

STATE CAPTURE INQUIRY
PARKTOWN, JOHANNESBURG

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SESSION 1 – 2.

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CHAIRPERSON: Good morning Mr Maseko.

MR THEMBA MASEKO: Good morning Chairperson.

CHAIRPERSON: Yes you are still under oath and Mr Maleka will continue to put questions to you. Thank you, Mr Maleka?

ADV VINCENT MALEKA SC: Thank you Chair. Mr Maseko, can we go to Exhibit E again, E1, and please go to page 11.

MR THEMBA MASEKO: I got it.

ADV VINCENT MALEKA SC: I would like you to focus on the last paragraph of the page
10 and you will recall that in that paragraph you talk about a telephone call that you got from the official residence of the President.

MR THEMBA MASEKO: Yes.

ADV VINCENT MALEKA SC: Can I ask you just to explain to us the nature of that call as far as you can remember it?

MR THEMBA MASEKO: Thank you Chairperson. I got a bit of a cough this morning Sir, please forgive me.

CHAIRPERSON: No that's fine, thank you.

MR THEMBA MASEKO: So the date of the meeting with Mr Ajay Gupta was set. I got
20 into my car and literally as I was driving out of the building, my mobile phone rang and I could immediately identify the number because I had regular dealings with the President's office in the house in Mahlamba Ndlopfu. The person on the other end of the line was a lady, I did not take her name. She told me that the President wanted to speak

to me and I said okay, that's fine. She put him through to me. The content of the conversation is in the next paragraph, should I proceed to read that?

ADV VINCENT MALEKA SC: Before you do that, do you remember what time of the day you received that call?

MR THEMBA MASEKO: Chairperson, this event took place about 8 years ago but I remember that my meeting was at 2 o'clock if I remember correctly with Mr Ajay Gupta so the con would have been around 1.00 pm or just after 1.00 pm in the afternoon.

ADV VINCENT MALEKA SC: Yes, the point is it was during working hours.

MR THEMBA MASEKO: It was working hours.

10 **ADV VINCENT MALEKA SC:** Then you can proceed to deal with what's according to you, the President said and you canvass those issues in paragraph 16 on page 12 of Exhibit E1.

MR THEMBA MASEKO: When the President came on line, we exchanged pleasantries, greetings, etc. and then the President proceeded to say the following in isiZulu: (speaking in vernacular) and to those who are not very fluent in Zulu, I have translated as follows: *"My brother, there are these Gupta guys who need to meet you and who need your help, please do help them."*

ADV VINCENT MALEKA SC: Mr Maseko, you said a little more about that conversation when the Public Protector interviewed you. Can I ask you to go to page 25 of Exhibits E1
20 and the transcript of the interview you had with the Public Protector as I recall on the 17th July. There are some few aspects that I would like you to highlight with reference to that conversation. If you go to page 25, from line 6, you will see that there are marginal numerical numbers on the left-hand column of each of those pages of the transcript.

MR THEMBA MASEKO: Yes.

ADV VINCENT MALEKA SC: You will see that's what you conveyed to the Public Protector was the following: "Oh this was around 2010, I would say latter part of 2010. He requested a meeting and initially was reluctant because there were already some rumours around that the up to some shenanigans but eventually I agreed to meet them to just hear their side of the story because already there were media reports that there were certain media companies, a newspaper and television station. So I said if there is the new player in the market, let me go and hear their story. What was of immediate concern to me is that on the day of the meeting, as I was literally driving out of my office building, I
10 get a call from Mahlamba Ndlopfu to say and I wanted to pick up the rest as far as you can recall."

MR THEMBA MASEKO: Yes, the next sentence Chairperson, reads as follows: "*I was not surprised because my job required me to interact to the President so there was nothing unusual with receiving a call from the President. It is the conversation that I had with him that became a major concern to me because he essentially said that these Gupta boys will need your help, please go and meet them and they need your help and see what you can do to help them.*"

ADV VINCENT MALEKA SC: In that portion of the transcript which you have read, you use the phrase, "major concern" twice. Can I ask you this, why was it of a major concern
20 that the President would ask you to help the Gupta brothers?

