articulate it again?

20 **ADV MAHLODI SAM MUOFHE**: What does the?

**CHAIRPERSON**: The ANC rule or ANC policy that you referred to, can you articulate it again that influenced you to not to ask questions?

**ADV MAHLODI SAM MUOFHE**: It is not in the constitution of the ANC, Chairperson. It is an unwritten rule that over time we grow into and understood and, Chair, would have heard many people saying that when I am asked to do something I would not say no in

the organisation, but it is not, it is not like in the constitution or in any of our policy documents, no.

**CHAIRPERSON**: Well I am just interested in you not asking, because asking how it came about that he chose that you should be approached would not necessarily mean you are going to say no, but you may just wish to understand how it came about that he selected you to be one of the people in the panel?

**ADV MAHLODI SAM MUOFHE**: It could have been well the case, Chair, but the flip side of it also was more of an affirmation on my side perhaps to say that there might be something good that I am doing. If I get requested to go and serve rather than asking  
10 too many questions when in actual fact I also feel that where my skills can be used so be it, let them be used.

**CHAIRPERSON**: Okay, no that is fine. We are going to adjourn for a very short time. We will adjourn for five minutes and then come back.

**ADV REFILOE MOLEFE**: Thank you, Chair.

#### **MEETING ADJOURNS**

#### **MEETING RESUMES**

**CHAIRPERSON**: Yes, Ms Molefe?

**ADV REFILOE MOLEFE**: Thank you, Chair. Adv Muofhe, you had earlier stated that the flight to Cape Town was to discuss your appointment as a reference group member.  
20 In paragraph 9.9 on page 45 you also speak of a conversation you had with Mr Martin Tsheko relative to an appointment. Can you please explain that to the, Chair.

**ADV MAHLODI SAM MUOFHE**: So let me just say it, my flight to...[intervenes]

**ADV REFILOE MOLEFE**: Sorry, advocate can you move the mike closer to you, because you are not audible.

**ADV MAHLODI SAM MUOFHE**: Chair, my flight to Cape Town was not to discuss my membership of the reference group, I was already a member of that group. Paragraph 9.9, page 45, Chair, former Minister Nhleko informed me to ready myself any time when we were in Cape Town, this is the outcome of that meeting, former Minister Nhleko informed me to ready myself at any time for an audience with the former President Mr Zuma, because he wanted to appoint me as the Director of the troubled NPA. So the purpose of my flight to Cape Town was to discuss this as I got to know when I was in Cape Town.

**CHAIRPERSON**: Just hang on one second. Are you at page 45?

10 **ADV REFILOE MOLEFE**: Yes, Chair.

**CHAIRPERSON**: So, so the purpose of that – of your flight to Cape Town that you referred to in paragraph 9.8 at page 45...[intervenes]

**ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: Was what?

**ADV MAHLODI SAM MUOFHE**: Chair, I was requested to fly to Cape Town by the former Minister's PA who told me that the Minister wanted to see me. At that point in time, Chair, I am a member of the reference group.

**CHAIRPERSON**: Yes.

20 **ADV MAHLODI SAM MUOFHE**: And by virtue of being a member of the reference group the executive, the Minister can call you at any given time.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAM MUOFHE**: So when I flew down to Cape Town, I flew down to Cape Town, my understanding going to Cape Town, because the Minister wanted perhaps to discuss some issue that he wanted me to do as a member of the reference group.

**CHAIRPERSON:** Yes.

**ADV MAHLODI SAM MUOFHE:** I did not know the purpose which subsequently became what I say in paragraph 9.9.

**CHAIRPERSON:** Yes. So when you held the meeting with the Minister of police Minister Nathi Nhleko he then told you that you must get ready, because the former President wanted to see you, because he wanted to appoint you as the Director of the NPA?

**ADV MAHLODI SAM MUOFHE:** Correct, Chair.

**CHAIRPERSON:** Yes, continue.

10 **ADV REFILOE MOLEFE:** Thank you, Chair. Adv Muofhe just to clarify the sequence in respect of the dates, can I take you to page 56 of the bundle? That is your appointment letter as a reference group member. On page 56...[intervenes]

**ADV MAHLODI SAM MUOFHE:** Page what?

**ADV REFILOE MOLEFE:** 56. Can you state the date that is written on that letter?

**ADV MAHLODI SAM MUOFHE:** Page 56. The date of the letter is 30 September 2014.

**ADV REFILOE MOLEFE:** 2014 and your meeting is...[intervenes]

**CHAIRPERSON:** I am sorry I think he said 2015, is it 2014?

20 **ADV MAHLODI SAM MUOFHE:** 2014, the date of the letter of my appointment to the reference group.

**CHAIRPERSON:** Yes.

**ADV REFILOE MOLEFE:** Thank you, Chair.

**ADV MAHLODI SAM MUOFHE:** Is dated 2014.

**ADV REFILOE MOLEFE**: And if I can just take you back to paragraph 9.7 on page 44, what is the date there when Minister Nathi Nhleko requested to meet with you in Cape Town?

**ADV MAHLODI SAM MUOFHE**: Paragraph?

**ADV REFILOE MOLEFE**: Paragraph 9.7 on page 44.

**ADV MAHLODI SAM MUOFHE**: Okay page 44. What is your question?

**ADV REFILOE MOLEFE**: What is the date on paragraph 9.7 when the request was made by Mr Nathi Nhleko?

**ADV MAHLODI SAM MUOFHE**: On Thursday, oh, on Thursday 26 February 2015  
10 former Minister Nathi Nhleko requested me to meet him in Cape Town.

**ADV REFILOE MOLEFE**: Yes, so it does confirm that you have just stated that you were already a reference group member?

**ADV MAHLODI SAM MUOFHE**: Yes.

**ADV REFILOE MOLEFE**: Thank you. We then go back to the meeting with the former President that appears under paragraph 10 on page 45 of the bundle. You have earlier testified that this meeting took place sometime in March 2015.

**ADV MAHLODI SAM MUOFHE**: Yes.

**ADV REFILOE MOLEFE**: You were also telling the, Chair, that the meeting was called by Minister Nathi Nhleko?

20 **ADV MAHLODI SAM MUOFHE**: Yes.

**ADV REFILOE MOLEFE**: In paragraph 10.2...[intervenes]

**CHAIRPERSON**: Hang on, before we go on further, in regard to that meeting what was your response to Minister Nhleko when he told you – he broke the news to you that the former President wanted to appoint you as the head of the NPA? Your statement does not tell us how you responded, I would like to know that.

**ADV MAHLODI SAM MUOFHE**: Chair, ja, I was a bit shocked that the President, you know, was thinking in the way in which the Minister was telling me of appointing me to be the Director of the NPA.

**CHAIRPERSON**: Please raise your voice.

**ADV MAHLODI SAM MUOFHE**: Sorry, Chair, I was a bit shocked that the President had those thoughts about me as the Director of the NPA, but again at the same time you know, one felt a bit honoured that there was such a thinking by the President of the country that also told one, me in particular that there maybe some good that I am doing in advancing the course of our democracy.

10 **CHAIRPERSON**: But did, what did you say to Minister Nhleko that is what I want to know, as your reaction to this breaking news?

**ADV MAHLODI SAM MUOFHE**: Well, I said I am a bit shocked. If I remember well he also told me that, that is what he was told, that he has got to arrange that meeting. So interestingly I was trying to understand what is the thinking of the President. So I was also looking forward to meeting the President, to be honest.

**CHAIRPERSON**: So you did not indicate whether you might not be interested or interested? You did not indicate to Minister Nhleko about whether you might be interested in being the head of the NPA or not?

20 **ADV MAHLODI SAM MUOFHE**: No, I was more keen to hear from the President why he thought of me as a preferred candidate for the post.

**CHAIRPERSON**: Okay, well I see that in regard to this one you are keen to know why you, but in regard to you being invited to be a member of the reference group you did not want to know why you were being selected?



**ADV MAHLODI SAM MUOFHE**: Chair, no, I did not say – Chair, I basically said, Chair, I did not understand why I was selected to be in the reference group, other than speculating, because I did not know former Minister Nathi Nhleko.

**CHAIRPERSON**: Well I am simply saying to you when I asked you why you did not ask Minister Nathi Nhleko, because you did not know him from what you have told us, suddenly you hear that he wanted you to be one of his advisors. So I asked you why did you not ask why he wanted you to be his advisor, you said well in the ANC you do not say no, you oblige.

**ADV MAHLODI SAM MUOFHE**: You oblige, yes.

10 **CHAIRPERSON**: And I said well, it might not have meant that you were going to say no, but you might have just wanted to know how it came about that he chose you among others to be in the reference group, but you indicated that you were not – it was not something that you were particularly interested in as I understand your position, in knowing?

