

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

27 APRIL 2021

DAY 383



Gauteng Transcribers
Recording & Transcriptions

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TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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PROCEEDINGS RESUME ON 27 APRIL 2021

CHAIRPERSON: Good morning Mr Seleka, good morning everybody.

ADV SELEKA SC: Morning Chairperson.

CHAIRPERSON: Good morning Mr Zwane.

MR ZWANE: Chairperson good morning.

CHAIRPERSON: Good morning on Freedom Day.

MR ZWANE: Thank you Chair.

CHAIRPERSON: Good morning to your attorney. Thank
10 you.

ADV SELEKA SC: Thank you Chair.

CHAIRPERSON: I must start by thanking everybody who
has agreed to work on a public holiday for sacrificing
enjoying Freedom Day and coming to work. Mr Seleka and
your team, the investigators, the staff, the technicians, Mr
Zwane thank you for your cooperation you probably would
have been at some function today to join others who are
celebrating freedom and thank you to your attorney again
for the cooperation that you have given the commission to
20 enable the commission to sit today. We appreciate it. I
think we should all look at our sacrifice as our own small
contribution to dealing with matters that diminish our
freedom such as corruption and therefore it is really a
good thing when we can make a contribution. So thank
you to everybody for the sacrifices. Okay Mr Seleka.

ADV SELEKA SC: Thank you Chairperson. I suppose Chair we could start with the swearing in or affirmation of Mr Zwane.

CHAIRPERSON: Maybe start by outlining for the benefit of the public what Mr Zwane's evidence will relate to today and then he can be sworn in.

ADV SELEKA SC: Thank you Chairperson. Mr Zwane has been called to come back to the commission to testify on matters relating to his association with the Gupta's and Mr
10 Salim Essa. His involvement or lack thereof in the Estina Vrede Dairy Project; his trip to Switzerland to meet with the CEO of Glencore and his appointment as a MP and ultimately the Minister of the DMR the Department of Mineral Resources.

We will also today extend that we can Mr Zwane also lead his evidence on the closure of the Gupta bank accounts. So those are broadly the matters Chairperson that will be addressed under that there is a whole lot of aspects.

20 **CHAIRPERSON:** Ja okay alright. Please administer the oath or affirmation.

REGISTRAR: Please state your full names for the record.

MR ZWANE: Mosebenzi Joseph Zwane.

REGISTRAR: Do you have any objections to making the prescribed affirmation?

MR ZWANE: No.

REGISTRAR: Do you consider the affirmation – oh sorry DCJ can I start again?

CHAIRPERSON: Ja start again.

REGISTRAR: Sorry about that. Please state your full names for the record.

MR ZWANE: Mosebenzi Joseph Zwane.

REGISTRAR: Do you have any objections to making the prescribed affirmation?

10 **MR ZWANE**: No.

REGISTRAR: Do you solemnly affirm that all 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 I so affirm?

MR ZWANE: I so affirm.

REGISTRAR: Thank you.

CHAIRPERSON: Thank you.

ADV SELEKA SC: Chairperson the relevance bundle is Eskom Bundle 19.

20 **CHAIRPERSON**: Registrar just give me the – the first outer file that would have been given to you. Ja thank you. Yes Mr Seleka.

ADV SELEKA SC: Thank you Chair. Eskom Bundle 19 Chairperson.

CHAIRPERSON: I am sorry I think Mr Zwane wants to say

something. Yes Mr Zwane.

MR ZWANE: No thanks Chairperson. With all humility may I request to have a one pager presentation.

CHAIRPERSON: Hm.

MR ZWANE: It is not mentioning anybody's name. It is broadly about today's – to this.

CHAIRPERSON: Oh for today?

MR ZWANE: Yes it will be two minutes please.

CHAIRPERSON: It will be two minutes.

10 **MR ZWANE:** Two extra minutes yes.

CHAIRPERSON: You promise on Freedom Day.

MR ZWANE: I am enjoying my Freedom Day yes so it will be

CHAIRPERSON: Three minutes not more.

MR ZWANE: Important that I also have a speech as I would have heard if I was allowed to be.

CHAIRPERSON: I will not allow you to make the kind of speech that you would have made then Mr Zwane.

MR ZWANE: All two minutes.

20 **CHAIRPERSON:** Okay let me allow you three minutes.

MR ZWANE: Thank you Chair. Can I start?

CHAIRPERSON: And that – and that is because you came on – on a public holiday.

MR ZWANE: Okay Chair.

CHAIRPERSON: I will not allow anybody else a second

chance of making a speech.

MR ZWANE: No thank you – thank you Chair I really appreciate that.

CHAIRPERSON: Ja okay.

MR ZWANE: Thank you Chairperson for the opportunity once more. This being my fourth appearance to the commission some of the questions which were asked were already dealt with in my previous engagements but for the sake of progress I am here and prepared to repeat myself
10 should the need arise.

I want to state in this commission that in the ANC we do not self-deploy. There are processes that are followed 00:08:00.

I also want to point out that I went to Switzerland to try and save the jobs – blood bath that had become eminent at the Department of Mineral Resources when I joined.

I went there to try and rescue the three thousand jobs that were at stake in any manner possible including
20 but not limited to a possible buyer of the mine.

I was not married to any particular buyer for as long as correct processes will be followed.

I responded at that time Chair to the call of saving workers and their families from the jaws of abject 00:08:47.

I also want to state Chair that I went to Switzerland

via Dubai at the expense of the Department of Mineral Resources.

Let me conclude Chair as I have promised by saying to this commission in my cooperation with the commission up to this evidence I remain committed to assisting the commission in its objectives even under difficult circumstance.

That is the reason I have accepted the commission's request to appear before it today on a
10 Freedom Day.

I am also aware of the constraints that the commission is facing and I have chosen to be part of the solution.

I want to thank you Chair once more for allowing me to raise this on record. Thank you Chair.

CHAIRPERSON: Thank you very much Mr Zwane. Thank you.

ADV SELEKA SC: Thank you Chair.

CHAIRPERSON: I think you did keep your promise. Mr
20 Seleka.

ADV SELEKA SC: Thank you Chair. Chairperson I understand the files which could not be found for you they are found but it does not put me in any better position.

CHAIRPERSON: Ja, no, ja. But it is okay let us continue.

ADV SELEKA SC: Yes.

CHAIRPERSON: As it were.

ADV SELEKA SC: Mr Zwane has provided the commission with two affidavits. Those affidavits are found in Eskom Bundle 19 Mr Zwane on page 201. Page 201 the sworn statement Mr Mosebenzi – Mosebenzi Joseph Zwane it runs up to page 250 Mr Zwane. I would like you to just confirm Mr Zwane the signature on that page 250 at the top of Deponent 250.

MR ZWANE: Ja.

10 **ADV SELEKA SC:** You confirm that to be your signature Mr Zwane?

MR ZWANE: Chair we have two numbers here the black and the red numbers. I think.

CHAIRPERSON: Yes.

MR ZWANE: I think Advocate does not clarify that matter.

CHAIRPERSON: Oh the black numbers.

ADV SELEKA SC: We follow the black numbers.

CHAIRPERSON: The black numbers are the ones you use.

MR ZWANE: Black I take it that we use the black numbers.

20 **ADV SELEKA SC:** Indeed.

MR ZWANE: Thank you very much. 250 yes.

ADV SELEKA SC: Thank you.

MR ZWANE: That is indeed my signature.

ADV SELEKA SC: I know that you are familiar with the proceedings Mr Zwane.

MR ZWANE: No thanks.

ADV SELEKA SC: Yes. So that – you confirm that to be your signature?

MR ZWANE: Yes, yes.

ADV SELEKA SC: You confirm this also to be your affidavit?

MR ZWANE: It looks like. I have not gone through the whole affidavit but this is my signature.

ADV SELEKA SC: Yes.

10 **MR ZWANE**: So it should be my affidavit.

ADV SELEKA SC: Yes.

CHAIRPERSON: Yes you go to page 201 it is there – it has got your name there, I, the undersigned Mosebenzi Joseph Zwane.

MR ZWANE: Yes.

CHAIRPERSON: Declare under oath as follows: Do you accept that it is your affidavit?

MR ZWANE: Yes Chair.

CHAIRPERSON: Yes okay alright.

20 **ADV SELEKA SC**: So the affidavit is dated 16 September 2019 the date you find on page 250.

CHAIRPERSON: Yes.

MR ZWANE: That is correct.

ADV SELEKA SC: Thank you. Chairperson I beg leave to have the affidavit of Mr Mosebenzi Joseph Zwane dated 16

September 2019 together with the annexures thereto admitted into the record as Exhibit U41.1.

CHAIRPERSON: The affidavit of Mr Mosebenzi Joseph Zwane that starts at page 201 is admitted as an exhibit and it will be marked as Exhibit U41.1.

ADV SELEKA SC: Thank you Chair. Mr Zwane then you turn to page 351.

MR ZWANE: 351.

ADV SELEKA SC: 351 you also provided the commission
10 with a second affidavit between tramlines it reads Supplementary Sworn Affidavit; Mosebenzi Joseph Zwane in re-respond to statement by Ivan Glassenburg dated 9 July 2020. You see that?

MR ZWANE: Yes, yes Chair.

ADV SELEKA SC: Yes. The affidavit runs up to page 353.

MR ZWANE: That is correct.

ADV SELEKA SC: And there is a signature above Deponent do you confirm that to be your signature?

MR ZWANE: Yes I do.

20 **ADV SELEKA SC:** You confirm this to be your affidavit?

MR ZWANE: Yes I do.

ADV SELEKA SC: And the affidavit is dated 27 January 2021, you confirm that date?

MR ZWANE: That is correct.

ADV SELEKA SC: Okay. This one does not have

annexures Chairperson I beg leave to have this affidavit - supplementary affidavit of Mr Zwane admitted as Exhibit U41.2.

CHAIRPERSON: The supplementary affidavit of Mr Mosebenzi Joseph Zwane that starts at page 351 is admitted as an exhibit and will be marked as Exhibit U41.2.

ADV SELEKA SC: Thank you Chairperson. Mr Zwane then in – that is the affidavits that you have submitted before the commission. You have touched on some of the issues
10 that we would like you to testify on before the commission in your speech.

But let us start with your – any association for links with the Gupta's and Mr Salim Essa. Could you tell the Chairperson whether you have known the Gupta brothers and under what circumstances you came to know them?

MR ZWANE: No thanks Chairperson. Thanks for the opportunity. As I have said in my affidavit I know the Gupta's especially Tony Gupta. I knew him from the year 2009 – 2010 when they came to the Free State. We had a
20 PEC Provincial Executive Committee of the African National Congress they came there to introduce themselves and asked to work with the province in terms of the newspaper which was called New Age.

I should hasten to say that I have interacted with him on a number of occasions but also indicate that on

those occasions they were occasions necessitated either by a mandate from government or a mandate from my own political party.

I have not interacted with him outside that. So he is not my friend as I have said I met – I met him in a meeting of the African National Congress and that is how I know them. Thank you Chair.

ADV SELEKA SC: Okay.

CHAIRPERSON: Well do you want to go further in terms of
10 what other interactions you have had with him – with him and any other member of that family over the years in terms of your various capacities whether it is PEC in just the Free State or as Minister of Mineral Resources or in any other way?

MR ZWANE: No thank you Chair. I met with him on my capacity as the Premier of the Province of Free State because the meeting after the presentation presented upon me a responsibility to see that the content of the Free State because that paper was to have a content of every
20 province is covered. Should I have any issue in terms of the content I should be able to raise that with the province and raise it with you.

The second issue when I was a Minister there was a necessity for me to go to Switzerland on invitation by Mr Glasenberg. I had initiated a meeting where when – when

I arrived at the Department as I have said there was an issue of people losing their jobs 3000 jobs and that matter was presented before the cabinet and I had to deal with that matter and see how best can I save the jobs.

And in interacting with the owners of the company Oakbay it was necessary for me to go and engage with them on any possible manner to try and resolve their jobs. That would have included the issue of a possible buyer.

During my interaction with the department ...

10 **CHAIRPERSON:** And of course that – when you talk about a possible buyer you mean a possible buyer of?

MR ZWANE: The mines.

CHAIRPERSON: The mine.

MR ZWANE: Oakbay.

CHAIRPERSON: Ja Oakbay – ja.

MR ZWANE: Yes.

CHAIRPERSON: Ja.

MR ZWANE: During my interaction with the Department I was informed that a company by the name of Tegeta is
20 willing to – to buy.

Now I requested for a meeting with Mr Glasenberg and I was prepared Chair to go anywhere where Mr Glasenberg will avail himself. As a result I got an...

CHAIRPERSON: And he was what the Managing Director of 0-0:20:24.

MR ZWANE: He was CEO of Oakbay I think so. Glencore.

CHAIRPERSON: Glencore. Ja.

MR ZWANE: Glencore Ja. He was the CEO of Glencore and so ultimately he gave me an invitation to Switzerland which I went to Switzerland.

I also indicated to the officials that they should notify the possible buyer of this mine Glencore that was done. I went to Switzerland.

CHAIRPERSON: To notify them that you were going to
10 have – to this meeting with Mr Glasenberg.

MR ZWANE: Yes.

CHAIRPERSON: Okay.

MR ZWANE: And – and if possible I would want us to engage on that matter and see if we cannot get the solution to this problem of people losing their jobs.

So I went to Switzerland.

CHAIRPERSON: Okay let me just get that clear. You are talking to the officials of the Department.

MR ZWANE: Yes.

20 **CHAIRPERSON:** And you are asking them to approach Tegeta or Oakbay.

MR ZWANE: Yes.

CHAIRPERSON: To say the officials must tell them that you are arranging to go to Switzerland to meet with Mr Glasenberg.

MR ZWANE: Yes.

CHAIRPERSON: To discuss this issue. That is what you were asking the officials?

MR ZWANE: Yes.

CHAIRPERSON: Okay. Continue.

MR ZWANE: And Tegeta should avail themselves.

CHAIRPERSON: Yes.

MR ZWANE: So that we can deal with this matter.

CHAIRPERSON: Okay for the meeting?

10 **MR ZWANE**: Yes.

CHAIRPERSON: Okay.

MR ZWANE: Then I went to Switzerland. I met with Mr Glasenberg and in...

CHAIRPERSON: This was when

MR ZWANE: It was around

CHAIRPERSON: December 2015?

MR ZWANE: December I think – no December the 2nd.

CHAIRPERSON: Yes.

MR ZWANE: Thereabout.

20 **CHAIRPERSON**: Ja.

MR ZWANE: Because if I remember I moved here around the 29th, 30th of November via Dubai as I have said and then we had our second – our first meeting which is actually according to me the only meeting that we had with Mr Glasenberg where we discussed broadly in the meeting.

CHAIRPERSON: But did you say second meeting?

MR ZWANE: No.

CHAIRPERSON: You said something meeting?

MR ZWANE: We had our first meeting.

CHAIRPERSON: First meeting okay.

MR ZWANE: Which was the only meeting between me and Mr Glasenberg.

CHAIRPERSON: Ja okay.

MR ZWANE: And in that meeting Salim Essa was also
10 there representing Tegeta.

CHAIRPERSON: Okay. Okay.

MR ZWANE: We discussed about possible solutions. As he discussions ensued Mr Glasenberg said he is not well vested with issues of the sale of Glencore and so that meeting ended without any result or any decision. And I should say Chair according to the affidavit of Mr Glasenberg which I fully agree he had invited me for a dinner to discuss – he wanted to discuss some issues – business issues. I could not honour that dinner and the
20 second day that is where Tony Gupta was and Clinton Ephron from the site of Glencore to have a meeting because the first day he could not have any resolution because Mr Glasenberg did not have details.

In that meeting I was not part of that which is the second meeting. I only came in there introduced the

subject of my concern in terms of the job losses and my wish that a solution should be arrived at. And I left that meeting for the parties to engage.

And I went to another room and after some time Mr Glasenberg was brought to the room where I was and indicated that they are finished with the meeting. There is an agreement in terms of the mine being sold to Tegeta.

I thanked him for his time. I stood up and went to the room where the meeting was and I shook hands with every. That is the second time when I met with the Gupta's.

Maybe I should hasten to – Chair to give this commission information in terms of what happened after – after that meeting.

CHAIRPERSON: Yes. Yes.

MR ZWANE: So that there are no questions that are ...

CHAIRPERSON: Ja and say the full picture.

MR ZWANE: Ja. Chairperson my itinery was leading me India after Switzerland.

20 **CHAIRPERSON:** Just repeat that please.

MR ZWANE: My itinery.

CHAIRPERSON: Yes. Yes after Switzerland?

MR ZWANE: I had to go to India.

CHAIRPERSON: Okay.

MR ZWANE: On an official visit paid for by the Department

but in 2009 there around I developed a condition – throat condition which was affected by weather changes especially extreme cold.

During my stay in Switzerland because it was winter during that time I could not sustain the strength of my throat. I was struggling.

As I was thanking everybody for the meeting well-handled and the agreement I then raised an issue that I was on my way to India. That is when Tony Gupta
10 indicated that they are also going to India.

Due to my condition at that point struggling with my voice because of the throat I requested them to give me a lift to India.

I should say this question has – has been asked many times and I am sure the commission has my responses in terms of how did I – how did I go to Switzerland? I am putting in this commission that I took my commercial flight paid for by DMR and went and did the work there.

20 After doing the work I was to proceed on my own to India but I had a hindrance of this throat problem so I requested a lift because they were going to India – because I was struggling in terms of expressing myself.