MR THEMBA MASEKO: Well, the first major concern I had was I already had a date with Mr Ajay Gupta, I was going to the meeting, it was too much of a coincidence for me that as I was proceeding to the meeting, I then get a call from the President saying, I must go and meet them and that I must assist them so it demonstrated to me that what the

Guptas or Ajay Gupta in particular was trying to do was to demonstrate that he has influence in the highest office of the land and so as we were just about to meet, I should get a call to actually make sure that I understand what was going on.

ADV VINCENT MALEKA SC: Yes, before this request, had the President spoken to you in any way about the Gupta brothers?

MR THEMBA MASEKO: Chairperson, not even once, no.

ADV VINCENT MALEKA SC: Can I...

CHAIRPERSON: I am sorry Mr Maleka, before this day when you got this call from the former President when he asked you to meet with the Gupta brothers and help them. Had
10 there ever been an occasion when there had been people who wanted to meet with you in terms of your work and he had called you to ask you to help them or meet with them in general?

MR THEMBA MASEKO: There has never been any other occasion where the former President asked me to meet any business people Mr Chairperson.

CHAIRPERSON: And after that call, from that day to the day that you left that Department GCIS, was there any other occasion when he called you again and asked you to meet anyone who had been wanting to meet you?

MR THEMBA MASEKO: No other calls or day when the former President spoke to me and in fact, as of my meeting with the Gupta brother, I think that there was less contact
20 between myself and the President.

CHAIRPERSON: Thank you, Mr Maleka?

ADV VINCENT MALEKA SC: Thank you Chair, before I go to something further you had conveyed to the Public Protector's officials during the interview, can I ask you this? When

I know that the request was conveyed to you in isiZulu, you have told the Chairperson that were effectively part and parcel of the President's office as the GCIS, remember that?

MR THEMBA MASEKO: Yes, that's correct.

ADV VINCENT MALEKA SC: Now in that context, had you at that point when you were still part of the Presidency, had some personal contact and discussion with the President on other matters and I am talking official matters.

MR THEMBA MASEKO: Chairperson, in the nature of my work, particularly in the one about becoming spokesperson did require some contact with the President for example, if
10 there is a major Cabinet decision made that I needed to announce and would normally with President Zuma, President Kgalema, President Mbeki, I will have a conversation with them to say this is a decision, this is how I am planning to communicate, this is the message, do you have any further input and they will give me input so there would be occasions when I would have to organise a press conference for the President and chair the press conference. I would then need to have a meeting with him prior to the press conference and plan and discuss the statement and then facilitate you know, the press conference itself, so in answer to your question, yes, there has been context.

ADV VINCENT MALEKA SC: The point is, in what language would you converse and talk with the President?

20 **MR THEMBA MASEKO**: The language would be in English.

ADV VINCENT MALEKA SC: Why in this case did the President ask you, request in Zulu? Is there any significance to that aspect of the conversation?

MR THEMBA MASEKO: Chairperson, I am sure if ever the President gets an opportunity to become before you, he may explain it better. My assumption was that he was probably feeling much more relaxed, alternatively he wanted me to be more relaxed because of the subject he was discussing with me but other than that, I cannot explain.

ADV VINCENT MALEKA SC: Why would the subject suggest that you had to be relaxed when the President discussed it with you?

MR THEMBA MASEKO: I am sure he must have, and I can't speak on his behalf.

ADV VINCENT MALEKA SC: I am asking you these questions because we don't know whether the President will come to testify so you are the best available witness to assist
10 the Judge on this issue.

MR THEMBA MASEKO: Well it could be that he must have Chairperson, suspected that the matter he was raising may not be a proper subject to discuss with a civil servant but I am just making an assumption here.

ADV VINCENT MALEKA SC: Yes, we now have a version. Can I ask you to go to page
26.