**ADV MAHLODI SAM MUOFHE**: To serve in the reference group?

**CHAIRPERSON**: No, to know why he chose you?

**ADV MAHLODI SAM MUOFHE**: Yes...[intervenes]

**CHAIRPERSON**: My understanding of your evidence.

20 **ADV MAHLODI SAM MUOFHE**: More especially, Chair, because that request for me to serve him came through my former boss, former Minister Ramatlhodi who also encouraged me to go and assist if possible.

**CHAIRPERSON**: Ja, no, that might explain why you would accept. My question was why you would not be interested to know how somebody that you did not know, decided that you should be his advisor?

**ADV MAHLODI SAM MUOFHE:** If it was not through my former boss, Minister Ramatlhodi I would have asked, because in reality, Chair, I did not know former Minister Nhleko, but I basically softened up in the sense that my former boss also said it is a good thing to do and my former boss and the former Minister Nhleko, because they were both cabinet Ministers, they knew each other, so I think I basically took it in that context that if my former boss is agreeable to it, it is okay.

**CHAIRPERSON:** Okay, let us continue.

**ADV REFILOE MOLEFE:** Thank you, Chair. Adv Muofhe did you know how it came to Minister Nathi Nhleko's knowledge that the former President wish to appoint you as the  
10 Director of the NPA?

**ADV MAHLODI SAM MUOFHE:** Did I?

**ADV REFILOE MOLEFE:** Did you know – or in fact let me rephrase that. Did you ask Mr Nhleko how he came to know that the former President wanted to appoint you as the Director of the NPA?

**ADV MAHLODI SAM MUOFHE:** Former Minister Nhleko when I was in Cape Town he informed me that the former President informed him to make this arrangement. So I did not know what transpired between the two of them.

**ADV REFILOE MOLEFE:** Thank you. Going back to your meeting with the former President you were still telling the, Chair, who called for the meeting that appears under  
20 paragraph 10 particularly 10.2 of your statement.

**ADV MAHLODI SAM MUOFHE:** Yes, the former Minister of SAPS PA coordinated these meetings and she would now and then tell me to be on standby. At times I would be told that I must go, I must be at Sheraton, because the President is around and he would want to meet with me. As we know Presidents are busy, so you basically, you wait, because the President is busy with other engagements, if he finishes off early you

may be next in line to go and meet with him so there were a number of days in between up until the meeting eventually took place.

**CHAIRPERSON**: It is one or two minutes past 16:00. Ordinarily we would finish at 16:00, but I would prefer that we try and finish Mr Muofhe's evidence. Is it convenient to you if we continue, I suppose that we would finish in the next 30 minutes or so. Ms Molefe is that your feeling too?

**ADV REFILOE MOLEFE**: It is, Chair, at most about 45 minutes.

**CHAIRPERSON**: 45 minutes, would that be fine with you?

**ADV MAHLODI SAM MUOFHE**: That will be fine, Chairperson.

10 **CHAIRPERSON**: That will be fine, okay, alright.

**ADV REFILOE MOLEFE**: Thank you, Chair. Can you then take us through the meeting and what transpired in that meeting between yourself and the former President?

**ADV MAHLODI SAM MUOFHE**: Basically my engagement with the former state President, is that what you are asking?

**CHAIRPERSON**: Yes, what happened at that meeting?

20 **ADV MAHLODI SAM MUOFHE**: The – well paragraph 10.6, Chairperson, page 46 in attendance at the meeting were former President himself and former Minister Nhleko and myself. We discussed various matters of interest, especially the ANC in general since what bound us together in reality was the ANC. I was keen to hear the real reason for the call to meet...[intervenes]

**CHAIRPERSON**: Raise your voice a bit.

**ADV MAHLODI SAM MUOFHE**: I was keen to hear the real reason for the call to meet the former President. The former President at a personal level is such a personable person and protocol constrained me from asking him what the real purpose of the

meeting was until he himself got to the point. Former President opened the discussion on the real reason for the meeting. He wanted me to go and direct the NPA. During question time amongst the few that I asked him was, A, why me? B, what role did the person Mr Naxana I was going to replace do as Director NPA so that I do not commit the same wrongs, and C, Mr President what will happen if I were to charge you personally as President for criminal offences.

**ADV REFILOE MOLEFE**: Yes, and staying on paragraph 10.10 why did you ask the former President what would happen if you were to charge him personally as the President for criminal offences?

10 **ADV MAHLODI SAM MUOFHE**: I am being asked, Chair, to be a Director of prosecutions in the country. It is not an easy task. It is something which one personally, I feel one then would need to find out, you know, essentially the questions that I asked especially, because in my view Mr Naxana was doing a great job at the NPA. So I just, still to date did not understand the real issues why Mr Naxana had to leave the NPA. That is why I asked those questions, because I needed – I did not want to commit if I had taken the post to commit the same mistakes that were done, and when I asked why me the President said he believes that I have what it takes to stabilise the NPA, which was in turmoil. It has always been in turmoil for the longest period, we all know.

20 And then I then asked him the question I asked in terms of what would happen if I would to charge him for criminal offences, because even at that time I think it was in the air that the President has committed a number of criminal offences and if I remember well the DA for the longest period kept on trying to reinstate the charges which the former President ought to have faced.

So I needed to understand that in the event that that happens, what would happen if I had to charge him, so I wanted to get his view.

**ADV REFILOE MOLEFE**: Yes, and one of the questions that you put to the former President was the wrongs or rather what wrongs did Mr Naxana commit. What was the former President's answer to that?

**ADV MAHLODI SAM MUOFHE**: Well maybe just to read, Chair, the whole...[intervenes]

**CHAIRPERSON**: Well if you can just give your evidence without reading it would be better, but if you need to refresh your memory feel free.

10 **ADV MAHLODI SAM MUOFHE**: On the wrongs of Mr Naxana the former President said to me why did Mr Naxana charge Ms Nomclowachiva? That was...[intervenes]

**CHAIRPERSON**: Okay, you tend to lower your voice.

**ADV MAHLODI SAM MUOFHE**: Apologies, Chair. On that one the former President said to me he was unhappy that Mr Naxana decided to charge Ms Nomclowachiva. Chairperson, you will recall that Mr Naxana at some point preferred criminal charges against Ms Nomclowachiva. I cannot remember what was the basis of those criminal charges, but he did and the President was unhappy about that.

**CHAIRPERSON**: And then continue tell us more about that meeting, about your exchange with the former President?

20 **ADV MAHLODI SAM MUOFHE**: And at that point, Chairperson.

**CHAIRPERSON**: Yes?

**ADV MAHLODI SAM MUOFHE**: What went on in my mind, I then felt that the former President wanted to appoint me as the Director of NPA, but Ms Nomclowachiva as the default Director of the NPA. The message that I understood was I am appointing you as long as you do not touch Nomclowachiva.

**CHAIRPERSON:** Ja.

**ADV MAHLODI SAM MUOFHE:** That was my understanding.

**CHAIRPERSON:** Yes.

**ADV MAHLODI SAM MUOFHE:** Which I was uncomfortable with.

**CHAIRPERSON:** Yes.

**ADV MAHLODI SAM MUOFHE:** And by some luck, Chairperson, in my work as a member of the reference group I also pinned an opinion just to give the background on SAPS.

**CHAIRPERSON:** Yes.

- 10 **ADV MAHLODI SAM MUOFHE:** Especially on the former commission of SAPS and Ms Rapiaga. In one of my recommendations there was that Ms Rapiaga failed at SAPS amongst other things, because she was not one of them. She was never a cop. She is a social worker. And I also worked at the Department of Correctional Services where Mr Moyane was the Commissioner of his officers at the Department of Correctional Services also did not want to salute Mr Tom Moyane, because he was not one of them.

So it is generally a known phenomenon that in the criminal justice system if you are not from within they rarely would support you. You have to come from – and so I reminded the former President about what I pinned on Ms Rapiaga and the fact that I was a DCS at the same time Mr Moyane was the Commissioner there.

- 20 It somehow resonated with him in that I was basically also saying, much as you have confidence in me I was never a prosecutor. They may not, the NPA is part of the criminal justice system, they might not respect me. They might not salute me. And he also concurred in that there was another stream of thought which he was consulting with, which told him that it is better to appoint someone from within and our minds met at that point.

And we agreed on that one that it may not be a good thing for me to be the Director of the NPA. Chair, in reality I was subtly escaping from bluntly telling the former President that if I am to be appointed as the Director of the NPA I would not want any interference in whatever form. And I would want to be the Director of the NPA and not someone else who is favoured by him. And so I was not going to accept the post, because of what he had told me, about the reasons for getting rid of Mr Naxana.