I went to India I met with possible investors. At that particular time my throat was badly swollen – I had to look

for a doctor in India. Fortunately my doctor here in South Africa is an Indian chap in Durban. As we were discussing because this – I had to do an operation every year he indicated that he knew some specialist in India that have equip – better equipments than we have here at home.

So I engaged with him when I was there and I got contacts I went to a doctor I think it was my second day and when I was there the doctor said I needed to be operated. So I was operated there in a public hospital and
 10 it was a norm Chair after an operation because this was not the first operation. I would spend about fifteen days having to struggle with the voice – my voice would be gone. So coming back I think it was around the 5th or the 6th of December. I had to ask a lift again from Tony to Dubai. And when I arrived at Dubai, I waited there and I got my flight to South Africa. Those were the occasions, Chair, that I have met with Tony. The other occasions, I think two, is when I was also invited to a function. I should put it, it is called Diwali function(?). I went there to that
 20 function which was a function and attended by everybody who was invited including politicians. Those are the occasions that I have interacted with Tony.

CHAIRPERSON: So the first one is when he came to a PEC meeting in the Free State of the ANC?

MR ZWANE: Yes.

CHAIRPERSON: Who did he come with on that occasion, if you can remember?

MR ZWANE: I think there were two, Chair.

CHAIRPERSON: H'm?

MR ZWANE: The one was presenting. I am not too sure whether it was Nazeem.

CHAIRPERSON: H'm?

MR ZWANE: Ja.

CHAIRPERSON: If it is Nazeem, would it be Nazeem
10 Howa?

MR ZWANE: Howa.

CHAIRPERSON: Okay.

MR ZWANE: Yes.

CHAIRPERSON: Okay. So ...[intervenes]

MR ZWANE: [Indistinct]

CHAIRPERSON: ...that was the first occasion?

MR ZWANE: That was the first occasion.

CHAIRPERSON: And then the second occasion was when
you met him in that meeting, in the second meeting in
20 Switzerland where you say you introduced the subject and
then left the meeting?

MR ZWANE: Yes.

CHAIRPERSON: That was the second occasion.?

MR ZWANE: Yes.

CHAIRPERSON: And thereafter, you travelled with him to

India.

MR ZWANE: India. Yes.

CHAIRPERSON: And then when you came back from India to Dubai ...[intervenes]

MR ZWANE: Yes.

CHAIRPERSON: ...you travelled with him again?

MR ZWANE: Yes.

CHAIRPERSON: And after that you had no further interactions with him?

10 **MR ZWANE**: No.

CHAIRPERSON: Yes.

MR ZWANE: No, Chair.

CHAIRPERSON: Okay alright. And with regard to his brothers, did you have any interactions with them?

MR ZWANE: No.

CHAIRPERSON: Not at all?

MR ZWANE: No, Chair.

20 **CHAIRPERSON**: Okay alright. And Mr Salim Essa, was it the occasion in Switzerland the only time you interacted with him?

MR ZWANE: Yes.

CHAIRPERSON: That was the only time?

MR ZWANE: Yes, Chair.

CHAIRPERSON: Okay, okay. So going to the first meeting in Switzerland which you – was attended by

yourself, Mr Glasenberg and Mr Salim Essa. Mr Glasenberg said in his affidavit that Mr Salim Essa was introduced as your advisor, as I understand it. I think in your affidavit, I think you might not have dealt with that issue or I have might have missed it. What is the position? Is that true?

MR ZWANE: As I have said, Chair.

CHAIRPERSON: H'm?

MR ZWANE: Maye I should give this clear picture.

10 **CHAIRPERSON**: H'm?

MR ZWANE: Salim came before – he arrived before Mr Glasenberg ...[intervenes]

CHAIRPERSON: [Indistinct]

MR ZWANE: No, before Mr Glasenberg.

CHAIRPERSON: At the meeting?

MR ZWANE: At the ...[intervenes]

CHAIRPERSON: Venue?

MR ZWANE: At the venue.

CHAIRPERSON: Ja.

20 **MR ZWANE**: He was taken to me.

CHAIRPERSON: H'm?

MR ZWANE: By the people in the hotel.

CHAIRPERSON: Ja.

MR ZWANE: And he even introduced himself as an advisor of Tegeta.

CHAIRPERSON: Advisor of Tegeta?

MR ZWANE: Yes.

CHAIRPERSON: Ja, okay.

MR ZWANE: As the company.

CHAIRPERSON: Yes, yes.

MR ZWANE: When Mr Glasenberg came – arrived, Salim was already there.

CHAIRPERSON: H'm, h'm.

MR ZWANE: And I then introduced myself. I also
10 introduced Salim as an advisor to Tegeta.

CHAIRPERSON: H'm.

MR ZWANE: That is what I did Chair. I never introduced Salim as my advisor.

CHAIRPERSON: H'm. So you introduced him as advisor to Tegeta?

MR ZWANE: Yes.

CHAIRPERSON: Yes. So you were suggesting that Mr Glasenberg must have been mistaken about that he was introduced as your advisor?

20 **MR ZWANE:** Well, that is my ...[intervenes]

CHAIRPERSON: Maybe he did not hear you properly?

MR ZWANE: That is my assumption Chair.

CHAIRPERSON: H'm, h'm.

MR ZWANE: As I have narrated the event. Salim was there for Tegeta. Mr Glasenberg was there for Glencore.

CHAIRPERSON: H'm, h'm. Okay. Mr Seleka.

ADV SELEKA SC: Thank you, Chair. Yes. Mr Zwane, there are other occasions which I thought you would have mentioned. Just going back to Mr Tony Gupta.

CHAIRPERSON: Well, I do not know Mr Seleka whether it might not be convenient to analyse this Switzerland thing ...[intervenes]

ADV SELEKA SC: Okay.

CHAIRPERSON: ...in terms of the content of that
10 discussion. I do not know. I did not look at his affidavit how he dealt with that issue.

ADV SELEKA SC: Yes.

CHAIRPERSON: I know that at some stage, I thought he did not deal with it but I may have been mistaken.

ADV SELEKA SC: Yes, Chair. It is on page – the affidavit is dealing specifically with the issue, it is on page 351.

CHAIRPERSON: You mean the supplementary?

ADV SELEKA SC: The supplementary affidavit. Eskom Bundle 19.

20 **CHAIRPERSON:** Yes.

ADV SELEKA SC: And specifically paragraphs 4, 5 and 6 on page 352.

CHAIRPERSON: H'm?

ADV SELEKA SC: And there Mr Zwane says:

“I wish to state that I have perused the

statement of Ivor Glasenberg which is
...[intervenes]

CHAIRPERSON: You are reading from where?

ADV SELEKA SC: Paragraph 4.

CHAIRPERSON: Okay.

ADV SELEKA SC: Page 352.

CHAIRPERSON: H'm?

ADV SELEKA SC: Yes.

10 "I wish to state that I have perused the
statement of Ivor Glasenberg which is
comprehensive analyses of events that took
place between Glencore and Eskom and I
would not want to deal with each and every
allegations in this statement but would want to
concentrate only on the paragraphs that are
relevant to me and my interactions with
Mr Glasenberg..."

CHAIRPERSON: I am sorry. Are you at 353.2?

20 **ADV SELEKA SC**: 352. Page 352. I just read paragraph
4.

CHAIRPERSON: 352?

ADV SELEKA SC: Correct, Chair.

CHAIRPERSON: Well, I am looking at his supplementary
affidavit which starts at 351.

ADV SELEKA SC: Yes, it starts at – yes, that is correct,

Chair. It starts at 351 but I have gone to the relevant paragraphs on the issue.

CHAIRPERSON: Oh, no. I am sorry. Okay. No, I was on the wrong... Yes, okay. Now I can see. Yes.

ADV SELEKA SC: Yes, yes. And then – Mr Zwane, you are following me?

MR ZWANE: I am with you.

ADV SELEKA SC: You are with me. Thank you. Then paragraph 5 is:

10 “I need to confirm that I went to Switzerland only to meet with Glencore, Mr Glasenberg to resolve the intending job losses in the Optimum Coal Mine after I had requested for a meeting in the republic and instead they invited me to come over to Switzerland.

I wish to confirm that I never pressurised Glencore or anybody else for that matter to sell the mine.

20 It seems to be confirmed by Glencore (Mr Glasenberg) itself to this Commission...”

And that is the sum-total of the response.

CHAIRPERSON: That is very brief. [laughs]. That is very brief. Mr Zwane, for a meeting that you travelled all the way from South Africa to Switzerland for.

MR ZWANE: Chair, I have tried to give – paint a picture.

The last when I was here, I was warned by the Chair that due to time constraints the Chair would want me to be straight to the point.

CHAIRPERSON: Ja.

MR ZWANE: To be brief. So I thought I was still following the instructions of this Commission.

CHAIRPERSON: [laughs].

MR ZWANE: Otherwise, I would have told the story as I have told it now.

10 **CHAIRPERSON**: Ja.

MR ZWANE: Yes.

CHAIRPERSON: Your story as you have told it is full?

MR ZWANE: Yes.

CHAIRPERSON: Yes, okay. Well, Mr Seleka let me allow you to continue.

ADV SELEKA SC: Yes.

20 **CHAIRPERSON**: It might be important to look at how Mr Glasenberg brought allegations he made because the only thing that Mr Zwane says here, in effect is, the purpose of his trip to Switzerland, he states it. And he says he did not pressurise mister – or pressurised Glencore or anybody to sell the mine.

ADV SELEKA SC: Yes.

CHAIRPERSON: So – only that he really says about the meeting.

ADV SELEKA SC: Yes, Chair. Chair, that is exactly where I am now in Mr Glasenberg's affidavit.

CHAIRPERSON: Ja, okay.

ADV SELEKA SC: Which is in Eskom Bundle 18(a), Mr Zwane.

CHAIRPERSON: 18(a)?

ADV SELEKA SC: 18(a).

CHAIRPERSON: Yes. Registrar?

ADV SELEKA SC: It is a holiday, Chair. [laughs]

10 **CHAIRPERSON:** [laughs] It is too early in the morning.

ADV SELEKA SC: Mr Zwane, you can go to page 352.172.

MR ZWANE: [No audible reply]

ADV SELEKA SC: 352. The affidavit starts on 352.164.

CHAIRPERSON: 352 point...?

ADV SELEKA SC: 164.

MR ZWANE: Black number?

ADV SELEKA SC: The black numbers all the time.

MR ZWANE: 35...

20 **CHAIRPERSON:** Somebody must assist him, please. Okay I have found it.

ADV SELEKA SC: You found it, Chair.

MR ZWANE: [Speaker is unclear – moved away from microphone]

ADV SELEKA SC: 352.164 and that is the beginning of

the affidavit. The - development...

MR ZWANE: [No audible reply]

ADV SELEKA SC: Yes. So the relevant page where Mr Glasenberg starts to deal with matters pertaining to the meeting is on page 352.172.

CHAIRPERSON: On mine, is that 352.170 – Minister Zwane’s office on 24 November 2015.

ADV SELEKA SC: Yes. No, that is correct, Chair.

CHAIRPERSON: Ja.

10 **ADV SELEKA SC**: We can start there. It is where the meetings are. The details of the meetings are later on.

CHAIRPERSON: Ja.

ADV SELEKA SC: Yes.

MR ZWANE: [Speaker is unclear – moved away from microphone]

ADV SELEKA SC: Ja. Mr Zwane, we should then be at 352.172. Let us go to 170.

MR ZWANE: Yes.

ADV SELEKA SC: Thank you.

20 **CHAIRPERSON**: I guess the first things is that, Mr Zwane. Mr Glasenberg says at paragraph 41:

He was not informed of the purpose of the meeting that he was going to have with you and no specific agenda had been set for the meeting.

What do you say about it?

MR ZWANE: Chair, as I said earlier on.

CHAIRPERSON: H'm?

MR ZWANE: I was addressing the issue of job losses.

CHAIRPERSON: H'm?

MR ZWANE: I seek an audience with him specifically on this matter.

CHAIRPERSON: H'm. And he was informed ahead of the meeting that that was the purpose?

10 **MR ZWANE**: Yes.

CHAIRPERSON: H'm?

MR ZWANE: I had instructed in a letter that was written to him.

CHAIRPERSON: H'm?

MR ZWANE: That I want to meet with him concerning this issue.

CHAIRPERSON: Okay.

ADV SELEKA SC: So ...[intervenes]

CHAIRPERSON: Mr Seleka.

20 **ADV SELEKA SC**: Yes. Mr Zwane, did you write it? You said you wrote a letter to him.

MR ZWANE: The interaction was between the department and him. It was in terms of a written request. Yes.

ADV SELEKA SC: So. Well, can you absolutely recall that you have written the letter to him or you think it was

written?

MR ZWANE: [No audible reply]

ADV SELEKA SC: Yes. The reason I am asking is this. If you – well, one, we – no reference is made to that letter in your affidavit but this the one important part.

“To the extent that he says he was not aware of the purpose of the meeting...”

And as you said, in the first meeting a resolution could not be achieved because he said he did not have the
10 details of the transaction. So if you connect the two, it seems to be correct, on the face of it, that it seems he have gone into this first meeting could, as it were, without knowing what the purpose is otherwise he would come prepared.

MR ZWANE: Well, I – from where I am seated, Chair. I have read his affidavit. I have read his affidavit and I heard what he said. This is actually a bit of a challenge to me for a CEO where a minister says: I am – he need to meet with you. And I will come wherever you are. But that
20 meeting does not have an agenda. From where I am seated. The agenda was straight and I said that should be communicated to him that the issue was about the job losses in the mine called Optimum. It was owned by Glencore.

CHAIRPERSON: Yes, Mr Seleka.

ADV SELEKA SC: Thank you. So he then gives the details of the meeting on page 352.172.

CHAIRPERSON: Well, also I see that at 170. He says at 45, paragraph 45:

“Following Minister Zwane’s request for a meeting, Glencore issued an invitation letter dated 16 November 2015 to Minister Zwane...”

ADV SELEKA SC: Yes.

CHAIRPERSON: So it is strange. You said you initiated –
10 you asked your officials to ask for a meeting with you and he says he did not know the purpose of the meeting and there was no agenda. But he also says he has issued an invitation to you. [laughs] So it is not sure what was said in here. Or did you know about the invitation – did he invite you?

MR ZWANE: Chair, I have said earlier and I think it is on record that the initiator of a meeting was me. I interacted with Mr Glasenberg’s office through my office, requested to meet him. And I further went on to say I was prepared to
20 go wherever he was. I have seen in his affidavit that he says he understood me to be having other businesses in ...[indistinct]

I have clarified that matter that my only business in Switzerland was to go and resolve this issue of job losses. Subsequently, after my initiating to meet with him,

he then issued an invitation for me to go over where he was, which is the invitation that he is talking about here.

CHAIRPERSON: Oh, so you know about the invitation ...[intervenes]

MR ZWANE: Yes, I know.

CHAIRPERSON: ...the invitation?

MR ZWANE: Yes.

CHAIRPERSON: But you say it came after you had initiated ...[intervenes]

10 **MR ZWANE:** I initiated a meeting with him.

CHAIRPERSON: Okay, okay.

MR ZWANE: And I think Chair. Chairperson is right to have made the point that I have made earlier on to Advocate here that it is my take that offices were interacting on a formal basis using formal communication. That is why – say he then issued a letter confirming that I should go to Switzerland. For what? I mean, if you do not know you should ask, as a CEO Minister.

CHAIRPERSON: Ja.

20 **MR ZWANE:** I understand you want to see me.

CHAIRPERSON: H'm.

MR ZWANE: What must I prepare?

CHAIRPERSON: Ja.

MR ZWANE: Logically, it should be like that.

CHAIRPERSON: H'm.

MR ZWANE: I am clear on my side, the issue was to do with job losses.

CHAIRPERSON: Okay. Mr Seleka.

ADV SELEKA SC: Yes. Thank you, Chair. Now Mr Zwane, as I have heard you. You say your travel, your flight was on the 29th of November?

MR ZWANE: There around.

ADV SELEKA SC: Yes.

MR ZWANE: Yes.

10 **ADV SELEKA SC**: So 29 – you say 30 November, then you first went to Dubai or you - it was via Dubai?

MR ZWANE: Via Dubai.

ADV SELEKA SC: To Switzerland?

MR ZWANE: Yes.

ADV SELEKA SC: H'm.

MR ZWANE: Yes, Chair.

ADV SELEKA SC: But the meeting was only on the 1st of December 2015, the first meeting. So was the trip that long or did you actually stop somewhere?

20 **MR ZWANE**: Ja. No, Chair.

CHAIRPERSON: H'm?

MR ZWANE: When you arrive in Dubai, you stop there for a couple of hours. I may not have the exact hours that I stopped in Dubai but I know I stopped on my way there and as I came home – so I had to have a proper arrangement

so that I do not come there, I am late and so forth, when I was the one who was rushing for a meeting.

ADV SELEKA SC: Oh, is that all? Okay. So the meeting then takes place on the 1st, which is on page 352.172. And Mr Glasenberg talks about the meeting:

“I recall that the meeting was attended by myself, Minister Zwane and Mr Salim Essa.

The meeting commenced around 11 a.m. and lasted for about an hour.

10 We met at the Delta Hotel in Switzerland.

Mr Zwane introduced Mr Essa to me as his advisor...”

So you have dealt with point. According to you, you introduced Mr Essa as Tegeta’s advisor.