CHAIRPERSON: Mr Maleka, I am sorry, just before you go there, going back to what the former President said to you during that telephone conversation, he spoke in isiZulu and you have provided a translation of what he was saying in English. I may be wrong but I see that in the interview with the Public Protector, the translation may be not the same as
20 elsewhere but maybe the Zulu part maybe remains the same. I don't know whether you have noted anything along those lines? You want to be directed there?

MR THEMBA MASEKO: I want to go to that paragraph in writing and see it.

CHAIRPERSON: I think where Counsel was referred you to, I think is it page 25. No, I am sorry.

ADV VINCENT MALEKA SC: Page 25, line 21.

MR THEMBA MASEKO: That's in the transcript and you are saying Chairperson, we must go back to the affidavit?

CHAIRPERSON: I was trying to look at the affidavit but the one on page...

ADV VINCENT MALEKA SC: It's page 12 Chair, paragraph 16.

MR THEMBA MASEKO: Page 12 of the affidavit, paragraph 16.

10 **ADV VINCENT MALEKA SC**: Chair, you are correct, there is a difference of the English translation.

CHAIRPERSON: Yes, yes.

ADV VINCENT MALEKA SC: Then we would respectfully suggest that at that stage nothing turns on that difference.

20 **CHAIRPERSON**: No-no, that may be so but I want to ask something. The Zulu version of what he said may be the same wherever you have said it, I don't know, but I just want to go to the Zulu version. My understanding of what he says in English and you can just tell me whether you think that would be a more correct translation. In Zulu, "for my brother", as you have translated, it should be fine, and then he says in Zulu, "there are these Gupta brothers of mine", that's fine. Then he says in Zulu, as I understand that part, it says: "I want you to meet with them and help them". Would that be a more correct translation or you don't think so?

MR THEMBA MASEKO: The essence Chairperson, is that he said: “That is Gupta brothers, I want you to meet them and help them”, so it is possible that in one paragraph I say more or put it slightly differently but the message is essentially that meet them and help them.

CHAIRPERSON: Essentially it is the same, ja, okay thank you.

ADV VINCENT MALEKA SC: Thank you Chair. Mr Maseko, can you go to page 26 of Exhibit E1.

MR THEMBA MASEKO: I got it.

ADV VINCENT MALEKA SC: You will see across line 7, Advocate Kanyane who
10 interviewed you, asked you to explain to him or her I think, whether the President elaborated in what manner you should help them. Do you see that?

MR THEMBA MASEKO: Yes I have got it.

ADV VINCENT MALEKA SC: Do you remember she asked you that question?

MR THEMBA MASEKO: Yes.

ADV VINCENT MALEKA SC: Can I asked you to tell the Chairperson, what the response was to Advocate Kanyane’s request?

MR THEMBA MASEKO: My response Chair, which still remains, is that he didn’t say in what way, he just said, go and help them and the conversation was very brief. In the conversation between me and the President took longer than 90 seconds, that would
20 have been too long but it was very clear that the call was to give me a message and that was the end of the story. So it did not describe what exactly he meant.

ADV VINCENT MALEKA SC: And then unless you want to say something about paragraph 17 on page 12, I would like you to consider the contents of paragraph 18 because you begin to place in context your experience arising from that call, do you see that?

MR THEMBA MASEKO: Yes I see it.

ADV VINCENT MALEKA SC: You were taken aback by the call and wondered whether the Guptas had requested the President to call you to demonstrate their power and inference in the upper echelon of Government. Did you have that concern immediately after the call?

- 10 **MR THEMBA MASEKO**: Chairperson, I had that concern immediately after the call because it was too much of a co-incidence for me that I agree to a meeting and on my way to a meeting, I get a call from the highest office, let's say he is calling me these people and help them, there is no explanation in what way, but he just says go and help them. So I took that to mean and I could be wrong but I took that to mean that it is possible that Ajay Gupta may have called the President and set a meeting with this fellow, Colin, and just make sure that when he arrives there, he knows that you've got our back or something like that, I am assuming because I don't have proof of that. So it was a major concern, I thought it was an attempt on the Gupta brothers or Ajay Gupta in particular to demonstrate his power and influence so that when he puts the subject on the
- 20 table, I would know that in fact he's got the backing of the highest office in the land.