**CHAIRPERSON**: You say you were never a prosecutor, is that correct?

**ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: Never in your life?

10 **ADV MAHLODI SAM MUOFHE**: Yes, I was never a prosecutor.

**CHAIRPERSON**: Are you at the moment a view for a long time simply been with the SAPS or what?

**ADV MAHLODI SAM MUOFHE**: I have never – the criminal justice department that I worked for was the Department of Correctional Services and now as Chief Governance Officer of the Special Investigating Unit.

**CHAIRPERSON**: Yes. So professionally how could one categorise you? What is your background?

**ADV MAHLODI SAM MUOFHE**: Professionally I am a bureaucrat.

**CHAIRPERSON**: Ja.

20 **ADV MAHLODI SAM MUOFHE**: Yes, because I have always been in government.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: But you worked at Correctional Services, is that right?

**ADV MAHLODI SAM MUOFHE**: I worked at Correctional Services.

**CHAIRPERSON**: And where else?

**ADV MAHLODI SAM MUOFHE:** I worked at DMR, I was the advisor of...[intervenes]

**CHAIRPERSON:** Minister Ramatlhodi.

**ADV MAHLODI SAM MUOFHE:** Minister Ramatlhodi, former Minister Pomzile Malambo Noka, when she was a DMR and Ms Susan Shivangu at DMR. Then it was called Department of Minister and Energy. With Minister Ramatlhodi it was my second stint there.

**CHAIRPERSON:** Ja.

**ADV MAHLODI SAM MUOFHE:** And I was the head of the MEC's office in Gauteng, Department of Social Development and I also worked in the executive Mayor's office of Ekurhuleni Municipality. So I have, basically, Chairperson, worked in all the different  
10 ties of government from local, provincial to national.

**CHAIRPERSON:** You, but you have legal qualifications?

**ADV MAHLODI SAM MUOFHE:** Yes.

**CHAIRPERSON:** Okay, what are your legal qualifications?

**ADV MAHLODI SAM MUOFHE:** I am an advocate.

**CHAIRPERSON:** In terms of degrees?

**ADV MAHLODI SAM MUOFHE:** LLB.

**CHAIRPERSON:** You have got LLB?

**ADV MAHLODI SAM MUOFHE:** Yes.

20 **CHAIRPERSON:** And when did you acquire your LLB?

**ADV MAHLODI SAM MUOFHE:** 2010.

**CHAIRPERSON:** 2010?

**ADV MAHLODI SAM MUOFHE:** Yes.

**CHAIRPERSON:** So this was 2015 when you had this meeting with the former President?



**ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: So you had had a legal qualification LLB for about five years or so?

**ADV MAHLODI SAM MUOFHE**: Yes, but I have been studying it, I have worked in legal firms for a very long, long time, before then. I worked for Shanshedi Attorneys, Preshilajena attorneys in the past.

**CHAIRPERSON**: But not as an attorney?

**ADV MAHLODI SAM MUOFHE**: Yes, not as an attorney, yes, ja.

**CHAIRPERSON**: You – and when were you admitted as an advocate?

**ADV MAHLODI SAM MUOFHE**: 2011.

10 **CHAIRPERSON**: 2011?

**ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: So at the time that the President, the former President had a meeting with you and indicated that he wanted to appoint you as the head of the NPA you had the LLB degree, you had had it for about five years or so?

**ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: You had never practiced as an attorney?

**ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: You have never practiced, you have never been a prosecutor?

**ADV MAHLODI SAM MUOFHE**: Yes.

20 **CHAIRPERSON**: You had been admitted as an advocate in 2011?

**ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: But had you practiced as an advocate at all after admission?

**ADV MAHLODI SAM MUOFHE**: Not on full time basis.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAM MUOFHE**: Part time, yes.

**CHAIRPERSON:** Ja, but between 2011 and 2015 when you say practiced part time does that mean that while you were – while you may have been in whatever other job you were doing you were doing some cases on the side?

**ADV MAHLODI SAM MUOFHE:** Yes, legal work, yes, ja I was doing it.

**CHAIRPERSON:** Legal work?

**ADV MAHLODI SAM MUOFHE:** Ja.

**CHAIRPERSON:** Involving going to court or not really involving going to court?

**ADV MAHLODI SAM MUOFHE:** Not so often.

**CHAIRPERSON:** Yes.

10 **ADV MAHLODI SAM MUOFHE:** Drafting, contracts and other commercial issues, yes.

**CHAIRPERSON:** Yes. So, I would have imagined that you surely should have been quite shocked that he was thinking of appointing you to such a position to be in charge of all the prosecutors in the whole country with lots of experience when you have never been a prosecutor, you had never practiced as an attorney, you had had a law degree for only about five years, and you only practiced part time as an advocate, just a little bit and yet he wanted you to be at the head of the NPA. Was it not really a shock for you?

**ADV MAHLODI SAM MUOFHE:** Chair, it was, because criminal law generally is also not been my interest. So it was, but the former President explained that I think by virtue  
20 of being an experienced bureaucrat he needed a manager who will stabilise the NPA with a legal background, I think that was his thinking.

**CHAIRPERSON:** Yes, you may continue.

**ADV REFILOE MOLEFE:** Thank you, Chair. Moving onto paragraph 11 where you set out certain events relating to the Department of Mineral Resources, in paragraph 11.1 you reiterate the refusal to meet the Guptas as well as the refusal to bow to pressure

which Mr Brian Molefe and Dr Ben Gubane wanted to exert on the former DMR Minister Ramatlhodi and this you have testified to, through earlier paragraphs.

You then state that your quest to regulate the mining industry in a just manner affected some mines bottom line adversely, what did you mean by that?

**ADV MAHLODI SAM MUOFHE:** What I mean by that is that former Minister Ramatlhodi wanted things to be done by the book and some mines disregarded laws, governing the industry. They would flow out some rules with impunity and former Minister Ramatlhodi then said to us as officials that where the act is...[indistinct] punitive measures must be taken against those who do so. There was  
10 one company, it was Optimum Mine which by that time it was a subsidiary of Glenco Globary Resources which disregarded Section 93(1)(b) of the NPRDA and this section, Chairperson talks to mine health and safety in mines.

And Minister Ramatlhodi used to be affected by the deaths which occurred in mines, because of not adhering to this section and Optimum Mine Company flaughted this section and the directive was that that their license should be suspended, up until such time that they come with a plan to show how they are going to comply with this mine, because lives of mineworkers were important.

The suspension of that license and I think which went on for about a week or so affected their bottom line in a big way and during that period the bosses, you know,  
20 of the company sought to try and get us to lift the license without them having complied with that and former Minister Ramatlhodi would say no and indeed we did not up until such time that they complied, and they were not happy about it.

**ADV REFILOE MOLEFE:** And on paragraph 11.4 you state that your action, well our action rather, legally correct as it was irked some people. Can you specify which people you were referring to?

**ADV MAHLODI SAM MUOFHE**: Well that is what I have just said that the mine bosses were not to happy about the fact that we are suspending a license for a mine house, even for a day affects them in a big way. So they were irked by what we have done.

**ADV REFILOE MOLEFE**: Yes. In paragraph 12 you then deal with issues relating to the DPSA which you have earlier stated in your statement to be the Department of Public Service Administration.

**CHAIRPERSON**: Before you proceed onto that topic, can I go back to your meeting with the former President? So you say that your response to him when he said he wanted you to appoint as – he wanted to appoint you as the Director of the NPA, you  
10 said you told him about an opinion that you had given previously relating to the then National Commissioner of Police Ms Rapiaga in which you had said that she had failed because she did not come from within the police, within the ranks of the police. Is that right?

**ADV MAHLODI SAM MUOFHE**: Yes, Chair, amongst other things.

**CHAIRPERSON**: Ja, among other things, and you also say you said to him the same had happened with Mr Tom Moyane when he was National Commissioner of Correctional Services. You say you said he had not come from within the ranks of Correctional Services and therefore some of the officials at Correctional Services did not want to salute him. He was not being accepted fully?

20 **ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: So in other words you were in effect saying that is what will happen to me as well, if you appoint me as head of the NPA?

**ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: Because I would not be coming from within their ranks, I have never been a prosecutor?

**ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: Now you did ask – you did say you asked him, why you?

**ADV MAHLODI SAM MUOFHE**: Yes.

**CHAIRPERSON**: Now that you have told me that you have never been a prosecutor, you had acquired your LLB degree in 2010 and bla-bla-bla-bla-bla-bla, I am interested to know what he advanced as the basis for him saying he thought you had what it would take to stabilise the NPA?

**ADV MAHLODI SAM MUOFHE**: Chair, he basically said that the NPA is in turmoil administratively, not necessarily in terms of you know prosecutors executing their duties  
10 in courts. I think we know they do that on a daily basis, but even as of now we know that at management level there had been a lot of problems at the NPA and I think the former President thought that with my managerial skills I would probably be in a position to stabilise the management of the NPA.