MR ZWANE: That is correct, Advocate.

CHAIRPERSON: Why did you not in your supplementary affidavit where you deal with this, why did you not say this is not true? Why did you not say when Mr Glasenberg says in his affidavit that I introduced Mr Salim Essa as my
20 advisor that that is not true? The position is that I introduced Mr Salim Essa as Tegeta’s advisor.

MR ZWANE: Chair, I thought I had indicated the reason why I was short in terms of my affidavit.

CHAIRPERSON: Yes, but you cannot be so short as to leave something that gives a wrong picture, is it not?

MR ZWANE: My assumption was that I would be called to this Commission and the Commission would interact with me and the issues that the Commission feels that are not clarified will be clarified.

CHAIRPERSON: Yes, but your purpose of deposing to an affidavit is, particularly in response to another affidavit ...[intervenes]

MR ZWANE: Okay.

CHAIRPERSON: ...is to put your side of your story and to
10 correct whatever allegations that may be in the other person's affidavit that you believe not to be true or justified, is it not?

MR ZWANE: I hear you, Chair.

CHAIRPERSON: Yes.

MR ZWANE: I hear you.

CHAIRPERSON: Yes, yes.

MR ZWANE: And I am sure next I will take that into consideration.

CHAIRPERSON: [laughs] You see, it – when you do not
20 deal with it, the allegation, when you have been given an opportunity to do so, the impression is that you have no issue with the allegation because if somebody says in an affidavit Mr Zwane stole money and you are given a chance to respond, you cannot not respond to that allegation unless you have no answer to it. You understand?

MR ZWANE: I do understand Chair.

CHAIRPERSON: Yes.

MR ZWANE: As I have indicated.

CHAIRPERSON: Ja.

MR ZWANE: I have a full answer to this and this is the answer I am giving to the Commission.

CHAIRPERSON: Ja.

MR ZWANE: Yes.

CHAIRPERSON: Mr Seleka.

10 **ADV SELEKA SC**: Thank you, Chair. Paragraph 54, it carries on then Mr Zwane.

MR ZWANE: Okay.

ADV SELEKA SC: It says:

“Mr Essa came to collect me from the reception at the hotel.

I had never met Mr Essa before.

Thereafter, we went upstairs to Mr Zwane(sic)...”

Paragraph 55 says ...[intervenes]

20 **CHAIRPERSON**: I am sorry, where are you now?

ADV SELEKA SC: Paragraph 54 on page 352.172.

CHAIRPERSON: Okay alright.

ADV SELEKA SC: May I move on to 55, Chair?

CHAIRPERSON: H'm?

ADV SELEKA SC: Yes.

“As I thought the meeting was going to be a general discussion about Glencore’s business in South Africa.

At that stage, however, Glencore had decided to take OCM out of business rescue and I intended to inform the minister about that fact...”

And you expressed concern about Section 54 Notices. Yes. Mr Zwane, this is an important factor, the
10 first part about Glencore to take OCM to of business rescue because as at the 1st of December 2015, Glencore had in fact made that decision that OCM will be taken out of business rescue. In other words, the risk of job losses... You want to say something?

MR ZWANE: May I please interact you?

ADV SELEKA SC: Okay. That is okay.

MR ZWANE: Chair?

CHAIRPERSON: Yes?

MR ZWANE: May I have a small comfort break?

20 **CHAIRPERSON**: Let us have a – will ten minutes do?

MR ZWANE: Yes.

CHAIRPERSON: Let us have a ten minutes adjournment.

MR ZWANE: Thank you, Chair.

CHAIRPERSON: We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Mr Seleka?

ADV SELEKA SC: Thank you, Chair. Mr Zwane, I was on page - Eskom bundle A, page 352.172, paragraph 55. I had read the paragraph particularly the second sentence which says:

10 “At that stage, however, Glencore had decided to take OCM out of business rescue and I intended to inform the minister about that fact and to express concern about Section 54 notices.”

So with Glencore’s decision to take OCM out of business rescue, the risk or threat of job losses was then if not mitigated but taken away.

CHAIRPERSON: I do not know whether the recording continues or not but if the – if our recording continues we can continue, if the TV is impacted, they will find us on the web.

MR ZWANE: Okay.

20 **ADV SELEKA SC:** Okay, let us first get confirmation we are record.

CHAIRPERSON: Are we on record? It is recording, ja. Continue?

ADV SELEKA SC: Ja, the risk to job losses, Mr Zwane, was then avoided as at a date when you had this meeting 1 December 2015. Your comment?

MR ZWANE: As this is read, Chair, Mr Glasenberg is saying he intended to tell me. My understanding is that he did not tell me and as far as I remember he did not tell me. I have said earlier this morning I was ready to accept any method for as long as correct processes were followed that would have saved the jobs and that is my response. This was not brought to my attention. In fact if that issue was raised earlier on, I would have not even travelled to Switzerland.

10 **MS GIGABA:** Okay, that makes it important to look at what he says was discussed in the meeting and that he touches on in paragraph 56. I will come back to the Section 54 notices. So in paragraph 56 he says:

20 “Mr Essa raised the issue of the possible sales of shares held by OCH in its subsidiaries in Tegeta and the proposal that the Guptas had made to Glencore, Mr Essa knew the numbers of the various offers that Glencore had discussed with the Guptas and referred to various detailed issues such as the working capital requirements of the mine.”

Now you would immediately see there that he has not said anything about yourself raising a concern about job losses.

CHAIRPERSON: Well, Mr Seleka, in paragraph 59 at page 352.172 Mr Glasenberg says something that may be seen as supporting Mr Zwane’s version.

ADV SELEKA SC: Yes.

CHAIRPERSON: He says Minister Zwane was cautious in what he said.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: But he kept saying, and I quote:

“I am sure you will reach a deal with the Guptas.”

ADV SELEKA SC: Yes.

CHAIRPERSON: So that particular quotation is one thing. Then he says:

10 “He never said that Glencore must sell the mine to the Guptas, he just said he did not want the mine to go into liquidation and that he was sure that Glencore would reach a deal with the Guptas.”

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: So he mentions a concern about the mine going into liquidation, he mentions – he says he never said that Glencore must sell the mine to the Guptas. On my reading and maybe Mr Zwane you can tell me – give me your comment on this, he certainly gives a quotation
20 where you say – where he says you said:

“I am sure you will reach a deal with the Guptas.”

Okay? But in the next sentence he says:

“He never said that Glencore must sell the mine to the Guptas.”

And then he said you said you did not want to see the mine

going into liquidation. What do you say to the proposition that you were cautious not to say anything that could be construed as you putting pressure on Glencore to sell the mine to the Guptas? But nevertheless, you were giving an indication that you are talking to the Guptas, I am sure you can reach a deal with them. Is that a fair – would you not say that is a fair reading of the evidence? One, you did not say they must sell the mine to the Guptas but two, you said I am sure you can reach a deal with the Guptas.

10 **MR ZWANE**: May I ...[intervenes]

CHAIRPERSON: You are not forcing them but you were saying – you were giving an indication that you think that he should be reached. Yes.

MR ZWANE: Okay, may I respond, Chair?

CHAIRPERSON: Yes, yes.

MR ZWANE: No, thanks, Chair. Actually, as Advocate reads here it becomes clear that Mr Glasenberg knew the agenda because he says ...[intervenes]

CHAIRPERSON: Knew what? I am sorry, knew what?

20 **MR ZWANE**: The agenda of the meeting.

CHAIRPERSON: He knew the agenda of the meeting?

MR ZWANE: Yes.

CHAIRPERSON: Ja?

MR ZWANE: He says he wanted to raise an issue with me that they are ready to take the mine out of liquidation.

CHAIRPERSON: Out of rescue.

MR ZWANE: Ja.

CHAIRPERSON: Ja.

MR ZWANE: Meaning he had an idea that what is the meeting all about. Number two, he says I did not indicate – page 59 – that he must sell to the Guptas. I did not pressurise. But then he comes back to say I was cautious not to pressurise him to sell.

My version, Chair, is that I was not married to any
10 party, I was not even married to the mine being sold. In fact if a mine is on liquidation, if I had any intention of letting this mine take another direction, why would I have gone and engaged Mr Glasenberg in finding a solution because there was already a buyer in the name of Tegeta.

So I thought I was providing leadership to the problem that the department was faced with. This mine went into liquidation according to the records in August 2015, when I was not there. It is not me who took the money into the liquidation.

20 It states there August/September/October/November and nobody did anything about this issue. When I arrived here is an issue, people are losing jobs, this matter is even at the level of cabinet. I went there to engage him, I was prepared to take any solution that would have saved the jobs.

He further says here it made sense, business sense to him to sell the mind and he gives reasons what are those facts that makes him to come to that conclusion. So I find it a bit disingenuous from his part – because I was open, Chair, I was there, I met with him, he should have indicated to me that no, we are ready to take Glencore out of liquidation. I was happy. In fact, I would have been – I would have failed to understand why I would have gone to Switzerland in the first place when Glencore had a
10 solution. Why would I have left this company for all these months in liquidation and wait until I am in Switzerland just to tell me one thing, we are ready to save the jobs of the people.

So I was not married to the Guptas, that is why I left the meeting. If I had any intention, I am sure I would have said in the meeting. I left the meeting for parties to agree or disagree for as long as I would have had a solution that saved the jobs. That was my primary motive of going to Switzerland, not to help any other buyer or a
20 particular entity(?).

CHAIRPERSON: So do you have any issues with the statement he makes that you said I am sure you will reach a deal with the Guptas?

MR ZWANE: I did not say that.

CHAIRPERSON: What did you say?

MR ZWANE: I said my concern is to save the jobs. In all the deliberations that you are doing, please take note that it is also important on my side that the workers must also have somebody who looks after their interest and in this case I am here with you to help me to save the jobs as I have committed that I will do my best at the cabinet level to try and save the jobs. That is all what I said.

CHAIRPERSON: Let me put this to you as well now that we are at this meeting that in the first meeting which you
10 attended with Mr Glasenberg and Mr Salim Essa not much really was discussed, is that correct?

MR ZWANE: That I said we could not reach ...[intervenes]

CHAIRPERSON: In terms of the real issues that brought you to – that took you to Switzerland.

MR ZWANE: I have said we could not reach any resolution or conclusion as Mr Glasenberg indicated that he was not clued up with some of the aspects which Salim had.

CHAIRPERSON: Ja.

20 **MR ZWANE:** So the meeting adjourned without any conclusion.

CHAIRPERSON: Yes.

MR ZWANE: So ...[intervenes]

CHAIRPERSON: But in terms of actual discussions because he says that Mr Salim Essa raised the issue of the

possible sale of shares held by OCM in its subsidiary Tegeta and proposed that the Guptas had made – and the proposal that the Guptas had made to Glencore, he says:

10 “Mr Essa knew the numbers of the various offers that Glencore had discussed with the Guptas and referred to various detailed issues such as the working capital requirements to mine. I advised Mr Essa that I did not know about all these details and that he seemed to know more about the deal and business than I did and that is where we left it. I did not negotiate with Mr Essa and Mr Essa simply explained why there was no agreement. I advised both Mr Essa and Minister Zwane that I could not comment on the deal and was frustrated by the fact that Mr Ephron was not at the meeting as he knew all the details.”

Then he says he raised the Section 54 notices and then he says you were cautious – that is the paragraph I read earlier on and he said nothing was agreed at the meeting.

20 Now you have not taken issue with that fuller version of the meeting than the one you have provided but you have said you did not pressure them or anybody.

Now it seems to me that Mr Glasenberg is in effect saying I was not in a position to discuss the issue that Mr Salim Essa wanted to be discussed because I did not the

details, I needed Mr Ephron who was not there and the meeting left the whole thing there.

Now the following day you have said your role was just to introduce the subject and you left the meeting so it seems to me that you played – in terms of substance, you may not have made any particular contribution on how the matter should be resolved. On your version all you said was I am concerned about the jobs, I would not like the mine to go into liquidation and Mr Glasenberg says yes,
10 you did express concern about the mine going into liquidation and you did not pressurise them to sell to the Guptas but you did say you are sure they could reach agreement with the Guptas. So I am just wondering why they would not have been able to resolve this matter without you because you did not play any active role. They just met and they seemed to have been able to resolve the matter. It is not like you heard what everyone said and engaged them to say but there is a problem with this, there is a problem with this, here is the advantages of solving
20 this matter in this way. They came together and effectively resolved it without any substantive input from you and it may well be that one should not expect you to make a substantive input but from the point of view of saying – of undertaking the whole trip to Switzerland to say you want to save jobs, the question is, how do you save jobs if you

are going to play such a minimal role and if you are not going to make a substantive production to how the problem is solved? What do you say to that?

MR ZWANE: No, Chair, when I was at the DMR there were – this was not the only problem because if one goes back to the presentation at the cabinet, it was not only 3000 jobs that were going to be lost, there were a number of jobs that were going to be lost. This was in the front because one mine had bigger numbers, 3000.

10 So I had to find the people talking, I did engage with other mine CEOs on this matter and we came to an agreement. Others presented that if our mine is extended this way – and I called official and said is there any wrong – for an example maybe I should mention that one of the CEOs I engaged was Mr Matara on the job losses and we resolved that matter by merely just engaging people.

CHAIRPERSON: Yes but here you did not engage any of the parties on the substantive issues.

MR ZWANE: I did not engage but Mr Glasenberg says –
20 raises the value of a minister taking up an issue. He says ...[intervenes]

CHAIRPERSON: Just repeat that?

MR ZWANE: In his affidavit Mr Glasenberg raises the importance of a minister taking an issue on any other particular matter in DMR. He says it was normal for a

minister to engage with any CEO of a mine on any particular matter and that when that happens he did not see anything wrong, that is why he came to them. So I want to believe that my presence and my raising as a minister the issue of concern about the job losses gave impetus to the urgency of the matter to be resolved. That is what I can say because the Chair is right, I did not participate in terms of substance, my being present and my willing to go an extra mile and meeting anybody anyway
10 was indication enough that this is an urgent matter which I am willing to bring my side as the department if the department was to do anything to resolve this thing.

CHAIRPERSON: I must be fair to you and let you know what is crossing my mind so you can say something on it, if you wish to. One of things that I have noticed in terms of evidence that I have heard with regard to the Guptas, particularly Tony Gupta, is that he seems to have had a pattern when he would meet government officials or ministers or SOE officials or members of boards in terms of
20 which very often he would have Mr Duduzane Zuma with him but almost all the people who would have been having a meeting with Mr Tony Gupta. where Mr Duduzane Zuma was there, say the same thing that other than Mr Duduzane Zuma being present at the meeting and maybe just engaging in pleasantries at the beginning, in terms of

contribution to the meeting, in terms of substance, there would not much – Tony Gupta would be the one doing the talking but Mr Duduzane Zuma would be there and one thinking might be well, maybe Mr Tony Gupta would bring Mr Duduzane Zuma just to bring some subtle pressure on the other person with whom he would be negotiating because Duduzane Zuma was the son of the former President and Duduzane Zuma seems to have been cautious in all those meetings in not saying wrong things.

10 Nobody can say Duduzane Zuma said this or that, said it is a good deal, no, you must agree, or whatever, but he was just present. Okay?

Mr Jonas gave evidence about his meeting at the Saxonwold Gupta residence, Mr Duduzane Zuma was there but he says he was very quiet.

Mr Dukwana gave evidence about a meeting he had with Tony Gupta where he said Duduzane was there, he said Duduzane Zuma was very quiet.

20 Mr Riaz Saloojee gave evidence about a meeting that he had – I think with Salim Essa, I think maybe Tony Gupta was there as well and Duduzane Zuma and he also said Duduzane Zuma was very quiet.

Johan Booysen gave evidence about a meeting he had with Tony Gupta and Duduzane Zuma and he was brought to the meeting by Duduzane Zuma and by the way,

Mr Jonas was also brought to the meeting by Duduzane Zuma but Johan Booysen also said Duduzane Zuma was very quiet. I think there are others.

So I wonder whether there was any attempt by whether it is Mr Salim Essa or Tony Gupta to say we just need Glencore to see that, you know, we have the minister wanting this thing to be resolved and we are here, let us resolve it.

So I am just mentioning that to you because it
10 crosses my mind and to be fair to you I think I must give you a chance to say something about it if you would like to.

MR ZWANE: Chairperson, I appreciate your fairness, I really do and I would really want to take this opportunity then to say something. I hear what the Chair is saying and how different witnesses has characterised Tony and Duduzane. I have however painted a picture as to the source of my going to Switzerland. It is not me, Chair, who presented the job losses in the cabinet. I got it there in the cabinet. I had to respond from a concern from the
20 cabinet, not an outside and that necessitated me then to go to Switzerland. It is me who had. When I was in Switzerland I did not keep quiet, to use my stance, I spoke with the party and gave them my wish, I want this matter to be resolved, it is record, I brought it here. Then I went out of the meeting.

I think the question is would I have accepted if the deal was not arrived at? I have indicated earlier on that I was not married to the sale of the company, that was not the intention, the intention was to reserve job losses in any manner possible, that is what I have said.

I wish to further place it on record Chair, that during my tenure at DMR companies linked to the Gupta received one of the most Section 54's, during my term. I did not care who was involved. If there was an issue, I would act
10 on that issue, irrespective of who is involved in this issue, because Chair, my orientation is that I should always fight for the oppress.

The oppress, I stand with them. I would not accept any manner where somebody wants me to use me to suppress other people, because I know I come from that background where I was suppressed myself. So there would not be a need for me to suppress anybody in order to resolve this.