ADV VINCENT MALEKA SC: You then said, you say avoided jumping into conclusion arising from that co-incidence but you nevertheless went to the meeting with some trepidation. Those are your words that you used in paragraph 19. Can I ask you to elaborate a bit, why did you have this trepidation?

MR THEMBA MASEKO: Well, you would recall our Chairperson, you would recall that yesterday I did testify about my concerns about the Gupta families and the rumours that were already circulating at the time so I was initially reluctant to meet them. I then agreed to meet them and on my way to meeting them, I then get a call from the President to say meet them and part of me was, I think I lost my cool a little. I was in two minds, part of me that I should just pull out of the meeting and not proceed but nonetheless I thought I would not lose anything to just go and have a meeting and know exactly what is going on because I was very concerned about that. In any case, I say in the paragraph that I do meet with people from the media industry from time to time and if these guys are going to
10 be in the industry, there is nothing wrong in meeting with them.

ADV VINCENT MALEKA SC: And then in paragraph 20, you then tell us about your arrival at the place, that is, I think you describe it as the compound in Saxonwold, you then say that you were greeted by security people who directed you to a car park to leave your car there and then in paragraph 21 you say that you were welcomed into the house by a female. Can I ask you to describe to us in your own words to the extent that you can recall, that part of your arrival at the house, I don't want to explain to you the significance of your own evidence, we have heard other witnesses who described how they arrived at the Gupta family house and how they were received. Can I ask you to share with us your experience about how you arrived at the house, who welcomed you and what happened
20 thereafter?

MR THEMBA MASEKO: Sure, Chairperson, I am glad I don't need to describe the furniture, it is not my strength [everybody laughs]. I got to the gate, was welcomed by the security personnel there and it was very clear to me that they were expecting me, they didn't give me any difficulties so they just opened the gate, I got in, I was told to park next to the door and a security person then took my car and drove it to a parking lot. So I then

walked into the house, was received by a lady who directed me to the lounge where the meeting took place. There were clearly security people all over the place in there.

ADV VINCENT MALEKA SC: And then in paragraph 21 you reference the name of Mr Atul Gupta. Did you meet him on the day of your arrival at the Gupta family house?

MR THEMBA MASEKO: When I was just about to take my seat in the lounge, the two Gupta brothers arrived, Ajay and Atul. I have never met Atul Gupta. He just arrived, I don't think he even had time to greet me, he just said a few words to Ajay and then he left the room.

ADV VINCENT MALEKA SC: How did you know that it was Mr Atul Gupta?

10 **MR THEMBA MASEKO**: I have never met him but I have seen his photos in the media and I can identify.

ADV VINCENT MALEKA SC: But at that point in time when he came in talking to his brother Ajay Gupta, did you know that you are in the presence of another person called Atul Gupta?

MR THEMBA MASEKO: Yes I did, agreement and that's from media reports. His photos had been around for quite some time.

ADV VINCENT MALEKA SC: Yes. Mr Maseko, before I converse what you describe as a demand for advertisement budget, can I raise this with you and if you have any information that you can share with us, please do. From the evidence of Ms Mentor, we
20 know that she was taken to the Gupta family house around October 2010, if I do recall. Your evidence is that you received a request for the meeting. Round about a week or so after September or October and you remember that you identified that date of September/October on page 10, Chairperson, paragraph 10.

MR THEMBA MASEKO: I got it.

ADV VINCENT MALEKA SC: Now, it seems to me that on the evidence the Chairperson has received thus far, you are the second person who gets to be called to go to the Gupta family house more or less around the same time and I emphasise more or less around the same time Ms Mentor was there. In the context of that evidence, is there any reason you can think of why you were called to attend to the family at that point in time?