**CHAIRPERSON**: Yes, I understand that, but what I want is what his basis was for thinking that of all the people you would or you have what it would take with, whether he articulated that or not?

**ADV MAHLODI SAMUEL MUOFHE**: I wouldn't know, Chairperson what his basis –  
[Intervenes]

**CHAIRPERSON**: Yes.

20 **ADV MAHLODI SAMUEL MUOFHE**: For coming to – for approaching me was.

**CHAIRPERSON**: And you had never been asked for his CV to be sent to either him or to Minister Ntlego to say maybe it is what he saw in your CV?

**ADV MAHLODI SAMUEL MUOFHE**: No the, the CV they had.

**CHAIRPERSON**: They had the CV?

**ADV MAHLODI SAMUEL MUOFHE**: Yes, that process ran at the same time with the CV and everything else.

**CHAIRPERSON**: Oh okay.

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: Had you, had you been, had you, did you have a lot of managerial experience within Government?

**ADV MAHLODI SAMUEL MUOFHE**: Yes, I've been in Government for a very long time.

**CHAIRPERSON**: But I am now talking more in terms of being a leader.

10 **ADV MAHLODI SAMUEL MUOFHE**: Yes I've been – [Intervene]

**CHAIRPERSON**: Being a manager, being a, what positions had you held?

**ADV MAHLODI SAMUEL MUOFHE**: In fact – [Intervene]

**CHAIRPERSON**: Of leadership management.

**ADV MAHLODI SAMUEL MUOFHE**: When I joined Government I joined Government at senior management level throughout my time my life.

**CHAIRPERSON**: Senior manage?

**ADV MAHLODI SAMUEL MUOFHE**: Senior management level throughout my period in Government.

20 **CHAIRPERSON**: Yes. Well when you leave it at simply saying senior management level it doesn't tell me much. Were you Director general? Were you Deputy Director general? Were you Chief Director?

**ADV MAHLODI SAMUEL MUOFHE**: Chief Director and acting DDG and as a special advisor to the Minister I was always at DG level.

**CHAIRPERSON**: Yes, so in terms of permanent position within Government, within a Government Department at a permanent level the position you would have held would

have been Chief Director?

**ADV MAHLODI SAMUEL MUOFHE**: Chief, starting from senior management level at Government you'll start at Director, DGG and DG.

**CHAIRPERSON**: And acting – DG or acting DG?

**ADV MAHLODI SAMUEL MUOFHE**: I acted as acting DDG when I was acting Head of Department of Social Development in Gauteng and when I advised Minister Ramatlhodi I advised him at DG level.

**CHAIRPERSON**: Yeah, okay alright, no that is fine. DDG was which Department?

**ADV MAHLODI SAMUEL MUOFHE**: That is when HOD's in the province.

10 **CHAIRPERSON**: Yeah.

**ADV MAHLODI SAMUEL MUOFHE**: I acted at DDG level.

**CHAIRPERSON**: Oh okay and so which, was it Limpopo province? Which province were you in?

**ADV MAHLODI SAMUEL MUOFHE**: No Chairperson I am from Soweto.

**CHAIRPERSON**: Huh?

**ADV MAHLODI SAMUEL MUOFHE**: I am from Soweto, I am not from Limpopo.

**CHAIRPERSON**: Oh sorry, I apologise. I apologise I think it is because when you told me about your surname you said it is a Venda surname?

**ADV MAHLODI SAMUEL MUOFHE**: Yes, no I am from Soweto.

20 **CHAIRPERSON**: Okay. Okay, no I just want to get particulars ...[intervenes]

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: So you were DDG in Gauteng? In one of the provincial Departments in Gauteng?

**ADV MAHLODI SAMUEL MUOFHE**: Acting HOD which is at a DDG level.

**CHAIRPERSON**: Oh okay, okay.

**ADV MAHLODI SAMUEL MUOFHE**: Yes, yes.

**CHAIRPERSON**: No thank you I just wanted to get a full picture but then there is one aspect which I want you to confirm in your statement you said that the former President said, Mr Ntlasana charged Miss Jiba unnecessarily. I just, because I think when you gave evidence you were not necessarily looking at the statement.

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: I just want to confirm whether that is what he said.

**ADV MAHLODI SAMUEL MUOFHE**: Yes that is what he told me.

**CHAIRPERSON**: Oh okay.

- 10 **ADV REFILOE MOLEFE**: Thank you Chair. Going back to paragraph 12 on page 49 of your statement you then set out events relating to another reshuffle. Can you please take the Chair through that?

- ADV MAHLODI SAMUEL MUOFHE**: Chairperson on Tuesday, 22<sup>nd</sup> September, Former Minister, Former President Mr Zuma reshuffled cabinet and moved former Minister Ramatlhodi from DMR to DPSA. Former Minister Ramatlhodi once at DPSA restarted the process of reviewing the Ministerial handbook. Former Minister Ramatlhodi drastically altered the manner in which public servants in particular used to be employed to senior positions in Government. Some who were appointed were often ill-qualified for senior positions before he altered the directive. Former Minister
- 20 Ramatlhodi came up with a stringent employment directive which stipulated needed, especially for senior positions in Government e.g. DGs and DDGs.

**ADV REFILOE MOLEFE**: You then move on to the DMR or as you've titled it DMR Former Minister Mosebenzi Zwane from paragraph 13 of your statement.

**ADV MAHLODI SAMUEL MUOFHE**: Yes.



**ADV REFILOE MOLEFE:** In paragraph 13.1, in fact please just clarify during the events that you speak to under paragraph 13, what position did you and advocate Ramatlhodi hold?

**ADV MAHLODI SAMUEL MUOFHE:** We were at DPS, which paragraph are you talking about?

**ADV REFILOE MOLEFE:** Paragraph 13 you were at DPSA.

**ADV MAHLODI SAMUEL MUOFHE:** Oh yeah, at that point I was Special Adviser to Minister Ramatlhodi. We were DPSA.

**ADV REFILOE MOLEFE:** Okay and in paragraph 13.1 you speak of a resignation.

10 Who had resigned?

**ADV MAHLODI SAMUEL MUOFHE:** Yeah, just to put this in context former Minister Ramatlhodi explained this phenomenal. The Minister of DPSA processes the appointments to cabinet of DDGs and DGs. Different Departments, Ministers in different Departments will advertise posts for DGs, DDGs, they'll shortlist, interview candidates but they have to, after doing those processes, they've got to submit their submissions to the Minister of Public Service and Administration to process to cabinet because DDGs and DGs are cabinet appointments.

Now the Minister of DPSA is not simply a conduct to say submissions have come through. He is duty bound to look at whether processes were properly followed  
20 by Department X or so and in recommending candidate X, why to be a DG or DDG. Now if the Minister of DPSA if he finds out that the person Minister X wants to appoint as a DDG or a DG, does not meet the requirement of the post, the Minister of DPSA rejects that submission. So, in other words, the person it has got a saying you'll get a regret letter that you are unsuccessful in applying for that post. So I bring in a DMR here in the sense that in paragraph 13.1, page 49, Doctor Thibedi Ramontja, a

distinguished scientist who was the Director general DMR, resigned and the Chairperson, when former Minister Ramatlhodi was here, wanted to find out specifically what his qualifications were.

He was a doctor of Geology. He has been the CEO of Council for Geoscience. He has been in that space for a very long, long time and he's a distinguished science. He's a professor of Geology now at Wits.

**CHAIRPERSON**: So you did say that, or maybe Mr Ramatlhodi might have been the one that said this, that you were a DMR even before Minister Ramatlhodi was appointed Minister of DMR. Is that correct?

10 **ADV MAHLODI SAMUEL MUOFHE**: Yeah I worked for, then it was not called DMR it was called Department of Mineral Resources.

**CHAIRPERSON**: Yeah.

**ADV MAHLODI SAMUEL MUOFHE**: And then yeah. When former Minister Phumzile Mlambo ...[intervenes]

**CHAIRPERSON**: Raise your voice. Raise your voice.

**ADV MAHLODI SAMUEL MUOFHE**: Oh when former Minister Phumzile Mlambo-Ngcuka was the Minister.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: That time. Yes.

20 **CHAIRPERSON**: So how, you were at the Department that was ultimately called DMR. You were there from when to when?

**ADV MAHLODI SAMUEL MUOFHE**: With Minister Ramatlhodi we started – [Intervene]

**CHAIRPERSON**: With all the Ministers that you went through just I want to know how long your spend there was?

**ADV MAHLODI SAMUEL MUOFHE**: My first thing I cannot remember how long I was

at the DMR that time. I cannot remember how long it took because I then moved from that Department to go and head the MEC's office in Gauteng. Head of Social Development. Thereafter I left and went to Ekurhuleni and worked in the executive mayor's office.