I want to place that on record and I want anybody, if
20 people have time, must also go back and check for records. I have issued, I have interacted with 86 Section 11 when I was there as a minister. I am sure that is the most in two years.

Gave people Section 11 mining rights. I am sure that Glenco was the only if not I am forgetting, Section 11

that went to the [indistinct]. So I kept on doing my work as I was supposed to do and I would not be intimidated by anybody.

If I feel this is the right way I would voice myself and say this is right, I am not going to do the wrong thing. Appreciating Chair of what is going through your mind. I thought I should put this into context that I was driven by these principles and I followed.

CHAIRPERSON: Okay. Mr Seleka?

10 **ADV SELEKA SC:** Thank you. Mr Zwane ...[intervenes]

CHAIRPERSON: We are at twelve, so.

ADV SELEKA SC: Alright, yes. I get the Chair's message.

CHAIRPERSON: Ja, no I just realised that we have spent quite some time on this.

ADV SELEKA SC: Yes.

CHAIRPERSON: I do not want the whole time we have set aside, to be taken [indistinct].

ADV SELEKA SC: Yes.

CHAIRPERSON: Because there are other matters.

20 **ADV SELEKA SC:** Let me just traverse the last, what I would consider the last issue on this Mr Zwane. Paragraph 58 of Mr Glassenberg's affidavit, he does in fact say that after Mr Salim Essa talked about the sale of shares, and his response to that, saying that he is surprised that Salim Essa seem to have known the details more than he did,

and he is frustrated by the fact that Mr [indistinct] who knows the details, is not there.

He says in paragraph 58:

“I raised the issue about Section 54 notices.”

That is one, two:

“I also indicated that OCM would continue to supply coal to Eskom, but that Glenco would continue to fund OCM and take it out of business rescue.”

10 So he says he raised that in the meeting he is having with you and Mr Salim Essa. What is your comment to that? Because you were saying he did not raise the section, one he did not raise the issue of business, taking out OCM out of business rescue with you.

But there he does actually say he raised it with you and Mr Essa, in which event ... in which event if your purpose was to save jobs, that would answer your concern. Yes, your comment?

MR ZWANE: I have already commented on this but let me
20 briefly try and say what I have said. In his affidavit, he further says it made business sense. He was not pressurised but because of facts that he raises, he thought it was a good decision. Business decision.

I have indicated that he did not raise the readiness of Glenco taking this mine out of, because that would have

just end the meeting there Chair. Section 54, Section 54's in the department have a particular section. That is independent of the minister.

It is the department that actually looks after the safety of the workers, whether it is safe to work in the mine, and all those things. Section 54 gets implemented as and when there is a need for them to be implemented. I did go, checked with the department.

That is when I actually got that the fact is that
10 Guptas had received more Section 54's than Mr Glassenberg and I could not say to my worker, neglect the safety of the mine, because safety of the mine, people's live during my tenure, newspapers and information will tell you that I would even go the funerals of those people who died at the mine.

It was part of my priority issues. So I did look at it Chair, and that is my view on it.

ADV SELEKA SC: No, that is alright, because you see the picture that he nurses during the evidence of other
20 witnesses, is that prior to your appointment as the minister of DMR, on 23 September 2015, Minister Ramahlodi had been approached by Mr Molefe and Dr Ngubane.

They have requested him, according to Mr Ramahlodi, to suspend the ...[intervenes]

MR ZWANE: Chairperson, may I have a comfort break

once more?

CHAIRPERSON: Another break?

MR ZWANE: Yes.

CHAIRPERSON: Okay, no that is alright. Okay, let us take ten minutes break. Okay. We adjourn.

ADV SELEKA SC: Thank you Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES:

CHAIRPERSON: Okay, let us continue.

10 **ADV SELEKA SC:** Thank you Chairperson. Mr Zwane, I was just giving you a picture of the evidence that has emerged, that prior to your appointment as the Minister of DRM, Mr Mahlodi is approached by Mr Molefe and Dr Ngubane and on his version Mr Ramahlodi says he had been asked in a meeting to suspend the mining licences of Glenco.

He refused. When the president came back from the Bricks meeting he had attended, I am giving you a snapshot. He calls Mr Ramahlodi through his residence,
20 official residence. On Mr Ramahlodi's arrival there, he says he saw you and Mr Ace Magashule, waiting for the president.

But that he had a private meeting with the president in which the president tells him I am going to move you to the Department of Public Enterprises, no Public Service.

MR ZWANE: Yes.

CHAIRPERSON: Public Service and Administration.

ADV SELEKA SC: And administration, thank you Chair, and that is what happened. This meeting is taking place I think on the 22nd of September 2015. Your announcement for the appointment as DMR minister is made on that day with you being sworn in on the 23rd of September 2015.

Where after in November 2015 we see these notices from the officials of the DMR saying we are instructed to
10 make an inspection on a weekend, and this was on the 28th of November 2015 which according to them, even though not unusual, although the other one says it was unusual, unless there is an accident at the mine, then we will go and do an inspection.

But there are steps taken to suspend the mining operations at Glenco owned mines one, and number two that at least on the evidence before us you take the trouble to go meet with Glenco's CEO in circumstances on his version, where he says we have decided to take OCM out
20 of business rescue and we were going to continue to supply coal to Eskom.

So the picture emerges that the one minister is removed, replaced with the other, the other being yourself who seems to be sympathetic to the Guptas on the one hand seeking to obtain OCM in order to gain contracts at

Eskom.

Now and I know you have commented on this, but on Mr Ramahlodi and seeing you at the official residence of President Zuma, do you want to comment on that?

MR ZWANE: Chairperson, thank you for allowing me to comment. I have a great respect of comrade Ramahlodi. He is my elder. Even after his removal from DMR we remained very close. I am afraid to say the facts is that when I, he was finally called by the president, former
10 President Jacob Zuma, I did not go to his residence with the [indistinct] comrade Ace.

It is a fact Ace was not there when I was called and comrade Ramahlodi himself had raised a number of issues pertaining mining and I called officials and helped whoever needed to be helped, and I thought he knows me better. I cannot comment in terms of how he was removed to another department and his views thereof.

All what I know and all what I have said, which I thought he will also take kind is because his credentials
20 are more than my credentials in politics, that in the ANC we do not self-deploy. When I was removed as the Minister of DMR, I did not comment, I did not complain because of the same principle.

I went on to serve where I am serving currently and I am happy because of that principle. So I want to reject

the notion that I was brought as a stooge to try and through other things, especially this issue of Glenco, in fact Chair I still asked myself what would have happened if Glenco had written a letter, a formal letter.

The company is in liquidation. We are ready to put money and take this company out of liquidation. I think we would not be going up and down in terms of what would have happened. But I want to say from my side I was never there in Nthuli House with the current secretary
10 general of the movement.

He knows nothing about it. I have never met comrade Mahlodi there at Nthuli House.

CHAIRPERSON: It was Mahlamba Ndlopfu, not Nthuli House.

MR ZWANE: Oh, Mahlamba Ndlopfu.

CHAIRPERSON: Ja.

MR ZWANE: I have never met him there.

CHAIRPERSON: But Mr Seleka, I am not sure how material it is whether they met there or they did not meet
20 there or whether Mr Magashule was there or was not there. The fact, the objective fact is that Mr Zwane was his successor.

ADV SELEKA SC: Yes.

CHAIRPERSON: In that ministry and that is accepted.

ADV SELEKA SC: Yes, no I was just painting, giving Mr

Zwane the whole picture.

CHAIRPERSON: Ja.

ADV SELEKA SC: Because of ...[intervenes]

CHAIRPERSON: Yes.

ADV SELEKA SC: The allegation made, and of course we will give him the opportunity to say something to that allegation Chair.

CHAIRPERSON: Yes, no but what I am saying is the fact that he may have found him, that is Mr Ramahlodi may
10 have found him in, at Mahlamba Ndlopfu does not add either way on his credentials on whether he was sympathetic to the Guptas or not.

It was just a meeting. The whole point might be was he appointed because of any view by the former president that he would support the Guptas because Mr Ramahlodi's evidence was that he refused to operate with the Guptas, but seeing him at Mahlamba Ndlopfu does not add anything to that question as I see it.

But I think let us move on.

20 **ADV SELEKA SC:** Yes.

CHAIRPERSON: And ja, let us move on.

ADV SELEKA SC: Yes, so then well in the totality of the picture Mr Zwane, is the allegation that the issuance of the Section 54 notices, came about as a result of one of your advisors, Mr Mabusu saying to Mr Msiza that it was your

instruction that the notices should be issued.

Those notices were to be issued pursuant to an investigation that would take place on a Saturday, the 28th of November and that you would decide when those notices should be [indistinct]. Your comment on that?

MR ZWANE: I ensured to not know anything of that sort. I think that allegation when the commission raised it, I went back to Malcolm, asked about it. He denied having done that. Yes.

10 **CHAIRPERSON**: Mr Mabaso?

MR ZWANE: Mr Mabaso, yes.

CHAIRPERSON: Okay.

MR ZWANE: He denied ever having done that. I had an open door policy with all my officials.

ADV SELEKA SC: Just your face to the Chairperson.

MR ZWANE: I had an open door policy with all my officials. If they had an issue that was untoward, in the department my door was always open. If you go back to the mining charter that I left in that department, amongst the people
20 who would disagree in a meeting and give us a direction is Mr Msiza.

Some of the points he has made were taken in good faith. I still believe that if he had an issue that he is being pressurised to do something illegal, he would have indicated to me Chair and none of such an indication came

to me.

I would have reacted immediately.

CHAIRPERSON: Yes, how did you come to have Mr Mabaso as I think one of your advisors?

MR ZWANE: Yes Chair.

CHAIRPERSON: How did that come about?

MR ZWANE: I knew Mr Mabaso for a long time in the Free State. So when I came here, looking for advisors, I wanted people who will understand how the organisation works,
10 the discipline within the organisation and they are capable also of ...[intervenes]

CHAIRPERSON: The organisation?

MR ZWANE: African National Congress.

CHAIRPERSON: Okay.

MR ZWANE: So, and they are capable also of carrying out their duties, yes Chair.

CHAIRPERSON: And you also have another advisor called Mr Kubin Moodley.

MR ZWANE: Yes.

20 **CHAIRPERSON:** How did you come to have him as one of your advisors?

MR ZWANE: I met with him earlier also in the Free State, introduced to me by one of my comrades, Nxwaxwa and that is how I met him. Yes, Chair.

CHAIRPERSON: How long, when was it that he was

introduced to you in relation to your appointment as the Minister of Mineral Resources? How far back did you go with him? At that time ...[intervenes]

MR ZWANE: Way back, when I was still in the province Chair.

CHAIRPERSON: Yes.

MR ZWANE: I think I was still the executive major at that particular point.

CHAIRPERSON: Which would have been around what
10 time?

MR ZWANE: Around 2004, 2006 there.

CHAIRPERSON: When you got, when Mr Kubin Moodley was introduced to you?

MR ZWANE: Yes.

CHAIRPERSON: And did you keep in touch with him since then, between then and you appointing him as your advisor?

MR ZWANE: We would seldom talk ...[intervenes]

CHAIRPERSON: Ja.

20 **MR ZWANE**: Matters of the organisation.

CHAIRPERSON: Ja.

MR ZWANE: He is a very warm person.

CHAIRPERSON: Yes.

MR ZWANE: He passes [indistinct]. My house is just next to the road.

CHAIRPERSON: Ja.

MR ZWANE: [indistinct]

CHAIRPERSON: Yes, yes, and from what you say I take it that Mr Mabaso was or is a member of the ANC from what you say. You said you wanted people who would understand the organisation?

MR ZWANE: I met him there, Chair.

CHAIRPERSON: As a member of the ANC?

MR ZWANE: We had a function, I think it was in
10 Bethlehem. He was with other comrades. They introduced him to me and I then said where are you living, he said no I am in Joburg but I am frequenting Free State because I have friends here.

That is how we got to know, yes.

CHAIRPERSON: But you said you wanted people who understood the organisation.

MR ZWANE: Yes.

CHAIRPERSON: I would assume that the people who
20 would have a better chance of understanding the organisation would be those who are members of the organisation. So I am asking whether to your knowledge he was at least at that time, a member when you appointed him as an advisor, as one of your advisors whether he was a member of the organisation.

MR ZWANE: No, I did not check that at that particular

point.

CHAIRPERSON: Ja.

MR ZWANE: I referred back to our engagements and even when, after he was appointed as an advisor. He is not clued up in terms of organisational issues. Yes.

CHAIRPERSON: But you were not sure whether he was a member or not?

MR ZWANE: No, at that time I appoint him, that I did not check Chair.

10 **CHAIRPERSON:** And Mr Kubin Moodley, why did you pick him?

MR ZWANE: Mr ...[intervenes]

CHAIRPERSON: Why did you choose him to be one of the advisors? Would he also understand the organisation well?

MR ZWANE: Mr Moodley was introduced to me as I have said Nxwaxwa by a comrade, who was the Nxwaxwa he is still in the Free State this comrade. He comes from Durban, Chatsworth.

20 **CHAIRPERSON:** Chatsworth.

MR ZWANE: Ja, Chatsworth. That is how I knew him. He, I learnt as we were engaging, that he was properly qualified, he is a warm person who can interact with people. So when I wanted to have advisors, I thought his crudeness in terms of interacting with people with

qualifications were also a factor that I took into consideration.

CHAIRPERSON: So what was, what was he as a profession? What is his profession?

MR ZWANE: He has an MBA if I remember well, and another degree, I think it is BSC. Yes Chair.

CHAIRPERSON: And apart from what you seem to say was his capability to interact with people, was there anything in his qualifications or experience that attracted you to him or
10 it was just his ability to interact with people?

MR ZWANE: I was venturing into a sector that will need somebody who understands at least the theory of this. So his MBA to me came in handy because I was going to deal with business. Their attitude, how to approach them and so forth, would have come in handy for me.

That is why I opted for him Chair. Plus, I had known him for quite some time. Ja.

CHAIRPERSON: He was an advisor to you, is that right?

MR ZWANE: Part time.

20 **CHAIRPERSON:** Part time, ja. But advisor.

MR ZWANE: Ja.

CHAIRPERSON: Okay. Now I do know that sometimes with ministers or some of the cabinet people, some time they talked about a political advisor, sometimes about an economic advisor. Sometimes about a legal advisor. What

advisor was he?

Or was he a general advisor.

MR ZWANE: Yes Chair.

CHAIRPERSON: He was just a general advisor.

MR ZWANE: The department itself had enough resources in terms of economy, legal. We have sections that are there permanently. So my advisors would actually take me through anything I want them to take me through, yes.

CHAIRPERSON: And when you appointed him, was he a
10 business person, was he employed elsewhere? What was the position as you understood it?

MR ZWANE: I think he was doing business if I recall ...[intervenes]

CHAIRPERSON: Sorry?

MR ZWANE: I think he was doing business Chair.

CHAIRPERSON: Yes.

MR ZWANE: Ja.

CHAIRPERSON: But do you know what business he was doing?

20 **MR ZWANE**: I did not go into details.

CHAIRPERSON: You see, the part of the reason I am asking you ...[intervenes]

MR ZWANE: Yes.

CHAIRPERSON: Is because you may or may not know that he, there was litigation between the commission and him. I

think 2020 or 2019 and one of the things that he I found strange, was that in his affidavits he did not say what he was doing for a living, but so I am, I was wondering whether when you appointed him, you know what business he was involved in.

MR ZWANE: Oh, okay. No, I did not go into those details.

CHAIRPERSON: Yes.

MR ZWANE: Because he was going to be part time.

CHAIRPERSON: Yes.

10 **MR ZWANE**: As and when I need him.

CHAIRPERSON: Yes.

MR ZWANE: He will then come.

CHAIRPERSON: And Mr Mabaso, what was ... was he a business person when you appointed him? Was he employed somewhere?

MR ZWANE: He was also doing business Chair.

CHAIRPERSON: Yes.

MR ZWANE: If I recall properly.

CHAIRPERSON: Yes.

20 **MR ZWANE**: Ja.

CHAIRPERSON: But do you know what business he was doing?

MR ZWANE: No.

CHAIRPERSON: You also do not know?

MR ZWANE: No.

CHAIRPERSON: And did he have any particular qualifications that you, attracted you to him or experience in terms of your portfolio at that time?

MR ZWANE: I remember that his, he and his family are from a legal background. I think he had dealt with communication at some point. I cannot say, I cannot remember his proper qualifications. But that is what I can remember.

CHAIRPERSON: So what you remember about his is that
10 at some stage he had dealt with communication?

MR ZWANE: Yes and he is from a legal background.

CHAIRPERSON: His family has a legal background?

MR ZWANE: Ja.

CHAIRPERSON: But not him?

MR ZWANE: I cannot just recall his ...[intervenes]

CHAIRPERSON: You cannot recall.

MR ZWANE: Proper, ja ...[intervenes]

CHAIRPERSON: You cannot recall his qualifications either?

20 **MR ZWANE:** Yes.

CHAIRPERSON: Can you recall what kind of experience he had that may have attracted you to him?

MR ZWANE: Malcolm understood the jargons of law.

CHAIRPERSON: The what?

MR ZWANE: The jargons of law. How courts will work,

how are we supposed to be in line with legal principles. He would be the one who brings in terms of advising, proper administration and so forth. Yes.

CHAIRPERSON: But he did not have legal qualifications. Why would you be attracted to how he would deal with law and he did not have legal qualification?