MR THEMBA MASEKO: Chairperson, no, I can't think of any particular reason why the fact of the meeting was at that particular point in time, other than the fact that they were on the brink of setting up a media company starting with the launch of the New Age newspaper which was scheduled to take place in the latter part of the year.

ADV VINCENT MALEKA SC: You see, I ask you this question and if you can help us, please do and Chair, with your permission, can I explain the context while we are at this question?

CHAIRPERSON: Ja.

ADV VINCENT MALEKA SC: I asked this question because we have sought to study and analyse models of state capture across the countries who have experienced that phenomenon. In your own world of communication, politics and of course law, you studied law and I know, do you have any experience about state capture phenomenon which may have taken place elsewhere in the world.

MR THEMBA MASEKO: Chairperson, I have been doing quite a bit of reading and I have studied cases of what has happened in versions of state capture, Russia and India and elements of it in the United States, so it's a subject that I have developed some interest in so to answer your question, yes I have.

ADV VINCENT MALEKA SC: I take it that you have read the book called, Once Upon a Time in Russia?

MR THEMBA MASEKO: Yes, I did.

ADV VINCENT MALEKA SC: It talks about state capture in Russia.

MR THEMBA MASEKO: It talks about elements of how a state can be captured by powerful business people.

ADV VINCENT MALEKA SC: Yes. I take it that you are aware of the Peruvian model of state capture?

MR THEMBA MASEKO: I am aware of the topic but I have not studied it in detail.

10 **ADV VINCENT MALEKA SC:** You see Mr Maseko, the Peruvian model of state capture is something the Chairperson will receive expert evidence on, probably from Friday Chairperson but it's significance was that it involved the immediate access to the head of state, President Fujimori and thereafter the model was to capture the media houses. Now in the context of that model I would like you ask you this, why were you amongst the very first person to whom demand were made in order to support the Gupta media businesses?

MR THEMBA MASEKO: Chairperson, in studying the racial model, one of the things that is aligned with what the Counsel is saying, is that the [indistinct] have always tried to own activistisation because it is an important platform to inference opinion but the question is
20 why did I think the GCIS was, because I think they were tight in GCIS, rather, the person running it. I think that I would not give the Gupta brothers that credit that they had a very clear plan to start with the media and then move to a diary farm and then move to State Owned Enterprises. It was essentially a question of identifying the hanging foot and

because the GCIS entity was operating within the Presidency and they felt that they can't influence rather than control over the President, it would be easy for them access the resources that were located in GCIS so my answer to you Counsel is that I don't think that this was part of some grand plan or strategy to say this is our vision, we start with the media and we are going to proceed to that. It was essentially saying, we need cash, what is the quickest way to get cash, let's get those entities that report to the person that we have influence over and take it from there and I think that they probably surprised themselves when they saw how easy things came out for them in this country.

ADV VINCENT MALEKA SC: Thank you. Can I then proceed to the question of the
 10 demand for advertisement budget. You begin with that topic in paragraph 23 on page 12 and you explain how the meeting between you and Mr Ajay Gupta went about and in paragraph 25 on page 13, you begin to talk about the R600 million of advertisement budget. Can I ask you to elaborate on that part of your discussion with Mr Ajay Gupta?

MR THEMBA MASEKO: Okay, thank you Chairperson, there weren't too many pleasantries exchanged between us. At the start of the meeting with Mr Ajay Gupta, he then started by telling me that as a family setting up a media company which will have a newspaper and a TV station and key to their plan at the time was actually getting Government support and he did mention with things that I have not covered here which
 20 also talking about setting up its own newspaper but the ANC talks forever about things, they do things so they are going to start with a newspaper and they need the R600 million that GCIS is responsible for that must be done through transferring all the funds and place adverts and write articles and just make sure that the Government messages is communicated properly. So basically he wanted the R600 million to be spent on the Gupta TV station and newspaper.

ADV VINCENT MALEKA SC: Mr Maseko, in your interview with the Public Protector you were a little more direct on this subject. Can I ask you to go page 27 of Exhibit E1 and from line 1. You say in the meeting Mr Ajay Gupta then cut to the chase, what do you mean by that?