**CHAIRPERSON**: Yeah but were you advisor to Minister Shabangu as well?

**ADV MAHLODI SAMUEL MUOFHE**: Yes Minister Shabangu was the Deputy Minister.

**CHAIRPERSON**: Oh.

**ADV MAHLODI SAMUEL MUOFHE**: Of former Minister Phumzile Mlambo-Ngcuka.

**CHAIRPERSON**: Oh okay.

- 10 **ADV MAHLODI SAMUEL MUOFHE**: Deputy Ministers do not have the right to appoint special advisors, it is only Ministers who can.

**CHAIRPERSON**: Oh okay.

**ADV MAHLODI SAMUEL MUOFHE**: But once you appointed you advice the Ministers.

**CHAIRPERSON**: Both?

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: Oh okay. So during, well Miss Mambo-Ngcuka would have been there up to 2008, I would imagine because if I recall correctly [intervene]

**ADV MAHLODI SAMUEL MUOFHE**: Yes, yes.

**CHAIRPERSON**: She did not come back after President Mbeki resigned.

- 20 **ADV MAHLODI SAMUEL MUOFHE**: Yes, yes.

**CHAIRPERSON**: But you continued until you had to come to the Gauteng Department that you talking about.

**ADV MAHLODI SAMUEL MUOFHE**: Yes until I came to Gauteng Department of Social Development after which I left for Ekurhuleni Municipality.

**CHAIRPERSON**: Oh okay and when did you go back to what is essentially DMR?

Before Ramatlhodi?

**ADV MAHLODI SAMUEL MUOFHE:** No, no I went when, when former Minister Ramatlhodi was appointed as Deputy Minister of the Department of Correctional Services he requested me to come and join him at DCS. So I was with former Minister Ramatlhodi when he was a Deputy Minister at DCS. So in 2014 when former state President appointed him as Minister of DMR I moved with him to DMR.

**CHAIRPERSON:** Oh.

**ADV MAHLODI SAMUEL MUOFHE:** Yes.

**CHAIRPERSON:** It is just that I think he may have been mistaken. I think when he  
10 gave evidence I thought he said he found you at DMR.

**ADV MAHLODI SAMUEL MUOFHE:** He probably meant that I had worked at DMR before he became the Minister there. I think that is what he was saying.

**CHAIRPERSON:** Yeah, okay, okay. Well maybe I ask you this question because I've asked you about during the time of Miss Shabangu but you said Miss Shabangu wasn't Minister, she was Deputy Minister.

**ADV MAHLODI SAMUEL MUOFHE:** At the time.

**CHAIRPERSON:** At the time. Do you know anything about mining indabas that were held in Cape Town by the Department, at any stage prior to Minister Ramatlhodi's time?

**ADV MAHLODI SAMUEL MUOFHE:** Yes I attended.

20 **CHAIRPERSON:** You attended some of them?

**ADV MAHLODI SAMUEL MUOFHE:** Yes.

**CHAIRPERSON:** How did they come about? Can you just tell me a little about them? I understand from Minister Ramatlhodi's evidence that there would be a mining indaba that would take place at whatever venue in Cape Town but in the evening or in the afternoon the people who attending or some people who were attending the mining

indaba would be invited to a Gupta house where they would be another gathering and the Department would be, I want to say invited, but I do not know whether you might say directed, to attend?

**ADV MAHLODI SAMUEL MUOFHE:** It has always been the tradition Chair of the mining indaba that the mining indaba would run for the whole week in Cape Town. It has always been held in Cape Town and there will be different sessions. It was a real platform for marketing.

**CHAIRPERSON:** So it was not a one day affair?

**ADV MAHLODI SAMUEL MUOFHE:** It was not a one day affair. It is an event. In fact  
10 it is an annual event. It has been taking place almost annually all the time.

**CHAIRPERSON:** Yes.

**ADV MAHLODI SAMUEL MUOFHE:** During the day there will be various speakers talking about different topics in the mining space and because many people came from all over the world and in the country as well, in the sector. In the evening different people would organise their own functions. Networking functions. For example, you know a big firm like Edwin Nathan would invite people to their offices and dine them and another firm, Webber Wentzel, I am just talking about legal ones, you now that you know. Or sometimes it would be a firm of, an auditing firm. So it was not uncommon that there'd be various activities where people will be invited for dinners there.

20 **CHAIRPERSON:** So what you are saying is there may have been, or there were, instances where the Gupta family might have invited some people attending the mining indaba to their own residence but they were not the only ones. There were other groupings including maybe auditing firms and other people who would invite people attending ...[intervenes]

**ADV MAHLODI SAMUEL MUOFHE:** Yes.

**CHAIRPERSON:** The mining indaba to come to their offices or whatever venue for purposes of networking.

**ADV MAHLODI SAMUEL MUOFHE:** Yes. Put simply Chairperson when there is a Derby at FNB there are suits there. Different companies would invite their customers.

**CHAIRPERSON:** Yeah.

**ADV MAHLODI SAMUEL MUOFHE:** To wine and dine them there during the game so there mining indaba was such a platform where companies would also, as a way of interacting with everybody else, they'd choose who they want to invite to go and maybe have dinner with. Yes.

10 **CHAIRPERSON:** So, the officials of the Department ,including Minister and Deputy Minister, as far as you know they would go to different places where they may be invited or which may have included invitations to the Gupta function or would the position be that they more often than not just went to the Gupta one?

**ADV MAHLODI SAMUEL MUOFHE:** Usually officials of the Departments are technocrats just to say that the events even thought they were not really directly involved in managing the event because there was an events company staging. There is an events company which stages the mining indaba. People will be invited to this meetings would be senior company executives and politicians because with the mining indaba not only is it attended by the Minister and Deputy Minister of DMR, even  
20 other Ministers attend. So they will be invited to different places to go and interact with people.

**CHAIRPERSON:** Okay thank you. Miss Molefe?

**ADV REFILOE MOLEFE:** Thank you Chair. The next aspect that you deal with in the paragraph 13.4 of your statement relates to a submission received from former DMR Minister Zwane. Can you tell us about the submission and what it related to?

**ADV MAHLODI SAMUEL MUOFHE:** Yes, as I stated Chairperson that Ministers in different Departments will advertise posts and DDGs and DGs cabinet approved posts. During our period at DPSA with former Minister Ramatlhodi a submission from former DMR Minister Zwane was brought in 2016 to process the appointment of Mr. Mzwanele Manyi as DG, DMR. Former Minister Ramatlhodi on perusing the advert and Mr. Mzwanele Manyi's curriculum vitae concluded that the panel of Ministers who interviewed Mr. Mzwanele Manyi add in proposing that Mr. Mzwanele Manyi be appointed as DG, DMR because Mr. Mzwanele Manyi did not possess the qualifications which were stipulated in the advert for the post. The former Minister thus rejected the submission.

10

**ADV REFILOE MOLEFE:** When the submission was made by Mr Msebenzi Zwane, what position did Mr. Msebenzi Zwane hold?

**ADV MAHLODI SAMUEL MUOFHE:** What?

**ADV REFILOE MOLEFE:** What position did Mr. Msebenzi Zwane hold?

**ADV MAHLODI SAMUEL MUOFHE:** Mr Msebenzi Zwane replaced former Minister Ramatlhodi when former state President reshuffled former Minister from DMR to DPSA. Mr Zwane became the Minister of DMR.

**ADV REFILOE MOLEFE:** And this submission that he made can I take you to page 29 to 30 of the bundle?

20 **ADV MAHLODI SAMUEL MUOFHE:** Page 29?

**ADV REFILOE MOLEFE:** Yes.

**ADV MAHLODI SAMUEL MUOFHE:** Page 29?

**ADV REFILOE MOLEFE:** Page 29, yes.

**ADV MAHLODI SAMUEL MUOFHE:** Yes.

**ADV REFILOE MOLEFE:** Can you tell the Chair what that document is?

**ADV MAHLODI SAMUEL MUOFHE:** This was a letter penned by former Minister Zwane to former Minister Ramatlhodi where he was telling former Minister Ramatlhodi about a feeling of the vacant post of Director general – [intervene]

**CHAIRPERSON:** Your voice has gone down again.

**ADV MAHLODI SAMUEL MUOFHE:** Apologies Chairperson. This letter came from former Minister Zwane, who was the Minister of DMR at the time addressed to former Minister Ramatlhodi who was the Minister of DPSA and its related to the feeling of the vacant post of Director-General Mineral Resources, Department of Mineral Resources.

**ADV REFILOE MOLEFE:** Yes and can I take you then to page 27 to page 28?

10 **ADV MAHLODI SAMUEL MUOFHE:** Page?