MR ZWANE: As I have said, I know he comes from a legal background. He used to articulate it very well, at least for me, a lay man, a person who does not have that
10 background. It may be different with the Chair.

But he came in handy honestly when it comes to issues of administration and, in the office.

CHAIRPERSON: You see, the fact that you, you know sometimes people who are legally qualified, when they occupy certain positions, when there are legal matters they need a lawyer to advise them. You, I am sure you know that.

Even when judges have got matters, they need a lawyer to advise them. You know that, not so?

20 **MR ZWANE:** Yes, yes Chair.

CHAIRPERSON: Now if you, if as you put it you are a lay person in law, that is all the more reason why the person you need to advise you should be legally qualified and not somebody that is not legally qualified. So what I am putting to you is that it does not seem to make sense to

me, that when you need somebody to give you legal advice and you do not have legal qualifications, you should go for somebody who does not have legal qualifications when there are many people with legal qualifications who can do that job.

So, because then you can rely on somebody who has got legal qualifications, than somebody who has no legal qualification himself, but maybe I do not know whether your approach was he can go and ask his family
10 because you said his family had legal qualifications.

The, I have difficulty with that logic. I would think from your point of view you would say look, I am not legally qualified, I cannot rely on somebody who is also not legally qualified. It is going to lead me astray. I need somebody who is strongly qualified in terms of the law so that I can rely on his guidance and advice.

What do you say to that?

MR ZWANE: Chair, I have indicated earlier on that the fields of law, dealing with legalities in the department was
20 sufficiently staffed. From, it is correct what the Chair says, even at that, in that instance they themselves should also look for legal opinions outside the department.

For this position I needed somebody I know I can trust, is honest, will advise me properly and discernible at least from what I know. I am saying to this commission I

cannot remember well the qualifications of Malcolm, but I furnished reasons why I appointed him.

I hear what the Chairperson is saying, getting somebody who is very strong legally. Malcolm's role was not to advise me legally. I have said my, all my advisors were general advisors. They were not specific. Yes, Chair.

CHAIRPERSON: I thought you said he was, although he was not legally qualified he was good in giving legal
10 advice. I thought that is why we got into this discussion.

MR ZWANE: Chair, my apology. Your understanding of legal advice and my understanding may differ at the level of I would not need a legal advice in the sense of deep legal issues. I would get it in the department. But I would want somebody who would say to me these are the issues that you generally need to look at.

I will then look at those issues, amongst other issues, but legally until Kubin had gone, and I appointed a legal advisor who was legally ...[intervenes]

20 **CHAIRPERSON:** Qualified.

MR ZWANE: Qualified, they used to advise me generally, both of them. As we went on, I thought I needed his legal strong background. That is why after Kubin I got somebody who was an advocate. Yes.

CHAIRPERSON: Mr Seleka?

ADV SELEKA SC: Ja, thank you Chair. Mr Zwane, did you know that Mr Kubin Moodley was associated in business with Mr Salim Essa? Particularly as it pertains to Regiments.

MR ZWANE: No, I did not.

ADV SELEKA SC: You did not know that?

MR ZWANE: No, I did not.

ADV SELEKA SC: So you ...[intervenes]

CHAIRPERSON: Sorry, this was 2015?

10 **ADV SELEKA SC:** Correct Chair.

CHAIRPERSON: When he appointed, when you appointed Mr Kubin Moodley and Mr Mabaso, was it 2015?

MR ZWANE: It was 2015.

CHAIRPERSON: That is the end of the second half of the year? September?

MR ZWANE: Ja, late September there.

CHAIRPERSON: Okay.

MR ZWANE: Ja.

20 **ADV SELEKA SC:** Well, similarly with Mr Mabaso, because he would have seen from the [indistinct] report, that he was in business with Mr Salim Essa in some security company. A company called Premium Security and Cleaning Services.

Did you know the relations between the two?

MR ZWANE: Chair, let me say at the time when I was

appointed it would have been difficult for me to know if this person is in partnership with that person, what that means because I am not ...[indistinct – word cut] I just know that these people are doing business, I did not know whom they were doing business with. I did not know Salim Essa at that particular point and – but maybe the long and short answer is that I did know that information, as I appointed them, as I have said earlier on.

ADV SELEKA SC: Yes, because I thought part of the
10 appointment is a vetting process, you know looking at this person's background, what does he do, who is he connected with, his qualifications and so on.

CHAIRPERSON: Yes.

MR ZWANE: Ja.

CHAIRPERSON: Ja, background check, you did not do a background check on them?

MR ZWANE: When the background check is done it is done by the Department Chair.

CHAIRPERSON: H'm. But they need to check you, isn't
20 it?

MR ZWANE: Ja, if there is any issue that is untoward, then they bring it to my attention, and depending on the veracity of the issue we then take a decision, no these people can't be here because of 1, 2, 3, that was not brought to my attention.

CHAIRPERSON: H'm.

MR ZWANE: Yes.

CHAIRPERSON: Mr Seleka?

ADV SELEKA SC: Thank you Chair. Something comes to my mind, just quickly, the medical operation you underwent at India, I understand from the information given to the Commission that it was paid for by Sahara Computers?

MR ZWANE: Can I answer Chair?

CHAIRPERSON: Yes, yes.

10 **MR ZWANE:** I paid for my expenses as I've indicated earlier on, I went to a public hospital, not a private hospital, I queued with all the people there for my operation.

CHAIRPERSON: So, your medical bill or the hospital expenses and whatever doctor, you said, you paid for yourself?

MR ZWANE: Yes, Chair.

CHAIRPERSON: H'm.

20 **ADV SELEKA SC:** Okay, I will obtain the information to show it to you Mr Zwane, the...[intervenes].

CHAIRPERSON: Or maybe before you go there, Mr Seleka, don't forget your question.

ADV SELEKA SC: Yes.

CHAIRPERSON: So with regard to your decision to appoint Mr Mabaso and Mr Kubin Moodley who – the

information available suggests were associated with Mr Salim Essa who is associated with the Gupta's. You say it was simply a coincidence that both your advisors that you appointed happened to have connections with Mr Salim Essa?

MR ZWANE: I'm saying I did not know that Chair.

CHAIRPERSON: Yes.

MR ZWANE: Ja.

CHAIRPERSON: Ja, ja okay, Mr Seleka?

10 **ADV SELEKA SC:** Thank you. Mr Zwane, the – Chair I just want to move on to this link, your interaction with Mr Tony Gupta.

CHAIRPERSON: Oh, are you moving away from that issue of the – oh she's looking at it?

ADV SELEKA SC: She's looking at it ja.

CHAIRPERSON: Oh, okay.

ADV SELEKA SC: Mr Zwane, you've mentioned a couple of times when you met with Mr Gupta – Tony Gupta but we know that you also attended the Gupta weddings at Sun
20 City, correct?

CHAIRPERSON: I'm sorry, again, Mr Seleka, I'm sorry.

ADV SELEKA SC: Yes Chair.

CHAIRPERSON: Let me just cover something because you're moving away from the trip to India for now. You said that you asked for a lift with Tony Gupta and then

when you had to go to India from Switzerland, is that right?

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Yes, that, despite the fact that you said your trip to India was an official trip and therefore the Government or your department would pay for it. Am I right to say the explanation or excuse you give, why you didn't use the Government flight, paid for by the Government is that you had a problem with your voice?

MR ZWANE: Yes, it is a well known fact, Chair, I used to
10 struggle a lot.

CHAIRPERSON: Yes, now how was it going to help you to travel with Tony Gupta, in terms of your voice instead of taking the flight that had been booked for you and that would be paid for by Government?

MR ZWANE: Chair, when that happens my – I lose my voice I will not be able to express myself.

CHAIRPERSON: Yes.

MR ZWANE: Properly as the situation worsens, I couldn't sit here and you are there, you can't hear me, you could
20 hardly hear me when you're here.

CHAIRPERSON: H'm.

MR ZWANE: So, I had to strain my vocal, so I thought if I go and, through the commercial line I'll have to explain myself, I was not well, I was sick, let me put it. So, I thought – because these ones are going there, I'll get into

this private jet of theirs, arrive at India and rest. I can't remember well, Chair, if I'm correct, I think my commercial plane was via Dubai to India and they were going straight. So, I thought I'd be able to arrive and take precautions as I had medicine with me. So, it was a faster way of getting to India with the condition that I had.

CHAIRPERSON: Because you were so sick why didn't you just go back home and cancel your trip to India?

MR ZWANE: Chairperson, I went to Russia also. When I
10 was in Russia, I experienced the same and I had to be operated right in Russia.

CHAIRPERSON: H'm.

MR ZWANE: This thing was not a thing Chair, you'll say it's a headache it will go away.

CHAIRPERSON: H'm.

MR ZWANE: The people of South Africa at some point, some radio personalities would even make jokes about me and my – the quality of my voice.

CHAIRPERSON: About the quality of?

20 **MR ZWANE:** My voice.

CHAIRPERSON: Ja.

MR ZWANE: Nobody knew that I had a throat problem, it was not an issue that will go away tomorrow it is a pain that I endured – endured during my time as a Minister because I was only able to get help after I was relieved of

my duties as a Minister. So, I've gone to a number of places under...[intervenes].

CHAIRPERSON: But my question is, why don't you go home you are sick, why don't you go back home and cancel your trip?

MR ZWANE: Chairperson I have said this was worsened by the weather.

CHAIRPERSON: Yes.

MR ZWANE: And every time I had to go to these cold
10 places or where I have to change weathers, I had that problem. In all of them, Chairperson, there's no single one of them that I can recall. I remember when I was addressing a high delegation of Russian deputy Ministers, deputy President there there's another name. I was at my lowest ever, but I continued doing my job as I was supposed to do.

CHAIRPERSON: H'm.

MR ZWANE: So, in my mind it wouldn't have crossed my
20 mind that I should come back because it was not a shock, I knew that I had to manage this thing. In fact, let me say this Commission, if I addressed any meeting my worry was not about the contents, my worry was whether my voice would project in that meeting. There are meetings where I failed to address.

CHAIRPERSON: H'm.

MR ZWANE: Because of the same condition so, it was a condition that I was living with it would have not helped me to come back and think I will be fine in the next two weeks, the condition was there, I had to live and continue doing my work.

CHAIRPERSON: But what was the business you were going to do in India?

MR ZWANE: I was going to meet with possible investors, Chair.

10 **CHAIRPERSON:** But how were you going to communicate with them if you couldn't talk? So, what was the point of proceeding with the trip which required you to talk with investors when your voice was giving you such a big problem that you thought you shouldn't – you wouldn't be able to talk to the people at different airports if you used the commercial flights?

MR ZWANE: Chair, what I'm trying to paint – I hear what the Chairperson is saying.

20 **CHAIRPERSON:** H'm, you see I just wanted to add this so that when you answer you can answer the whole things. For me if the purpose of your trip to India involves speaking to people, investors, and your voice was – you were so sick and your voice, you couldn't talk even somebody who is close to you would struggle, I don't see why you would still proceed because you won't be able to

do what you're supposed to do that's why you should go back home, why insist on going there?

MR ZWANE: I had been in similar situations before Chair, I remember one interaction I did whilst I was in the Free State, I actually had to write what I'm saying in the meeting, I was in that meeting, I actually had to write, this is what I want to say and somebody would then read that because as I'm saying – I don't know how to put it Chair this was not something that will disappear tomorrow.

10 **CHAIRPERSON**: Yes.

MR ZWANE: It was a condition I was living with, I only took advantage that here is a better way of arriving quicker in India without me straining my voice which was already strained, let me rest it so that when I arrive in India, at least I'm better.

CHAIRPERSON: I know that you have said, I think in your affidavits that when you went to Switzerland there was an official of the department that you went there with, is that correct?

20 **MR ZWANE**: That is correct, Chair.

CHAIRPERSON: What was the name of that official again, if you are able to remember?

MR ZWANE: I think it's Raphela [?].

CHAIRPERSON: Raphela , Mr Raphela?

MR ZWANE: Ja.

CHAIRPERSON: And what was his position at the time, was he a deputy DG?

MR ZWANE: I think he was one of the Directors involved in ...[intervenes].

CHAIRPERSON: At the OCM?

MR ZWANE: No, the Regions reports to him in terms of mining.

CHAIRPERSON: Oh, okay.

MR ZWANE: Ja.

10 **ADV SELEKA SC:** And did he go with you to India?

MR ZWANE: His specific task was to advise me on the issue of finding a solution to – ja, I think he went with me on the hindsight, I can't remember when, but I think so.

CHAIRPERSON: Ja, on the particular occasion?

MR ZWANE: When he was responsible for Switzerland.

CHAIRPERSON: Yes.

MR ZWANE: Yes, but if I recall well, Chair, I think he accompanied me to India if I'm not wrong, I'll have just to refresh my...[intervenes].

20 **CHAIRPERSON:** But now he was advising you on how to find a solution but then he was not in the meeting in either of the two meetings, how does he advise you if he's not here to hear what other people have to say?

MR ZWANE: Chair, I did not want him to be in the meeting for the simple reason because I didn't want us, as

DMR to be part of the decisions or sway any decisions in any particular direction.

CHAIRPERSON: H'm.

MR ZWANE: If I needed – or I was asked any question in terms of our role as the department I thought some of the issues, I may not be able to respond properly because I had been there since September and it was December so I took somebody who's clued up in terms of issues should there be a need for me to commit the department, I should
10 do so having taken an advice on somebody who works on these things.

CHAIRPERSON: But is there anything that would have been wrong for you to have our advisor with you at the meeting?

MR ZWANE: My advisors were pretty new Chair, like myself ...[intervenes].

CHAIRPERSON: No, I'm sorry, when I say – I'm saying advisor but I'm referring to that official I'm not talking about Mr Mabaso and Mr Moodley. I'm simply saying
20 advisor because you said you brought him – took him with you to Switzerland because you wanted him to advise you, so that's why I'm referring to him as an advisor in that context.

MR ZWANE: My aim was not to sit in the meeting at all, that is why I never sat in the meeting. My aim was to

introduce the subject and allow the parties to debate in case they wanted to engage DMR would have come in handy at that particular point.

CHAIRPERSON: So, did he end up advising you at all on anything in Switzerland?

MR ZWANE: I think when I left the meeting, even after I'd met Mr Glasenberg and Essa, we had our own meeting in terms of his view as to what would be the best way forward on this matter and should we be asked by any of the
10 parties, at least I know, how can I approach them. So, we were in constant communication with him.

CHAIRPERSON: H'm.

MR ZWANE: He was there so.

CHAIRPERSON: H'm.

MR ZWANE: Even when I left the meeting, I went to him, we sat down.

CHAIRPERSON: H'm.

MR ZWANE: Yes Chair.

CHAIRPERSON: So, in India did you, ultimately, meet
20 with investors that you had intended to meet with?

MR ZWANE: I did meet with two because in terms of days then my problem worsened, I had to cancel the other engagements.

CHAIRPERSON: H'm.

MR ZWANE: And – but I was operated, I thought when I

come from the doctor, I would have given medicine to – but after I was operated then I cancelled the two.

CHAIRPERSON: H'm.

MR ZWANE: Yes, I met with only two possible investors.

CHAIRPERSON: H'm could they hear you?

MR ZWANE: They responded to what I was saying Chair.

CHAIRPERSON: Yes.

MR ZWANE: Under those difficult conditions.

CHAIRPERSON: H'm was your assessment that they were
10 struggling to hear you?

MR ZWANE: Yes, no that's true Chair.

CHAIRPERSON: They were struggling?

MR ZWANE: They were struggling, in fact in most of the meetings I've attended some people, before they respond on what I'm saying as facts, they'll first respond on my medical condition.

CHAIRPERSON: Mr Seleka?

ADV SELEKA SC: Thank you Chair.

CHAIRPERSON: I see we are at one minute past one. I
20 propose that we go up to – I propose that we don't take lunch now and that we'll adjourn for the day at two. Will everybody be able to live with that?

ADV SELEKA SC: My side, yes, Chair. Mr Zwane will have to speak for himself.

CHAIRPERSON: Okay please bear with us I think

everybody will try and live with it, Mr Zwane, you – or ...[intervenes].

MR ZWANE: Chair, I think – I thought Advocate Seleka was speaking on our behalf.

CHAIRPERSON: Oh okay.

MR ZWANE: I would be able to live with it, but I thought a small break, then we'll continue, it's fine.

CHAIRPERSON: Okay let's take a ten minute break and then come back then maybe we'll just do an hour after
10 coming back.

ADV SELEKA SC: Yes.

CHAIRPERSON: Ja, okay we adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay let us continue we will adjourn at quarter past two.

ADV SELEKA SC: Thank you Chair. So let me do this. Mr Zwane there is an affidavit in that bundle – Eskom Bundle 19 if you could please turn to page 353.1.

20 **CHAIRPERSON:** Did you say Bundle 18?

ADV SELEKA SC: 19 Chair. The same bundle where Mr Zwane's affidavits are.

MR ZWANE: Yes.

ADV SELEKA SC: The – it is the – it is an affidavit immediately after your supplementary affidavit.

MR ZWANE: The supplementary?

ADV SELEKA SC: Yes.

MR ZWANE: Okay.

ADV SELEKA SC: Immediately after your supplementary. Go to the end of your supplementary affidavit. Turn the page again. Yes. Chair that is page 353.1.

CHAIRPERSON: 353.1.

ADV SELEKA SC: Yes.

CHAIRPERSON: That is Benjamin Theron.

- 10 **ADV SELEKA SC:** Correct Chair. The Chief Operations – Operating Officer of OUTA – Organisation on doing Tax Abuse. You see that Mr Zwane? Mr Zwane this affidavit is – is the – is similar to the OUTA report both of which we have shared with you this affidavit and that OUTA report.

I want to draw your attention – so just to finish off on the issue of the trips to India to draw your attention to paragraph 31 which is on page 353.21. May I – if I may Mr Zwane start on paragraph 30?

- 20 Now what we are going to look at here Mr Zwane is the totality of what this affidavit says are your trips to Dubai and to India at the expense of the Gupta's and give you a chance to comment.

I recall that you had said on some of these things – some of these things you see them for the first time you will indicate to the Chairperson which one you want to deal with

in due course.

Paragraph 30 says:

“Of particular concern is the evidence of a kickback from the Gupta’s to Zwane and other officials in the department for facilitating the Estina Scheme. In October 2012 shortly after the launch of the Estina Project Zwane, officials from the department and a local gospel choir the Umsingizane Gospel Choir that Zwane promotes were hosted on an all-expenses paid tour of India by the Gupta’s.”

I will – I will start with that paragraph Mr Zwane and go through each one of them and give you a chance to comment quickly.

I know you deal with this in your affidavit could you please tell the Chairperson what is your comment to that allegation.

MR ZWANE: No thanks Chairperson. Let me indicate up front that my view is that I am going to assist the commission on all the matters that were raised before me by the commission except for information and opinions particularly by Mr Benjamin Theron on the information extorted from the leaks.

I would not want to vouch for them as they are not

verified and I do not want to victimise them. But on all the issues especially on issues like this which was asked before I am willing to assist this commission. I just do not want to fall prey to legitimising something that I do not know where it comes from – something that seems illegal in terms of how it was discovered.

I thought I should make that point. I will – I will indicate when I come to such points.

CHAIRPERSON: Ja.

10 **MR ZWANE:** And if allowed then I will make my comment.

ADV SELEKA SC: Yes please.

MR ZWANE: Chairperson maybe it is important that I should give this commission information that the Vrede Dairy because this is about Vrede Dairy.

CHAIRPERSON: Yes but maybe let us break up the questions.

ADV SELEKA SC: Yes.

CHAIRPERSON: Is there a choir that you were associated with in the Free State that travelled to India at some stage?

20 **MR ZWANE:** Chairperson I do not own a choir.

CHAIRPERSON: Yes.

MR ZWANE: As an executive Mayor in the Free State I did participate in youth development which was called social 00:06:33 at that point and part of the – my partaking was to assist all these poor artists from various places in the

district and on the 10th of August 2008 a choir was formed by the name of Umsingizane as Advocate has read it. It is choir that is independent away from me that does its business like any other NGO will do.

I think I have tried to give ...

CHAIRPERSON: So are you saying you have no association with that choir Umsingizeze?

MR ZWANE: Umsingizane.

CHAIRPERSON: Umsingizane or do you accept that you
10 have a certain – some association in which case you could tell us what the nature of that association is. I know you have said you do not own it but that might not be the only possible association.

MR ZWANE: My association with it is that I helped from them and in their quest of what we recording I myself also as an artist before I had experienced difficulties with my voice I have two songs with the choir.

CHAIRPERSON: Yes okay.

MR ZWANE: Ja. That is my – the association.

20 **CHAIRPERSON:** Yes so you helped from the choir.

MR ZWANE: Ja.

CHAIRPERSON: And you – you sang two songs with – there are two songs.

MR ZWANE: Ja.

CHAIRPERSON: In which you were involved.

MR ZWANE: In their album ja.

CHAIRPERSON: Ja. Oh in their album they have got two.

MR ZWANE: In their album.

CHAIRPERSON: Album there are two songs.

MR ZWANE: Yes.

CHAIRPERSON: Where you are involved – which you were involved in.

MR ZWANE: Which I was involved ja.

CHAIRPERSON: Yes okay.

10 **MR ZWANE:** Which I was involved yes.

CHAIRPERSON: Okay. Did you sponsor the choir at some stage or another or not really?

MR ZWANE: I have never sponsored this choir Chair.

CHAIRPERSON: Yes.

MR ZWANE: The choir has always looked out for sponsors independently.

CHAIRPERSON: Ja.

MR ZWANE: From anybody.

CHAIRPERSON: Okay.

20 **MR ZWANE:** All this time.

CHAIRPERSON: Okay. And did this choir as far as you know take – undertake a trip to India at some stage?

MR ZWANE: Yes they did Chair.

CHAIRPERSON: They did. And was that in 2012/2013?

MR ZWANE: I think it was 2012.

CHAIRPERSON: 2012. Do – did you have any role to play or any activities you engaged in to assist them in – with their trip or to support their trip or support them in going to India?

MR ZWANE: No Chair.

CHAIRPERSON: No.

MR ZWANE: No.

CHAIRPERSON: You did not speak to anybody to assist them in any way?

MR ZWANE: No I did not.

10 **CHAIRPERSON:** Yes. They went on their own and they came back?

MR ZWANE: Yes.

CHAIRPERSON: Okay alright. And do you know how they were sponsored by any chance?

MR ZWANE: No Chair I – I do not know. I have never asked them.

CHAIRPERSON: Yes.

MR ZWANE: Ja I have never asked them.

CHAIRPERSON: Okay alright. Mr Seleka.

20 **ADV SELEKA SC:** Yes. Mr Zwane please turn to page 353.129. It is way – way..

MR ZWANE: Oh page 129?

ADV SELEKA SC: Ja 353.129. You will see it is an annexure marked NJZ18 – 18

MR ZWANE: Thank you.

ADV SELEKA SC: NJZ18.

MR ZWANE: You said 129.

ADV SELEKA SC: That is right.

MR ZWANE: I am there.

ADV SELEKA SC: Now you will see there are emails there.

MR ZWANE: Yes.

ADV SELEKA SC: There is an email from – now Chair I need to explain where you find that one. If you start at the top of the page there is an email from Ashu sent Saturday
10 October 13. If you go after that – below that you will see one from Ashok Narayan dated 13 October 2012 to Ashu. And you go further down you see the subject sent from i-Phone begin forwarded message and then there is an email from M Zwane- zwanemail@gmail.com. You see that?

MR ZWANE: Yes I do.

ADV SELEKA SC: Now the time stamp is important because then your – the email with the email address zwanemail@gmail.com is dated October – 13 October 2012 the time stamp is 2:46:56pm so you lost two hours and this
20 email is to Ashok Narayan the subject is Re- which means reply detailed itinerary and it says:

“Hi herewith rooming list as expected.”

And then it indicates non-sharing, it gives a list 1 to 7 of the names of people.

No. 1 is M J Zwane, Just before I go into the details of the

email do you have anything to say about the email address zwanemail@gmail.com? Is that your email address?

MR ZWANE: I think this was my email address yes.

ADV SELEKA SC: It was you email?

MR ZWANE: Yes.

ADV SELEKA SC: Was this an email from you to Mr Ashok Narayan?

MR ZWANE: I have not interacted with Ashok Narayan.

ADV SELEKA SC: Yes.

10 **MR ZWANE**: I remember I think about three – four occasions where I had to assist the choir in terms of communication methods because at that particular time most of them were not working.

ADV SELEKA SC: Yes.

MR ZWANE: I did – I did that particular time allow a member who was responsible.

ADV SELEKA SC: Yes.

20 **MR ZWANE**: For fundraising and communication by the choir as he told me to use my gadget. I do not know the details in terms of what were – were the details for.

CHAIRPERSON: Okay. Can – can we take it that you are saying that you – this email either was or may have been sent from...

MR ZWANE: My.

CHAIRPERSON: Your computer or your cell phone, is that

correct?

MR ZWANE: Yes.

CHAIRPERSON: But you say it would have been sent by a member of the choir who asked – whom you allowed to use your computer. Is that right?

MR ZWANE: That is right Chair.

CHAIRPERSON: Okay alright. Okay Mr Seleka.

ADV SELEKA SC: Yes. Thank you Chair. So that email then indicates on the face of it and as we read from that affidavit
10 the names of those persons who will not share a room at a hotel which is the first list of seven names and then the second list of ten names are the list of names of persons who will share rooms at the hotel when they are in India. Is that correct?

MR ZWANE: Yes I see that.

ADV SELEKA SC: Yes. Is M J Zwane the first one – number 1 non-sharing is that yourself?

MR ZWANE: I am M J Zwane yes.

ADV SELEKA SC: Yes is that yourself on that list?

20 **MR ZWANE:** I think it is – it is me.

ADV SELEKA SC: Yes. So this on the face of it Mr Zwane seems to be an email in the context of arrangements.

CHAIRPERSON: Maybe let us – maybe Mr Seleka.

ADV SELEKA SC: Yes Chair.

CHAIRPERSON: Just so that in the transcript it will come up

let us say.

ADV SELEKA SC: Yes.

CHAIRPERSON: You have already said – given the email address from which the email came and the date was October 13, 2012 seems to have been sent at 2:46 pm and it was addressed to Ashok Narayan and the email address is given there the subject is Detailed Itinerary and you read the first part Hi herewith rooming list as expected and then seven names are given under that and they are given under
10 a heading that says non-sharing which seems to suggest that those seven people were not going to share rooms and then the – then there is a list of ten which is under a heading that says Sharing which I take to mean they were going to share rooms and at the end of that it say Regards Inno – I-n-n-o. Do you know who Inno is?

MR ZWANE: Yes I do.

CHAIRPERSON: Who was he or she?

MR ZWANE: She was an official of the department.

CHAIRPERSON: She was an official of the department?

20 **MR ZWANE:** Yes.

CHAIRPERSON: What is her surname?

MR ZWANE: I think 00:17:53

CHAIRPERSON: Is it Innocent maybe.

MR ZWANE: Yes.

CHAIRPERSON: Innocent 00:17:57.

MR ZWANE: Yes.

CHAIRPERSON: Okay. So this would suggest that she is the one who sent the – who wrote the email. Was she part of the choir?

MR ZWANE: No she was not part of the choir Chair.

CHAIRPERSON: Yes.

MR ZWANE: She did not travel with the choir.

CHAIRPERSON: Yes.

MR ZWANE: I also did not travel with the choir.

10 **CHAIRPERSON:** Yes.

MR ZWANE: Under normal circumstances I would have – I would have thought as I have said I have two songs with the choir.

CHAIRPERSON: Ja.

MR ZWANE: I would have thought that the choir thought I will participate in this trip in terms of performing. I did not go with the choir. I was not part of the arrangement. There is evidence that I went to India. It was an official trip that was paid for by the Department of Agriculture and Rural
20 Development information to that expense there.

CHAIRPERSON: But you – you mention your trip to India – official trip is that because that trip happened at the same time as the trip of the choir or otherwise why you mentioning it in the context?

MR ZWANE: It was – it was during

CHAIRPERSON: Same trip, same time.

MR ZWANE: It was during the same time.

CHAIRPERSON: Yes okay.

MR ZWANE: I learnt – whilst I had already arranged my trip because after my – my budget speech we had divided projects in terms of regions. I know we had to go to China to – for fish farming which ultimately was supported by China and we were on a spree to look for investors. So that trip was planned. We went to India on that particular days. Me
10 and my officials met with potential investors but to come back to your point Chair it was around the same time when the choir was going to India.

CHAIRPERSON: Okay alright. I assume you know the members of the – the names of the members of the choir because you sang two songs with them.

MR ZWANE: Yes I know them.

CHAIRPERSON: You know them.

MR ZWANE: Ja I know them.

CHAIRPERSON: You – you – if you look at the names on
20 that email at page 353.129 other than yourself are the rest of the names members of the choir? There is T I Motawung, well A Narayan was not a member of the choir was he – was she?

MR ZWANE: I – I take it that A Narayan is Ashok.

CHAIRPERSON: Is Ashok yes.

MR ZWANE: Yes.

CHAIRPERSON: So he was not a member of the choir was he?

MR ZWANE: No he was not a member of the choir.

CHAIRPERSON: Okay alright. So he was written there. C N Radebe, M E Moekena, M P Mabaso. Is M P Mabaso the same Mabaso we talked about who became your advisor or is it another one?

MR ZWANE: No – no.

10 **CHAIRPERSON:** It is another one?

MR ZWANE: It is a female Chair.

CHAIRPERSON: Oh it is a female okay alright.

MR ZWANE: This is a female.

CHAIRPERSON: M N Mutawung?

MR ZWANE: Which page is the Chair reading?

CHAIRPERSON: The same one page 353.129.

MR ZWANE: Okay.

CHAIRPERSON: Ja same one well we – that is the email.

MR ZWANE: Oh, oh.

20 **CHAIRPERSON:** In the middle there is a whole list there.

MR ZWANE: Okay. Okay.

CHAIRPERSON: Ja. And then it says sharing. M T Zwane/T B Tshabalala,

MR ZWANE: Yes.

CHAIRPERSON: N P Zwane/ N L Radebe, K F Malake/M S

Nkuta, N P Sondesi/T M Tshabalala, D M Korma/N A Mvuntle, M A Mabe/D M Rancho, K J Buts/T A Sibiya, F L Tomo/M C Mosea, T J Matjela/M P Tshabalala, T P Motdlamini/ S T Msamanga. Other than yourself, M J Zwane, A Narayan were – are the rest of the people mentioned in that list members of the choir?

MR ZWANE: Yes Chair.

CHAIRPERSON: Okay alright. Do you know why your name and Narayan's name were put there if you were not going
10 with the – with the choir? Well I do not know was Narayan going with the choir as far as you know?

MR ZWANE: I – I cannot recall properly Chair but it is possible that he ...

CHAIRPERSON: It is possible.

MR ZWANE: Ja I think it is possible that he went with the choir.

CHAIRPERSON: Yes okay well I do remember that when Mr Thabetha went with him to India he gave evidence that I think he said you – you suggested that he should go with him
20 because he would understand the culture in India and so on so – so I do not know whether he was included for that purpose here or not. You do not know anything about whether – why he would have been included here?

MR ZWANE: Chair maybe – maybe I think I should take – correct the first version.

CHAIRPERSON: Ja.

MR ZWANE: So that we come to this.

CHAIRPERSON: Ja.

MR ZWANE: Narayan was appointed in the province as part of the advisory special counsel of the Premier. Any trip that was to go outside there was an understanding that after having made a request there was a department in the Premier's department that was called International Relations. They will look into the country you are going and they would
10 suggest who accompanies the delegation that is going. So that has been a norm in the Free State.

When it comes to this issue I have indicated that I was not part of the arrangement to India – the choir's arrangement. I may not know the details. I knew that they informed me that they will be in India on such and such a time and the – I indicated that should I find time in my business schedule because I would be there I will – I will also endeavour just to come and support whatever endeavours they are doing and I think that is – that is all
20 what I know. As to the arrangement who was where and so forth I do not know the details.

CHAIRPERSON: And why would a government official have in your department have got involved in sending emails about who is going to share rooms with who when

1. She was not part of the choir.

2. You were not supporting the choir in the arrangements for the trip.

Why would an official in your department get involved in that?

CHAIRPERSON: I have – I had indicated earlier on Chair that I did assist the choir in terms of their communication. I think on several occasions and I would – I would assume that this is one of those rare moments where there will be communication needed and the choir will then be assisted
10 through the means that I had opened.

CHAIRPERSON: But are you saying that out of all the members of the choir there would be nobody there who would be able to send either an email or a whatsapp message or a letter or a fax to somebody about the trip and they would need to come to your department just for the sending of an email?

MR ZWANE: Chair this was 2012.

CHAIRPERSON: Yes.

MR ZWANE: And I do not want to vouch but the situation as
20 it obtained during that time I have indicated that I was approached on several times and I did not go into details because it was not a major issue for me for somebody to request for my i-pad or computer to send some information. I did not see the problematic at a particular time. Because these are the people I know after all. Ja.

CHAIRPERSON: I mean they were sending an email to – they needed to send an email to Ashok Narayan for a detailed itinerary. And actually it says the detailed itinerary but basically it was a list of names who will share rooms who will not share rooms that could have been sent via 00:28:47. That could have been sent by one 00:28:49. Did not have to send an email – you cannot say much about that?

MR ZWANE: Chair I would – I would not have an answer.

CHAIRPERSON: Ja.

10 **MR ZWANE:** That – that is precise as I am saying should I have seen an issue that would have taken me to this commission today I am sure I would have got to those details while I – why is using my gadget and so forth and so on. I remember at some point if I was nearby and they needed to confirm would I – I will give them my phone. Please make your call bring my phone. It was not an issue which I would interrogate as though I foreseeing any other issue.

CHAIRPERSON: But this was a - Mr Zwane that was so advanced that it already had two [word cut] it is not – they
20 cannot not have ...[intervenes]

ADV SELEKA SC: For the meeting(?), yes.

CHAIRPERSON: ...that idea(?). All of them? It cannot be.

MR ZWANE: Chair ...[intervenes]

CHAIRPERSON: I mean, it cannot be.

MR ZWANE: Chair, in the industry of music, there are many artists who are well-known, who when they appear here or anything that because of their fame of a particular song or 15 albums they are well-off. That is not the case.

CHAIRPERSON: H'm.

MR ZWANE: If you see the number of people in here, it means they have to meet and practise and do all these things which cost money. Others are living in Bloemfontein. Others in Bethlehem. Other in Memel. All
10 those details which are not appearing here, I would not really say in this Commission these people are well-off. I do not think so.