**ADV REFILOE MOLEFE:** 27 to 28. In his evidence advocate Ramatlhodi stated that that was his reply to Minister Msebenzi Zwane, or then Minister Msebenzi Zwane. Are you aware of the contents of this letter?

**ADV MAHLODI SAMUEL MUOFHE:** Yes I am aware of the content of this letter.

**ADV REFILOE MOLEFE:** Could you briefly paraphrase what the letter states?

**ADV MAHLODI SAMUEL MUOFHE:** Former Minister Ramatlhodi ...[intervenes]

**CHAIRPERSON:** Well, Miss Molefe I do not know if you really need to do that because we do know what the letter says Minister Ramatlhodi did told us and we do know that the witness has already indicated what the reason was why Mr Manyi was not  
20 appointed because I guess that is you main issue.

**ADV REFILOE MOLEFE:** Certainly Chair, thank you. Can I then take you back to a statement Advocate Muofhe. We were at page 50 of your statement.

**ADV MAHLODI SAMUEL MUOFHE:** Page 50.

**ADV REFILOE MOLEFE:** You set out in your statement why Mr. [intervene]

**ADV MAHLODI SAMUEL MUOFHE:** Paragraph?



**ADV REFILOE MOLEFE**: Paragraph 13.5 on page 50.

**ADV MAHLODI SAMUEL MUOFHE**: Yes.

**ADV REFILOE MOLEFE**: You set out the reasons why Mr Mzwanele Manyi failed to make it as the DG. Can you state those reasons?

**ADV MAHLODI SAMUEL MUOFHE**: Mr Mzwanele Manyi failed to make it as the DG simply because he did not have the qualifications for the post.

**ADV REFILOE MOLEFE**: Yes, and did you, moving on to page 51, was there any response or reaction by Mr. Manyi to his not being appointed as the DG?

**ADV MAHLODI SAMUEL MUOFHE**: Yes, Mr, Mzwanele Manyi called me soon after he  
10 was informed probably by former Minister Zwane that former Minister Ramatlhodi rejected his application. So Mr Mzwanele Manyi called me. One, because I am the special advisor to former Minister Ramatlhodi. Two, we know each other too well with Mzwanele Manyi and he called me, it was in 2016. On a Saturday and he said he wanted to see me urgently. I then told him I would not be able to see him because at that period my wife was suffering from lung cancer, stage 4. She was in hospital. Basically, you know, the last days of her life so I then told him that no I am at hospital. I am at Olivedale hospital. It will not be possible for us to meet.

He do not seem to appreciate my vulnerable status at the time. He then said no he has something very, very urgent to tell me and he wanted time and then because  
20 we know each other and, not so much that he insisted, but we know each other and I told him my position and when he's got something very urgent to tell me I told him that well I am at the hospital you can come you'll meet me at the hospital and indeed he came at Olivedale Hospital. We met there and at the hospital he told me that former state President Zuma was terribly unhappy about me and former Minister Ramatlhodi because we did not process his appointment to cabinet.

According to him he was the most suitable person to be DG of DMR and so he basically wanted to say that former President wanted that decision reversed and because I am the special advisor to Advocate Ramatlhodi I should say to him that decision former Minister Ramatlhodi he is rescinded and we process the appointment, his appointment as DG of DMR.

I told him that the reason why he was not appointed was simply because he did not meet the requirements needed for the post and Minister Ramatlhodi had no other reason not to appoint him but for the fact that he was not suitably qualified for the post. Ja he left but he expressed that the President is extremely disappointed by that  
10 act.

**CHAIRPERSON**: So do you remember what Mr Manyi's qualifications were because it may be that I am sure they were addressed in the correspondence that was sent to ...[intervenes]

**ADV MAHLODI SAMUEL MUOFHE**: Yes, the adverts, Chairperson, for DJ's in the 2016 directive, authored by former Minister Ramatlhodi, was minister DPSA, seek to ensure that people get appointed with necessary qualifications for posts, so, the advert for the Director General, for example, would have said that a B-degree plus a post qualifications, and Mr Manyi do not possess a junior degree or even a senior degree at the time.

20 **CHAIRPERSON**: What qualification, academic qualification, did he have at the time, as you remember?

**ADV MAHLODI SAMUEL MUOFHE**: If I recall, he had a diploma in geology. That is what I can remember.

**CHAIRPERSON**: Yes.

**ADV MAHLODI SAMUEL MUOFHE**: And some certificate from Harvard. I cannot

remember what was it all about. But clearly, he did not meet the requirements for the post of DG.

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

**ADV REFILOE MOLEFE**: Now, from your entire action with Mr Manyi, and Mr Manyi having stated that the pertubance of the former president, were you of the view that Mr Manyi himself expected to have been appointed?

**ADV MAHLODI SAMUEL MUOFHE**: Yes, he actually told me that he is the best candidate to advance the cause of economic transformation of the mining sector as DG of that department, but besides, he was an experienced DG, according to him.

10 Because before that directive he was the DG of Labour, the DG of GCIS before the commencement of the 2016 directive. So, he was basically making a case that that matter be revisited. That also, Chairperson, took me aback, in the sense that it is a bit unheard of and uncommon for a candidate in a post to go and impress upon a minister. Indirectly he was really speaking to the former Minister of DPSA, through me, that this decision has got to be reversed. And which if it were to be done, it would have compromised the whole process because what about the other candidates who did not have the power which he had, because of his proximity to the president, because when he came to me the urgency of him having to meet me, even in the state in which I was, emanated from the fact that he needed to tell me that the former President was

20 perturbed by me and I guess me as the special advisor there is a notion that whatever ministers do, they do on the advise of special advisors. But in this instance, even if one was not an advisor, because the directives are published, you know, it is basically looking at the directives. Anybody, you do not have to be a special advisor, you know the directives, this is what the directive is saying, this is what the advert is saying, if the

applicant does not meet the requirements as per the directive and the advert, you do not appoint.

**CHAIRPERSON**: So, you parted on what basis with him?

**ADV MAHLODI SAMUEL MUOFHE**: Well, I told him that there is no ways in which this was going to be done, but he emphasised that I should know that the President still will not be happy if ...[intervenes]

**CHAIRPERSON**: That the president - he said you should know that the President will not be happy?

**ADV MAHLODI SAMUEL MUOFHE**: Ja, in the sense that he was trying to convey this  
10 message which was so urgent according to him, subjectively so I think, because he clearly did not meet their requirements. But I think the urgency of it was that the President wanted him to be the DG of DMR and if someone who is invited by the President to serve in his Cabinet he is being told to reverse what he has done, and still he sticks to his guns, that person must know that there may be some trouble looming ahead. But we are friends with Jimmy, so we still parted on that friendly note. We still remain friends, even up to now whenever we meet.

**CHAIRPERSON**: I understand you to be saying, you are not saying that he said to you that there will be trouble, but I understand you to be saying the tone and basis of your parting on that occasion left you with, was that you felt well, arising out of us, that is you  
20 and Minister Ramatlhodi, insisting that we are not changing this position, there may be trouble. It was your own thinking?

**ADV MAHLODI SAMUEL MUOFHE**: It was my own thinking, Chair, and probably if tested objectively I am sure would still come to my thinking in the sense that the urgency of the meeting was, according to him, not so much his own, but it was from the president who needed that issue to be corrected there and then. So, he then decided,

because of the urgency of that matter to come and see me, even when I told him that I was in hospital, on something which was more critical for me – life, someone who is at stage 4 of any cancer, but if weighing the two, the urgency was still more important than the life that was basically ebbing away in the hospital, it meant that if you do not correct this thing, that is the only interpretation, I think, objectively, would get to, but if you do not correct this mistake, trouble may come your way.

**CHAIRPERSON**: So, would it be fair for somebody to say that visit by him to you was meant to put pressure on you and Minister Ramatlhodi to change the decision, or would you say it was simply to try and persuade you to change the decision?

- 10 **ADV MAHLODI SAMUEL MUOFHE**: Chair, I can equate it to the letter which directed us initially to go for – to Saxonwold for dinner and the telephone call. It was an urgent meeting, and a meeting which meant to tell me that the former president is unhappy about the decision former minister had taken, and the only way to atone for that mistake, so to speak, done by former Minister Ramatlhodi, of sticking to the law, had to be corrected, to do something wrong, to appoint him or process his appointment to cabinet, albeit him not fitting the bill. So, the meeting was meant to direct me and indirectly former Minister Ramatlhodi to correct that mistake otherwise there will be trouble.

**CHAIRPERSON**: There could be trouble?

- 20 **ADV MAHLODI SAMUEL MUOFHE**: Yes.