CHAIRPERSON: No, no, nobody is says that.

MR ZWANE: Ja.

CHAIRPERSON: Necessarily they are well-off but you want to send a message to I am shopping around and tell him who in the list of ...[intervenes]

MR ZWANE: Would not share ...[intervenes]

CHAIRPERSON: ...who would not share.

20 [Speakers intervening each other – unclear]

MR ZWANE: Ja.

CHAIRPERSON: And I do not think Mr Narayan was necessarily going to say: No, no, no. I want it in an email and not in a Whatsapp message. I mean, you just want to know who would share, who will not share. That is all.

MR ZWANE: Ja.

CHAIRPERSON: Okay Mr Seleka.

ADV SELEKA SC: Yes. And then the email gets to be forwarded by Mr Ashok Narayan to Mr Ashu at sahara.co.za. You see that Mr Zwane?

MR ZWANE: Where is that Chair?

ADV SELEKA SC: That is the portion just above your name. Just above the email that comes from you.

MR ZWANE: Yes.

10 **ADV SELEKA SC:** Yes.

MR ZWANE: Okay?

ADV SELEKA SC: By the way, who is Mr Narayan?

MR ZWANE: Ashu? Ashok?

ADV SELEKA SC: No, Ashok. Yes.

MR ZWANE: [No audible reply]

ADV SELEKA SC: Did he have any connection with Sahara?

MR ZWANE: With Sahara?

ADV SELEKA SC: Yes.

20 **MR ZWANE:** Ashok?

ADV SELEKA SC: Yes.

MR ZWANE: I do not know.

CHAIRPERSON: Was he – do you know, was he associated in any way with the Guptas or any of their entities?

MR ZWANE: I know Ashok to be an advisor in the office of – part of the Advisory Council in the Office of the Premier. That is how I started knowing him. I have interacted with him on this time on that capacity.

CHAIRPERSON: H'm.

MR ZWANE: Yes, Chair.

CHAIRPERSON: Okay. Up to know, that is all you knew about him? You did not know of any association he might have had with the Guptas or any of their entities?

10 **MR ZWANE**: No, Chair.

CHAIRPERSON: H'm. Okay.

MR ZWANE: Yes. As the leaks and many other stories took place, they linked him with the Guptas.

CHAIRPERSON: H'm?

MR ZWANE: So he better says up to now. I now have an understanding that he was linked to the Guptas.

CHAIRPERSON: Yes.

MR ZWANE: In terms of all this information that is ...[intervenes]

20 **CHAIRPERSON**: Yes.

MR ZWANE: Yes.

ADV SELEKA SC: H'm.

CHAIRPERSON: But at that time ...[intervenes]

MR ZWANE: No.

CHAIRPERSON: ...you say you did not know?

MR ZWANE: I knew him to be part of the Special Advisory Council ...[intervenes]

CHAIRPERSON: To the Premier?

MR ZWANE: ...to the Premier.

CHAIRPERSON: Okay alright.

ADV SELEKA SC: Yes.

CHAIRPERSON: Mr Seleka.

ADV SELEKA SC: Why – what was the reason for communicating with him here in particular?

10 **MR ZWANE**: Chair, I have indicated that the best I know is that I had allowed a member of the choir to send their names. I was not involved in terms of the arrangements. So I would not have the details.

ADV SELEKA SC: Yes. But I think I am asking a different question which is. Why is he involved in this arrangement? Why is the email sent to him? And I see yours is actually – or coming from your iPad. It is actually a reply. So there would have been an incoming email to which this one was replying to. So why is Mr Ashok Narayan involved in this
20 arrangement?

MR ZWANE: I would be speculating.

ADV SELEKA SC: You do not know?

MR ZWANE: I do not know.

ADV SELEKA SC: And then he forwards the email to Mr Ashu at sahara.co.za. I will ask the same question.

For what reason? Do you know?

MR ZWANE: No, I do not know.

ADV SELEKA SC: So is this Sahara, the Sahara Computers which was owned by the Guptas?

MR ZWANE: I did know it at that time but the information as it places itself in the public domain, that is a fact.

ADV SELEKA SC: Yes. So are you saying Mr Narayan would have travelled with the choir which you were part of and you would not know why this email was sent to him?

10 **MR ZWANE**: Travel with the choir?

ADV SELEKA SC: To India.

MR ZWANE: Which made its own arrangement outside my knowledge. So I would not know the details thereof.

ADV SELEKA SC: So your knowledge of this arrangement will be limited to you offering your iPad to Ms Enucentia(?) Motorum(?) to reply to this email which would have been an email address to you at zwane@gmail.com?

MR ZWANE: Yes.

ADV SELEKA SC: So he would have seen that email?

20 **MR ZWANE**: As I have indicated, Chair, earlier on. I had allowed my Gmail to be used by the choir. In terms of the content and what was going on, I would not know.

ADV SELEKA SC: Okay. Now I have just counted the names on this page. It is 27 persons. Please turn... Well, let me just complete this before you turn. Then Mr Ashu at

Sahara Computers, at the top of the page, he then forwards this information with the sharing and non-sharing, the names to some person or two persons, rather. It seems to be the hotel in India. I see odiraygroup.com(?). The other one is sesindia.com. Room sharing details. Do you see that?

MR ZWANE: Yes.

ADV SELEKA SC: H'm. So on the face of it, Sahara seems to have been the interface between the choir and
10 the hotel in India. Do you understand what I am saying?

MR ZWANE: I hear what you are saying Chair.

ADV SELEKA SC: Yes. On the face of it.

MR ZWANE: If you look at that email, ps(?).

ADV SELEKA SC: Yes?

MR ZWANE: But in terms of my knowledge, as I have said, I would not have known this information until it is read to me now.

ADV SELEKA SC: Yes. So does it mean members of your choir would have known without you knowing, would have
20 known about Mr Narayan, Ashu Group, Ashu – what is his surname?

MR ZWANE: [No audible reply]

ADV SELEKA SC: Mr Ashu?

CHAIRPERSON: It is Ashu Chawla.

ADV SELEKA SC: Chawla. That is correct. Thank you,

Chair.

MR ZWANE: Yes.

ADV SELEKA SC: They ...[intervenes]

CHAIRPERSON: Am I right, Mr Zwane?

MR ZWANE: Chair, I do not know.

CHAIRPERSON: Okay.

ADV SELEKA SC: Yes.

MR ZWANE: Ashu ...[intervenes]

ADV SELEKA SC: Chawla.

10 **MR ZWANE**: No, I do not know this person.

CHAIRPERSON: Okay ...[intervenes]

MR ZWANE: I do not know this person.

ADV SELEKA SC: Yes.

CHAIRPERSON: Okay. Well, there has been a lot of evidence before me about him ...[intervenes]

ADV SELEKA SC: Yes.

CHAIRPERSON: ...and other people. That is why I am ...[intervenes]

MR ZWANE: Oh.

20 **CHAIRPERSON**: I think Ashu is Ashu Chawla.

MR ZWANE: Oh, okay.

ADV SELEKA SC: I think you are correct, Chair. So there would have been certain members of the choir that you had – who would have know these individuals who are linked to the Guptas without you knowing that they have knowledge

of such of these persons. Is that what you are saying to the Chairperson?

MR ZWANE: Let me speculate because I can see Advocate wants me to say something.

CHAIRPERSON: Do not speculate. [laughs]

MR ZWANE: Okay. But I ...[intervenes]

CHAIRPERSON: Just tell me what you know.

MR ZWANE: Chair.

CHAIRPERSON: Ja?

10 **MR ZWANE:** I have already said in the beginning that the arrangement by the choir, I was not involved. I have said that I know. I was told by the choir that they were going to India. It means at that particular time they told me they were ready to go to Indian in terms of preparations but that is when I said: If my schedule permits, I will come and support you. Right?

I have indicated that I had given consent that my address(?) should be used by the choir. Now the issue I am trying to raise with the Advocate, with all humility and
20 due respect, is that the answer he be giving, I am not sure about it. I am speculating that if I request an assistance of lunch in this Commission ...[intervenes]

CHAIRPERSON: Is that because – slight hour?

MR ZWANE: No, I am saying ...[intervenes]

CHAIRPERSON: ...that you were ...[intervenes]

MR ZWANE: ...ask for ...[intervenes]

CHAIRPERSON: ...example.

[Speakers intervening each other – unclear]

MR ZWANE: If I were to ask that we are catered for lunch in this Commission, the answer I will get from the Chair is that: No, that is possible. Let us look into it. We will come back to you. If that is possible, the Chair will come to me and come back and say: On the 27th of April, especially because it is a public holiday, it is Freedom Day,
10 you will be catered for lunch.

CHAIRPERSON: H'm?

MR ZWANE: Will I ever ask: Who did you talk to beyond you? Normally, I would not. My request has been answered. I am happy. Thus this speculation I am bringing about the choir that this sophistication(?) that we – the level at which we are, I do not think, honestly, ordinary people from the Free State will get to those details. After this one, we have asked the help from – he knows that one. This was the arrange – no, they will not.
20 That is the speculation I am trying to bring. I am not too sure Chair but I am thinking so.

CHAIRPERSON: H'm.

ADV SELEKA SC: Yes. Now I we can go to the next stage, Mr Zwane.

MR ZWANE: Thank you.

ADV SELEKA SC: Which is my marked MJZ-19, page 353.137. The... Okay. Just to make sense of it again. There is the email at the top of the page from Ashu.

CHAIRPERSON: Is that the next page?

ADV SELEKA SC: Yes, the next page.

CHAIRPERSON: Oh, the next page you deal with, not the page immediately after the one you were dealing with?

ADV SELEKA SC: It is immediately after the next page Chair.

10 **CHAIRPERSON:** Oh.

ADV SELEKA SC: Immediately after the one we were dealing with.

CHAIRPERSON: Maybe there are two pages that look the same because I was not looking at... You said 137 now?

ADV SELEKA SC: One... No, 130. 353.130.

CHAIRPERSON: Ja, you did not say 130 because I was at 130.

ADV SELEKA SC: Oh, you were – oh.

CHAIRPERSON: I was expecting you to say
20 ...[intervenes]

ADV SELEKA SC: You were ...[intervenes]

CHAIRPERSON: ...point 30.

ADV SELEKA SC: Oh.

CHAIRPERSON: But you said another page. So that is why I had to ask.

ADV SELEKA SC: Oh.

CHAIRPERSON: How is that the next page? Because the page I am expecting you to go to is 130 and you are not saying 130. So I think in your mind you may have intended to say 130 but you said another page, I think.

ADV SELEKA SC: Yes. I think the Chair is ...[intervenes]

CHAIRPERSON: Okay 130. That is fine.

ADV SELEKA SC: Yes.

CHAIRPERSON: H'm.

10 **ADV SELEKA SC:** No, Chair was ahead was of us.
Mr Zwane ...[intervenes]

CHAIRPERSON: No, you see, the page that we were looking at ...[intervenes]

ADV SELEKA SC: Yes.

CHAIRPERSON: ...is 353.129.

ADV SELEKA SC: Correct, Chair.

CHAIRPERSON: That is the one that has got names.

ADV SELEKA SC: Yes, Chair.

20 **CHAIRPERSON:** In the meantime, while you were asking questions, I have already looked at 130.

ADV SELEKA SC: Yes.

CHAIRPERSON: 131, 132, 133, 134 and 135. And I was quite interested in what I see at 134 and 135.

ADV SELEKA SC: Yes.

CHAIRPERSON: So, but I went back to this page. So

when you said let us look at the next page, I am looking – I am thinking okay that is one page but ...[intervenes]

ADV SELEKA SC: Oh, okay.

CHAIRPERSON: ...I heard you to be saying something else. [laughs]

ADV SELEKA SC: Oh.

CHAIRPERSON: But okay we are at 130. It is fine.

ADV SELEKA SC: One... Yes, thank you, Chair.

CHAIRPERSON: H'm.

10 **ADV SELEKA SC:** 130. Oh, I said it is the one marked MJZ-19. I think that is what the Chair heard.

CHAIRPERSON: Okay. Ja, I do not know. I thought it was something like 35 or 37.

ADV SELEKA SC: Oh, okay.

CHAIRPERSON: Okay.

ADV SELEKA SC: Let us start at the top of the page Mr Zwane just to get the sequence of these emails. At the top of the page there is an email from Ashu again, ashu@sahara. Below that, the email is dated
20 10 October 2012. Below that is an email from Narej(?) Kosla(?) sent on Wednesday, 10 October 2012 to Ashu with the subject: ITI Indian 27 passenger details. And he says:

“Dear sir. Please find attached the confirmation I am giving to Man Travels.

Please check the prices once.

I will try to negotiate if he agrees to conduct the Kingdom of Dreams within 8 to 10K to avoid any hustles.

Please revert if you confirm – I will confirm for...?

And there is a list, KB(?) and all that... Now this is the itinerary Mr Zwane. T3 to New Delhi, Arageway(?) Station, vehicle required to 00:30(?) a.m. on 16 October for RS 7500 plus tax plus parking for charges. So that is
10 A.

Then there is B. And then the list goes on. You see – required to drop the group from Poporay(?) – I do not know what the name is there to T3 Terminal Airport.

Then there is D. Luxury Volvo required, and then it goes on. There is one I want to ask you about Mr Zwane, which is – if you read from the bottom, line 1, 2, 3, 4, 5, 6, 7, 8, 9. 10, 11, 12, 13. Which is 14:00. Lunch at Mr Gupta.

CHAIRPERSON: Lunch at Mr Gupta house.

20 **ADV SELEKA SC:** At Mr Gupta house.

CHAIRPERSON: Yes.

ADV SELEKA SC: Do you see that?

MR ZWANE: Yes.

ADV SELEKA SC: The number of passengers here, 27, matches the number by calculators on the previous page.

CHAIRPERSON: Which includes M J Zwane.

MR ZWANE: Yes.

CHAIRPERSON: And Narayan. So on the face of it, this is an email from Narej Osle(?) to Ashu and it is about the trip to India for the 27 passengers and it gives details and ...[intervenes]

ADV SELEKA SC: [Speaker unclear]

CHAIRPERSON: And there is an itinerary which includes, it would appear, that the choir would have lunch at
10 Mr Gupta's house at 14:00 on the 16th of October.

ADV SELEKA SC: [Speaker unclear]

CHAIRPERSON: Yes. You say you know nothing about this itinerary and what the choir was going to do, where they were going to eat lunch, when and so on?

MR ZWANE: I can say it in this Commission, Chair that I have not attended lunch with the Guptas. I have not gone to their weddings. I have seen this leaks. I am dealing with this one because it was part of – I have not done that as it is said here. I was not part of that lunch. I would not
20 know why this is like this and I do not want to speculate.

CHAIRPERSON: Yes. Mr Seleka.

ADV SELEKA SC: Yes. Did you meet with the choir in India?

MR ZWANE: Yes, I think I did. They were singing in some big temple. After the – I went – I think I was there less

than two hours because I had to go and prepare for the afternoon engagement, yes.

ADV SELEKA SC: So the itinerary as set out here, you did not take the part in the activities that are identified here?

MR ZWANE: No.

ADV SELEKA SC: Okay.

CHAIRPERSON: Yes, Mr Seleka.

ADV SELEKA SC: And the – let us go back to the
10 affidavit which is the affidavit of Mr Trum(?)

MR ZWANE: Okay?

ADV SELEKA SC: Yes. Oh, I will go back to those paragraphs now. I am going into the detail of other allegations. It is on page ...[intervenes]

CHAIRPERSON: Well... Yes, ja.

ADV SELEKA SC: Ja. Page 353.22.

MR ZWANE: Point 22?

ADV SELEKA SC: 353.22. You remember that affidavit ...[intervenes]

20 **MR ZWANE:** Yes.

ADV SELEKA SC: Paragraph 32. It says:

“Following his trip to India in October 2012, Zwane enjoyed subsequent trips to India and Dubai which were arranged and paid for by the Gupta family.

This include:

a. The trip to India in December 2013 to attend a wedding with Ashok Narayan, an Executive of the Gupta company, Sahara Systems, members of the Gupta family and Chandrama Prasad Yadav, the farm manager of the Vrede Dairy Project...”

On that last name, do you recognise the name, Chandrama Prasad Yadav, the Farm Manager of the Vrede Dairy Project?

CHAIRPERSON: What paragraph are you reading from?

ADV SELEKA SC: 32.

CHAIRPERSON: A?

ADV SELEKA SC: Yes, 32(a).

CHAIRPERSON: Would you have known the farm manager of Vrede Dairy Project?

MR ZWANE: At that time no.

CHAIRPERSON: At that time you did not know?

MR ZWANE: Yes, Chair.

20 **CHAIRPERSON:** You did not know him. Did you subsequently know him?

MR ZWANE: I went to the dairy when this thing – rumours started.

CHAIRPERSON: Yes.

MR ZWANE: And my name was thrown around.

CHAIRPERSON: H'm?

MR ZWANE: I met with him.

CHAIRPERSON: H'm?

MR ZWANE: Wanting to know what are the details.

CHAIRPERSON: Ja.

MR ZWANE: Are the beneficiaries looked after. When he was already there.

CHAIRPERSON: H'm. Okay.

MR ZWANE: Ja.

10 **CHAIRPERSON:** Okay.

ADV SELEKA SC: The trip – about the trip to India, December 2012. 2013, I beg your pardon. To attend a wedding. Do you – or your comment on that Mr Zwane?