**CHAIRPERSON**: Okay, thank you.

**ADV REFILOE MOLEFE**: Thank you Chair and did the former President Mr Jacob Zuma speak to you about the appointment issue?

**ADV MAHLODI SAMUEL MUOFHE**: The former?

**ADV REFILOE MOLEFE:** The former President, Mr Jacob Zuma did he speak to you about the same appointment issue? Did he ever have any interaction with you regarding the appointment issue?

**ADV MAHLODI SAMUEL MUOFHE:** Of Mr Manyi?

**ADV REFILOE MOLEFE:** Of Mr Manyi, yes.

**ADV MAHLODI SAMUEL MUOFHE:** No, the only interaction I had with the former President was when he wanted to appoint me as the Director of MPA but on this one it was Mr Manyi telling me what the feelings of the former state President's were in relation to his non-appointment as DG of the Department of Mineral Resources.

10 **ADV REFILOE MOLEFE:** Yes and do you know whether the former President ever spoke to Advocate Ramatlhodi about the same appointment issue?

**ADV MAHLODI SAMUEL MUOFHE:** Former Minister Ramatlhodi didn't tell me if the former President directly spoke with him about it. He didn't tell me about that one.

**ADV REFILOE MOLEFE:** Thank you. In paragraph 14 of your statement you then move to issues relating to Mr Themba Maseko and the former and the retired former director generals rather, you speak of complaints that were raised by them. Can you explain what the cause of the complaints were?

**ADV MAHLODI SAMUEL MUOFHE:** Chairperson Mr Themba Maseko appeared before this commission and stated as former DGs their attempts to meet with former  
20 Minister Ramatlhodi as Minister of DPSA were futile and they wanted to meet with him because they really wanted to tell former Minister Ramatlhodi to resign the former state President.

Their letter came to me. Still as a Special Advisor, Chairperson and the former DGs and I, you know, I know most of them including Themba Maseko. When that letter landed on my desk I realised that there were really foreign shopping out of their

frustrations because I think they'd gone to Luthuli house, they'd gone almost everywhere, especially Themba Maseko wanting to right the wrongs which Themba Maseko spoke to when he appeared before this commission. So, I think they were basically trying any other avenue perhaps which could work in the view to try and get the President's attention, the former President's attention that what he was doing was short of saying he's managing the country wrong.

Upon my perusal of that letter which was signed by all former DGs, I felt that there was nothing that former Minister Ramatlhodi could do and I told some of the them telephonically that there's no point in expecting former Minister Ramatlhodi to reign in  
 10 the former state President. Mr Ramatlhodi serves at the behest of the President. In fact Mr Ramatlhodi himself, he's a subject of National reshuffles by the state President. I cannot see any Minister basically reigning the President. I mean that could only be done by his political party because it deploys to government anyway. So there was no purpose in my view for us former Minister Ramatlhodi and I to meet the DGs. Much as we understood the problems and so that was the position and I was happy when I heard the Chairperson of this commission making a clarion call to DGs in general to volunteer themselves to come and appear before this commission because if DGs indeed appear before this commission, DGs former DGs and current especially those whose departments were by largely effected by interference from the Executive, there  
 20 will share more light in showing this commission how cracks come about in governance, in government and if that would to happen, if DGs, former and current, appear before this commission, this commission will instruct much value from their participation so much so Chairperson that if they do come they may even be a need for the country to look at how to manage the relations between Executive and their accounting officers. Accounting officers meaning DGs, HODs of departments,

municipal managers, Executives, meaning MECs, mayors, ministers and Presidents for that matter. Because the balance of that scale is nowhere near being equal. Accounting officers in some instances work under immense pressure to do wrong things.

There are very few accounting officers who would be as strong as Themba Maseko and I remember one former DG of Gauteng, DG Malele Mpetje who opted to resign instead of doing wrong things.

**CHAIRPERSON:** What is his or her name?

**ADV MAHLODI SAMUEL MUOFHE:** Malele Mpetje. He was the DG of Gauteng, I  
10 think during former premier of Gauteng's time Miss Nomvula Mokonyane. He opted to resign. Themba Maseko couldn't also continue doing or executing instruction which were in conflict with the law and the PFMA but that cannot be said for everybody and not because people want to do wrong things. There are other considerations. You know people have families and children to support. You then get to a stage where you have to weigh do I take my jacket and walk away. What about my bond? What about my children at school? So there may be a need to do that introspection in terms of balancing those things so that Executives, Executive authorities know what duties, Visa Vee duties expected from accounting officers. In terms of the constitution, the PFMA and all other policies, if we get that right from a government's point of view we should  
20 be able to correct many of the ills that we face. Because at that level, we cannot as a country account why a department will collapse to almost zero cent when that department is fully staffed by DGs, DDGs, everybody there maybe, there must be other reasons, which if looked into we may get to a situation where we realize that they may have been summoned to influence to do things incorrectly and the DG's or HOD's or city managers in Municipalities cannot resist because if they do it means losing their



jobs. Same applies to CFO's of this departments. CFO's if they do their job diligently there is no reason why we should be complaining and saying massive saves of flows of money, you know going out of the system. When we've got all the legal instruments to ensure that every cent can be accounted for.

**CHAIRPERSON:** Thank you.

**ADV REFILOE MOLEFE:** Thank you Chair. Earlier you mentioned irrational reshuffling by the former President and in fact that is also what you mentioned in paragraph 14.7 of your statement. Now it might be argued that the reshuffling of Cabinet is the prerogative of the President. Do you have any comment on that, given what you've

10 said in your statement?

**ADV MAHLODI SAMUEL MUOFHE:** Paragraph?

**ADV REFILOE MOLEFE:** 14.7.

**ADV MAHLODI SAMUEL MUOFHE:** Where I am saying former Minister Ramatlhodi, himself was a victim of former President's irrational reshuffling?

**ADV REFILOE MOLEFE:** Yes.

**ADV MAHLODI SAMUEL MUOFHE:** And what is your question?

**ADV REFILOE MOLEFE:** My question is it might be argued that the reshuffling of cabinet falls within the prerogative of a President. Now you do you have any comment in light of what you've stated about irrational reshufflings as I quote you on paragraph

20 14.7.

**ADV MAHLODI SAMUEL MUOFHE:** Chairperson we all accept that it is the prerogative of any state President to invite and or it is invite members to serve in his ...[intervenes]

**CHAIRPERSON:** To appoint or disappoint?

**ADV MAHLODI SAMUEL MUOFHE:** Yes, ja. To do all those things. But I think we must also be guided by our Supreme Law the Constitution which says anything in consistent, any decision in consistent with the pre-scripts of the Constitution is unlawful.

So even if the President has that prerogative, that prerogative is not supposed to be absolute even to a point of bringing the country down. So that is how I look at these things. It makes sense in my view that the President it has been done. We, I am sure we are getting to a fifth administration of our democracy. The past Presidents invited Ministers into their cabinet and relatively there was some stability. We got to a situation now, current because before the new President now with the new dawn, came into the picture, I would imagine at any given time as South Africans we are now accustomed to a situation where at sometimes at eleven or twelve, close to twelve midnight, we would hear that so and so has been reshuffled as my former boss stated here that he didn't

10 know in the morning when he went to bed, that he is no longer a Minister of DPSA for example. He was told by his wife the following day in the morning, because she saw that on TV, that there was a new Minister. Now with due respect, Chairperson, even if it is a President's prerogative to do so, it is important to respect the rights of those you invite and decide at some point to release from your cabinet to do so following what we should call a rational test. Because if that is done willingly, we run the risk of running our country down.

**ADV REFILOE MOLEFE**: And moving on to paragraph 15 and 16 then the last paragraph of your statement, as I have your correction you have changed dismisses to releases, where you speak of the former state President, Mr Jacob Zuma, releasing

20 former Minister Ramatlhodi, once more you speak of anticipation of this release, can you explain why this is so?

**ADV MAHLODI SAMUEL MUOFHE**: I speak of?

**ADV REFILOE MOLEFE**: Anticipation that appears at paragraph 15.2.

**ADV MAHLODI SAMUEL MUOFHE**: Ah yes, yes. Yes, I, this is basically what I am saying Chairperson, that once we get to a play where rationality tests is thrown out of the window by the person who has the right to appoint and disappoint as the Chairperson say, once you do something right in terms of the law and even if what you are doing is in terms of the law, if the person who invited you to be in his cabinet, if that person wants a different outcome which is in contrast to the prescripts of the law, you, if

30 you look at the general practice of a period, 2009 up until perhaps the former President resigned, you now know that if you take a principled legal decision which perhaps is in

conflict with what your boss wanted, chances are you will be shown the door, so in this instance we knew with advocate Ramatlhodi, that failure to appoint Mr Manyi in particular, was a serious offence.

**CHAIRPERSON:** Was clearly meeting?

**ADV REFILOE MOLEFE:** Sorry?

**CHAIRPERSON:** Was clearly meeting?

**ADV MAHLODI SAMUEL MUOFHE:** Was?

**CHAIRPERSON:** Was clearly meeting.

**ADV MAHLODI SAMUEL MUOFHE:** Exactly yes Chairperson thank you, yes but as I  
10 said earlier on in my statement that we resolved that whichever way, if we are to be in the streets for the right reasons so be it and indeed because we knew that by his own admission Mr Manyi to me, that he the President wanted him to go to that department to transform the DMR and we were refusing and I am basically including myself as his special advisor, in reality he is the Minister because I don't have those powers. We knew that our stay at DPSA was going to be short lived, and indeed two or three months or so after that the President released former Minister Ramatlhodi from his cabinet.

**CHAIRPERSON:** And what happened to you when the former President released Mr Ramatlhodi because I see when he moved him from DMR to DPSA, you moved with  
20 him. What happened when he was released there?

**ADV MAHLODI SAMUEL MUOFHE:** Well what happened to me, as I said that I'd always, you know, my legal practice you know, and I was determined to full blast in my practice. I was then requested by former Minister of Tourism Mr Kokasa to go and serve him as a special adviser because as former Minister Ramatlhodi was reshuffled in that massive reshuffle, which also saw former Minister of tourism Mr Derek Hanekom also suffering. The same consequences, as former Minister Ramatlhodi. Probably because Mr Hanekom, allegedly at an ANC meeting requested the former State President to step down. He was also reshuffled from the Department of Tourism and his Deputy was Mr Thoka Kasa, assumed that position as the minister and she  
30 requested me to come and serve her as a special adviser. I served her up until she was reshuffled by the current president to a new portfolio at Department of Sports.

And I then took up the post of Chief Governance Officer at SIU, the position I'm occupying, even now.

**CHAIRPERSON**: Okay thank you.

**ADV REFILOE MOLEFE**: Thank you in your conclusion on page 54 of your statement paragraph 16. You then state that SA which I assume to be South Africa, is that correct?

**ADV MAHLODI SAMUEL MUOFHE**: Which is my last paragraph?

**ADV REFILOE MOLEFE**: Yes. Paragraph ...[intervenes]

10 **ADV MAHLODI SAMUEL MUOFHE**: Remember that was amended hey.

**ADV REFILOE MOLEFE**: Paragraph 16 which you amended, you speak of the country having lost a professional Cabinet Minister. Can you briefly expand on that?

**ADV MAHLODI SAMUEL MUOFHE**: Chairperson, I say so because Minister, former Minister Ramatlhodi was the first Premier of Limpopo Province. He was tasked with resolving a very difficult problem. Amalgamating, almost 3 different ethnic grouping, tribes. There were Venda people, we had Tshwane people and we've got Pedy people and during his 10 year term as Premier of Limpopo, that province was the most stable province, which showed his good leadership in running that province. When I joined him at DCS, he basically showed that he understood what an executive role, executives  
20 have to play. And that is non, that is of non-interference in the running of the administration but exercising oversight over that administration and Advocate Ramatlhodi has been consistent throughout the period that I've worked with him, here in National Government. So much that even as whatever we left officials, majority of them Chairperson, literally cried at DMR.

**CHAIRPERSON**: Basically, basically you are saying, wherever he has been deployed, he has made his mark?

**ADV MAHLODI SAMUEL MUOFHE**: He has made his mark and basically following the

rule book and not doing anything as outside the rule book. And if we were to have people like former Minister Ramatlhodi not that I want to say anything about others, but him in particular because I've worked with him, I'm sure we can deliver much more for our people.

**CHAIRPERSON**: Thank you.

**ADV REFILOE MOLEFE**: Thank you Chair, unless there are any other further questions from the chair, I ...[intervenes]

**CHAIRPERSON**: You are done?

10 **ADV REFILOE MOLEFE**: I am. I must however point out to the Chair that due to the similar reasons pointed out by my colleague Advocate Buthelezi, we have ...[intervenes]

**CHAIRPERSON**: Sorry I am not hearing you maybe you speaking too close to the mike.

**ADV MAHLODI SAMUEL MUOFHE**: He has made his mark and basically following the rule book and not doing anything as outside the rule book. And if we were to have people like former Minister Ramatlhodi not that I want to say anything about others, but him in particular because I've worked with him, I'm sure we can deliver much more for our people.

**ADV REFILOE MOLEFE**: I apologise Chair, is that better?

**CHAIRPERSON**: Maybe move back from the mike a little bit, Ja. Just speak then.

20 **ADV REFILOE MOLEFE**: Due to the reasons that were earlier stated by Advocate Buthelezi, I cannot close Advocate Muofhe's evidence as Doctor Umkubane and Mr Duduzane Zuma have reserved their right to possibly bring applications to the Chair.

**CHAIRPERSON**: Ja, no that's fine, that's fine. Okay All right. Advocate Muofhe we are grateful that you came to give evidence in the Commission. Of course you may come back.

**ADV MAHLODI SAMUEL MUOFHE:** Yes.

**CHAIRPERSON:** In case of need or if there are parties that granted leave to cross examine you. And you will be contacted if that happens. But you have also touched on the issue of current and former directors general and you have been working within government service for a long time and we are touched to at least maybe 2 or 3 or even more ministers, including there are ministers where you were special advisor to them and from what I have heard about the role and position of a special advisor to a minister, it seems that he or she would have a lot of interaction with the DG of the particular department and you have told us that in your view, if more and more DG's  
10 current and past were to come to this commission and share what they know, this commission would benefit quite a lot. And when that is said by somebody who has worked with DG's it should carry quite some weight because you would have talked to some of them. You would know what maybe some of their frustrations, where about things and I just want, I just hope that that those DG's and former DG's who haven't made contact with the commission to say, count me in, I will come and share with the commission and the nation what happened when I was DG.

What I know in order to make my contribution to making this country a better country. Those who have not done so, I hope that will do so. I have said before that when I make this call I don't make it because we can't force people to come here but  
20 we really would like people out of their own sense of duty to the country to come forward and share with the commission and the nation what was happening in their own departments, that's relevant to what we are investigating because they are not doing the country, they not serving the country well by keeping away from the commission when they have evidence, information and knowledge of important activities and matters that fall within our terms of reference.

I know as you have said, that maybe with some of them there may be a scared about how maybe, coming forward and revealing certain things, might affect them but talking about those that are current DG's I have no doubt that they should not have any basis to think that their jobs would be in danger, if they were to come and reveal what has happened in the past in their departments that is relevant to what we are investigating. But even those relating to the past, they do have to think about whether, when all this process has finished, they want to be counted among those who make no contribution when they could have made a contribution to ensuring that the country knows how state capture happened. Who was involved in it? What was  
10 happening? What frustrations if any they met, they went through themselves, so I hope that wherever they are, they are listening. When we have finished here there will be those South African's who will be proud that if as a result of this commission, something better comes out for the country, they will know they made a contribution. Then there will be those who will, know when they could have made a contribution, they stood away and did not want to help their country. I thank you very much for coming forward.

**ADV MAHLODI SAMUEL MUOFHE**: Thank you sir

**CHAIRPERSON**: Thank you very much, you are excused.

**ADV MAHLODI SAMUEL MUOFHE**: Thank you Chairperson.

20 **CHAIRPERSON**: Thank you. Do we have one witness tomorrow Mr Pretorius?

**ADV PAUL PRETORIUS SC**: Correct yes. Miss Carolus.

**CHAIRPERSON**: Yes. I know you people are reluctant to give me estimates now but what's your estimate of how long she might take.

**ADV PAUL PRETORIUS SC**: I have no idea. I have not consulted with the ...[intervenes]

**CHAIRPERSON**: Does somebody know?

**ADV PAUL PRETORIUS SC**: The legal team, person leading her. One day I am told.

**CHAIRPERSON**: I was assuming that she would take one day but I was hoping maybe it might be, not the whole day.

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

**CHAIRPERSON**: You do not know and I think

**ADV PAUL PRETORIUS SC**: I do not know ...[intervenes]

**CHAIRPERSON**: And I think Ms Buthelezi is not confident to give any estimated

**ADV PAUL PRETORIUS SC**: Well, we hope it is less than a day but we cannot say.

10 We also have an application condemnation but as it appears to be unopposed, it will not take long.

**CHAIRPERSON**: Okay, which we will deal with tomorrow?

**ADV PAUL PRETORIUS SC**: Yes. Chair.

**CHAIRPERSON**: Okay, thank you very much. We will adjourn and then resume tomorrow at 10:00. We adjourn.

**COMMISSION ADJOURNS TO 29 NOVEMBER 2018**