MR ZWANE: I will repeat myself Chair. I have not attended any Gupta wedding whether in South Africa or anywhere else. I am putting it on record here.

ADV SELEKA SC: Oh.

CHAIRPERSON: H'm.

20 **ADV SELEKA SC:** Oh. So, that emphasis – it reminds me the Sun City wedding. Is that what you are ...[intervenes]

MR ZWANE: Yes.

ADV SELEKA SC: So you did not attend the Sun City wedding?

MR ZWANE: Yes, it is saying here I did attend. In fact ...[intervenes]

CHAIRPERSON: Yes, well, let us go to the – let us go, Mr Seleka to MJ-222, is it not? Is that not the one that corresponds to that?

ADV SELEKA SC: Yes, Chair. Mr Zwane, let us go there. That is on page 353.135.

MR ZWANE: 135?

ADV SELEKA SC: Yes.

MR ZWANE: Okay.

CHAIRPERSON: I do not know whether the previous page
10 is connected with it as well or whether that is
...[intervenes]

ADV SELEKA SC: Oh, no that is ...[intervenes]

CHAIRPERSON: Oh, that is another ...[intervenes]

ADV SELEKA SC: That is a B, Chair. That relates to paragraph B.

CHAIRPERSON: Okay alright.

ADV SELEKA SC: Yes, that relates to B.

CHAIRPERSON: H'm?

ADV SELEKA SC: Ja, because this one is
20 December 2013.

CHAIRPERSON: Well, MJ-22 that is page 353.135. Mr Zwane, that appears to be – is it your ticket? Oh, ticket. And it has got your name, Zwane Mosebenzi Josef. It is dated 11 September 2014. It says Flight EK766, Emirates, Class: First Class, Depart: 22:13 in the

evening, O.R. Tambo International Airport to – and you were going to arrive in Dubai at twenty past eight in the morning, Dubai International Airport. And then flying time is eight hours. That is 13 September.

And then 14 September 2014, according to this, your flight was BK516. Again, it is Emirates. And it is First Class. And it was going to depart at quarter to ten from Dubai International Airport to India, Indira Gandhi International in India where you would arrive at twenty to
10 three the following day which is... No, no, no. It is the same day. Did I get that right, Mr Seleka?

ADV SELEKA SC: Yes, Chair you are. I am looking at another page Chair. [laughs]

CHAIRPERSON: [laughs] Mr Zwane, can you see that page?

MR ZWANE: Yes.

CHAIRPERSON: It has got your name.

MR ZWANE: Yes, I did see.

CHAIRPERSON: In effect, it says you are going to take a
20 flight from O.R. Tambo in South Africa at twenty past ten on the 13th of December 2014.

MR ZWANE: Yes.

CHAIRPERSON: You would arrive in Dubai in the morning the following day twenty past eight.

MR ZWANE: Yes.

CHAIRPERSON: And then at quarter to ten, you take a flight to – from Dubai to Delhi in India. You would arrive there at twenty two three.

MR ZWANE: Yes.

CHAIRPERSON: And so, are you saying – and your seat is supposed to have been 1E.

MR ZWANE: Yes.

CHAIRPERSON: Are you saying that did not happen?

MR ZWANE: No, Chair I think let me upfront say. As I
10 indicated earlier on in terms of me finding the leaks, this was part of the information I talked about.

CHAIRPERSON: You?

MR ZWANE: This was part of the information I talked about.

CHAIRPERSON: Ja, h'm?

MR ZWANE: We have agreed with my lawyer that it will be fruitless of me to go in details with this.

CHAIRPERSON: H'm?

MR ZWANE: Information that has not been verified.

20 **CHAIRPERSON:** H'm?

MR ZWANE: Although I am tempted Chair.

CHAIRPERSON: H'm?

MR ZWANE: Maybe I should also address the issue of the Outa document.

CHAIRPERSON: H'm?

MR ZWANE: It has been of public knowledge for some time, yes. But not to these details.

CHAIRPERSON: Okay.

MR ZWANE: I think we should agree. Some of the details even in the pack that I have received are not there.

CHAIRPERSON: H'm?

MR ZWANE: I was [word cut] enough to get the original document what it was couched by OUTA way back in 2017 and its real intentions, to remove the President and so
10 forth and those who are purported to be linked with the Guptas and I was one of them. So I know ...[intervenes]

CHAIRPERSON: Ja, I think they gave to all members of parliament.

MR ZWANE: No, it was not given to all members of parliament.

CHAIRPERSON: Oh, that is what they say.

MR ZWANE: No, no, no.

CHAIRPERSON: Ja.

MR ZWANE: I was a member of parliament, I did not
20 receive it.

CHAIRPERSON: Oh, okay.

MR ZWANE: I received it from somebody on the street.

CHAIRPERSON: Okay.

MR ZWANE: But there is nothing I was not to shy away from that, Chair, except to say in cases where information

has been obtained in our view in a manner that is not clear, we felt that we should not come to this Commission and come and authenticate something that we do not know, save to say all my trips, including this trip to India and other places where I took official engagement, they were paid for by the department which I was serving. I have said that earlier on.

CHAIRPERSON: When you say this trip are you talking about the one referred to on this page?

10 **MR ZWANE:** I am not talking about this trip, I think I should have been in India, I cannot remember, but I am saying there is not trip pertaining me that was paid by the Guptas or that I went to the Guptas and asked them to pay for me when I was a leader in any department. I have actually not asked anybody for a favour. So I may not want to get into details on these issues because of the reasons that I have raised and I raised those reasons with all humility and altruism.

CHAIRPERSON: Yes.

20 **MR ZWANE:** Utmost respect, Sir.

CHAIRPERSON: Yes but let us leave that aside. I can ask you whether you flew from Oliver Tambo on 13 September 2014 to Dubai or not, September 2014. Leave out what the document says. If I just put that question, what is your answer?

MR ZWANE: My answer would be it is possible that I flew.

CHAIRPERSON: It is possible that you...

MR ZWANE: Yes, Chair.

CHAIRPERSON: Okay. If you did go is it also possible that from Dubai you proceeded to India?

MR ZWANE: It is possible, Chair.

CHAIRPERSON: It is possible.

MR ZWANE: Yes.

CHAIRPERSON: And if you did go, would this information
10 be within the department – or you were MEC at the time, is that right?

MR ZWANE: MEC of...

CHAIRPERSON: 2014.

MR ZWANE: Economic ...[intervenes]

CHAIRPERSON: That was just before you became a minister.

MR ZWANE: A year before.

CHAIRPERSON: H'm?

MR ZWANE: A year before.

20 **CHAIRPERSON:** A year before, okay, ja. Okay.

MR ZWANE: Yes.

CHAIRPERSON: Ja, so would that information, would those records be in that department about officials trips that you took?

MR ZWANE: Yes, they will, Chair.

CHAIRPERSON: Yes, okay. Would there be any private or personal trips that you took to Dubai and/or India that would not obviously have been paid for by the department?

MR ZWANE: No, Chair.

CHAIRPERSON: No.

MR ZWANE: No.

CHAIRPERSON: It would only have been official trips that you took.

MR ZWANE: Ja, it will only be official trips, Chair.

10 **CHAIRPERSON:** Yes. Do you know whether your department used different travel agents to make bookings or whether it used a particular travel agent that it used?

MR ZWANE: What I know, Chair, thank you, is that in the Free State we used to have travelling agents. If I am not mistaken, that particular process was then centralised at some point, that is the department will use this travelling agent and that one will use this one otherwise when we arrived there was that arrangement of travelling agents.

20 **CHAIRPERSON:** And I see that this ticket bears the name Travel – and I think it is Travel Excellence but I am saying that because of others that I have seen, does that – would you have known what the name of travel agent was or is that something that you would not have known?

MR ZWANE: No, I Chair, I would not.

CHAIRPERSON: You did not know those details.

MR ZWANE: Those are details – once the department has been made aware that so and so needs to travel to this destination they then make arrangements for that to happen.

CHAIRPERSON: Yes, okay. Mr Seleka, I see we have gone beyond quarter past.

ADV SELEKA SC: Yes, I saw that, Chair.

CHAIRPERSON: Yes. Is there one or two questions you want to ask before we adjourn?

10 **ADV SELEKA SC:** Yes, just to confirm. Mr Zwane, by this time I see that you were the MEC for Agriculture and Rural Development, your period there is 31 March 2011 to 29 April 2013. Well, 2012 falls within there.

MR ZWANE: Can I answer, Chair?

ADV SELEKA SC: Yes.

MR ZWANE: I was an MEC of Agriculture in 2011, I think around March, late February, up until 2013, March. April I was no longer.

20 **ADV SELEKA SC:** Yes, no it is fine but the 2012, this clip would fall within the time when you were the MEC.

MR ZWANE: Okay.

ADV SELEKA SC: For Agriculture. And this is not a question, just to confirm with you – I think page 353 – 134, where you see an email exchange between Halima Allana Thursday, 11 September 2014. Do you see that?

MR ZWANE: Yes, I see that, Chair.

ADV SELEKA SC: The document is marked MJZ21.

MR ZWANE: Yes, I see.

ADV SELEKA SC: Ja. That is Travel Excellence, Halima@travelexcellence.co.za. The attachments are given there and that includes Zwane 13 September PDF, which I think is this air ticket on the next page. Do you see that?

MR ZWANE: I see it.

CHAIRPERSON: Could it be that your department may
10 have used this travel agent but you do not know?

MR ZWANE: Chair, maybe I should just ask, with respect, that has my request been granted?

CHAIRPERSON: Which one?

MR ZWANE: Of not commenting on this information.

CHAIRPERSON: Well – but when you are asked whether you know something or not you know if you know it, you do not know if you do not know it, Mr Zwane.

MR ZWANE: No, Chair, I humbly agree – a bit of problem
20 being used to authenticate issues of the Guptas that I am not part of and I do not want to do that. With all honesty I have committed myself to help this Commission on my behalf, not on any particular individual.

CHAIRPERSON: Ja.

MR ZWANE: And I am humbly requesting to this

Commission that that please should be considered.

CHAIRPERSON: Ja.

MR ZWANE: I do not want to say at a later stage I had to give this information under duress.

CHAIRPERSON: Ja, no, no, no.

MR ZWANE: I do not want to do that.

CHAIRPERSON: Let me cut you short, Mr Zwane.

MR ZWANE: Okay, thank you, Chair.

CHAIRPERSON: Because it is a point you have made
10 already.

MR ZWANE: Ja.

CHAIRPERSON: One, Mr Seleka, I realise that there is an Ashu Bai, so maybe where I said it should be – where I thought it was Assure Travel, I maybe – it was not Assure Travel, I have got Ashu Bai I see at 353.134 that email that refers – that says Dear Ashu Bai, so that is just by the way.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: I think what we should do – well, Mr Zwane, let me say this information is available – I think
20 that it would be useful if we could get an affidavit that looks at all these things that are contained in this affidavit as well as the OUTA document. There if you want to take the point that on this one I am not responding because of whatever, whatever, I will leave that to you for now, okay? But I can tell you that the legal team of the Commission is

going to be quite soon taking steps to ensure that the hard drive that we announced already in 2019 the Commission obtained which will help authenticate a lot of emails that came from the Gupta Leaks. Soon they will take steps to make sure that it is admitted properly before the Commission and the emails are authenticated. That is point one.

Point two, the Travel Excellence – because I think this is the travel agent that was used here, I think it is
10 because I see the name of the person who sent the email on the page before the ticket on page 353.134, Halima Allana, is one of the people at Travel Excellence. She has already given an affidavit before the Commission in respect of other people of whom that travel agent made bookings, okay?

And there is another one who works with her who has also made an affidavit and shown bookings that were made for certain people. I will ask Mr Seleka to make arrangements to see whether they are able to depose to
20 affidavits that tell us about this ticket and these emails and so on.

I know that they did say that some of their records got destroyed but others were saved, were not destroyed. So we will do that. So my advice to you is that take this opportunity to make sure that your side of the story is

added and is told because there might not be another chance because of the time constraints that the Commission has. If you do not tell your side of the story it may well be that the Commission will place, you know, weight on some of these things and if you have not told your story, your side of the story, you might be prejudiced. I am mentioning that – obviously you can take legal advice from your legal team and act and make a decision but I am just alerting you that you might not tell your side of the
10 story only to find that the Commission looks at the emails, looks at the tickets and says there is nothing wrong in taking into account what is said or, I mean, the ladies from travel agents have already indicated in regard to the other bookings that they made involving other people.

I have already said to Mr Seleka they must be called to come and give evidence orally about those bookings and there is no reason why they cannot give evidence about this booking, for example.

So I am just mentioning that so that when you take
20 legal advice you are aware of that and then you take it – you can then take a decision how you respond in an affidavit. So that is what I would like you and your legal team to look at. In other words, take the OUTA document and I think Mr Seleka should maybe just, if they have not done so already, identify the parts of the OUTA document

that relate to you as well as this affidavit and say these are the parts that relate to you and then you can in your affidavit then deal with them.

If you decide to say I am not saying anything because I think this is not legitimate, that is a decision that you can take, I am not saying anything now about it, so but it is an opportunity also for you to say look, here is my side of the story as far as this is concerned.

Let us put some timeframe for that affidavit. Can
10 we- today is what, Tuesday/

ADV SELEKA SC: Tuesday, yes.

CHAIRPERSON: Can we – can I ask whether we can get that affidavit next Tuesday? Counsel for Mr Zwane, what do you think?

ADV DENGA: As to the hearing?

CHAIRPERSON: Ja.

ADV DENGA: In essence, the cause of all this debacle, Mr Chairperson, we only received this OUTA – myself, as the legal representative.

20 **CHAIRPERSON:** Yes.

ADV DENGA: Only received this report on Friday.

CHAIRPERSON: Ja.

ADV DENGA: That is just two days back.

CHAIRPERSON: Yes.

ADV DENGA: So we were not in a position to be able to

...[intervenes]

CHAIRPERSON: To prepare anything.

ADV DENGA: Files are being held ...[intervenes]

CHAIRPERSON: Yes, yes.

ADV DENGA: And that is the reason why we did not deal with it in an affidavit.

CHAIRPERSON: Ja, ja.

ADV DENGA: It is the reason why we cannot answer to these allegations, Chairperson.

10 **CHAIRPERSON**: Ja, ja.

ADV DENGA: And your suggestion to say that we must put up an affidavit, I think it is a good proposal but short time might well be a problem for us.

CHAIRPERSON: Yes.

ADV DENGA: Because we need to go back to Free State department where he is no longer there to go and look for documents that will have to contradict whatever is contained in the OUTA report or to confirm. So I think just one week will not be sufficient.

20 **CHAIRPERSON**: Ja.

ADV DENGA: I understand there are time constraints, maybe two weeks, I may be able to stretch it to that level.

CHAIRPERSON: Well, of course because of the time constraints because he may have to come back.

ADV DENGA: Yes.

CHAIRPERSON: And we are – this week it is end of April. Actually we are supposed to be busy writing the report, we are not supposed to be hearing oral evidence, so there are those challenges.

ADV DENGA: Yes.

CHAIRPERSON: Can I ask you, both of you, to do the best you can?

ADV DENGA: Will do.

CHAIRPERSON: To try and meet the Tuesday deadline.

10 **ADV DENGA**: I will try to.

CHAIRPERSON: If there are real problems, write and let us know but I would like to rely on your commitment to cooperate with the Commission.

ADV DENGA: Yes.

CHAIRPERSON: That you would do everything you can to try and meet the Tuesday deadline because we must look at it and then it will be May already by that time.

ADV DENGA: Yes.

CHAIRPERSON: So is that fine?

20 **ADV DENGA**: We will do our best, definitely do our best.

CHAIRPERSON: Yes. Mr Zwane is that fine?

MR ZWANE: Chair, our commitment to this Commission remains unwavering, we want to assist the Commission. I thought we should not be found wanting and guessing.

CHAIRPERSON: Yes, yes.

MR ZWANE: For the sake of rounding up.

CHAIRPERSON: Yes, ja.

MR ZWANE: Because that will not assist us, it will also not assist the Commission.

CHAIRPERSON: Yes.

MR ZWANE: I think what Mr Denga is saying, we have always adhered to your request. In this case also we will give it our best shot. He is just indicating that it may not be possible for us to have all the evidence that we would
10 have wanted to collect in order to prove our points but otherwise there are not many issues that we have a problem with here expect for these leaks that points at these tickets and the itineraries where my name is mentioned that I was here by this time and here by this time. Otherwise, everything else is part of the affidavit that I have done.

CHAIRPERSON: Yes.

MR ZWANE: So it is not going to be a very big affidavit.

CHAIRPERSON: Okay.

20 **MR ZWANE:** So we will give it our [indistinct – dropping voice]

CHAIRPERSON: Okay. No, that is fine.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: No, that is alright.

ADV SELEKA SC: That is how I understood it as well.

CHAIRPERSON: Yes, ja. Okay, not that is fine then. Let us call it a day so that at least we have a few hours to – remember it is Freedom Day. Okay, alright, thank you very much Mr Zwane for coming and thank you to Mr Denga for coming, thank you Mr Seleka and your team, thank you to the staff, thank you to the technicians for making yourselves available for us to do some work. We are going to adjourn and for the benefit of the public and I know everybody knows, tomorrow the President will be here to
10 give evidence and subject himself to questioning by the Commission as – on behalf of the ANC.

We adjourn.

INQUIRY ADJOURNS TO 28 APRIL 2021