MR THEMBA MASEKO: I mean he didn't waste time after greetings, he said okay, listen to me now, okay, this is why I called you to the meeting. We want to set up a media company and we need the budget that you are controlling, that's what I meant by cut to the chase.

ADV VINCENT MALEKA SC: And then from line 9 on the same page, you said the following: So in essence if you look at the GCIS budget, you are not going to see an amount allocated for media buying for other Government departments and then you say, I was surprised that he knew even the amount that was involved. My question to you is why were you surprised?

MR THEMBA MASEKO: Well, Chairperson, as I explained yesterday, the amount that we spent on advertising, coming to advertising is not a publicised figure so it's not a number that people would ordinarily have in their heads.

ADV VINCENT MALEKA SC: And then you continue from line 12, you say he told me, he knows that there is R600 million available and that the money must come to, and he specifically mentioned the New Age newspaper which was coming. Can I stop there? Do you confirm that he mentioned the name of that publication?

MR THEMBA MASEKO: Without any doubt in my mind Chairperson, I did confirm.

ADV VINCENT MALEKA SC: Chairperson, yesterday there was some doubt about when the New Age newspaper publication was established. Can I just find out Chair that we have managed to locate the application papers in case no 47542/2018 in the High Court

of South Africa, Gauteng Division, Pretoria, where the applicants included, amongst others, Afrotone Media Holdings (Pty) Ltd., and the application was for the liquidation of entity. The Founding Affidavit was made by Mr Mzwanele Jimmy Manyi and in paragraph 4.1, the Founding Affidavit reads as follows:

“4.1 In June 2010, the respondent was established by a sum of the Gupta family members with the express objective of launching a national daily newspaper within the Republic of South Africa.

10 *4.2 On about 6 December, 2010, the respondent launched a newspaper with a national footprint and with a daily publication between Mondays to Friday, focusing on primarily local content within each geographic area and some national and international news of interest.*

4.3 Following its launch in the publication under the name and style “The New Age” rapidly grew from a single national edition to 5 additional provincial additions in KwaZulu Natal, Western Cape, Northern Cape, Free State and North West Province.”

Chair, I have referred to all of these dates...

CHAIRPERSON: I just want to make sure I understood correctly what was said in what you read out is it that the decision to establish The New Age was taken in June 2010 but the actual commencement of the publication happened in December or later?

20 **ADV VINCENT MALEKA SC:** Yes in December Chair.

CHAIRPERSON: Okay.

ADV VINCENT MALEKA SC: Yes sir, and Chair it's going to be a matter of importance when we present to you the revenue stream of all the monies paid by national and

provincial Government to New Age newspaper but for now I would like to confirm with you Mr Maseko that you are aware when the first edition of the New Age newspaper hits.

MR THEMBA MASEKO: I may not know when the first publication was but I know that it was end of 2019, either November, December, somewhere there.

ADV VINCENT MALEKA SC: And so logically it means that when you met Mr Ajay and you were talking about budgets and how the money should flow to the New Age or other media interest entity of the Gupta brothers, the New Age newspaper had not yet been lodged.

MR THEMBA MASEKO: Not yet no.

10 **ADV VINCENT MALEKA SC**: Can I then take you back to page to page 27 and I am going to be a little quick, I am going to skip some of the things that you had said, the interviewer, I would like you to go to line 17. Got it? Can I ask you in your own voice to read that and I would like to ask you some few questions thereafter. Can you just share with us what is said from line 17?

MR THEMBA MASEKO: Okay, Chairperson, this is what he said.

ADV VINCENT MALEKA SC: And that is Mr Ajay Gupta to you.

MR THEMBA MASEKO: Okay, Mr Ajay Gupta said to me at the meeting and this is after I had explained how the budgeting system works and that GCIS doesn't sit with the total amount in our budget. It reads as follows:

20 *"If you want to do any business, you must go and talk to the individual departments, that's what I said to him, and he just cut me short and said, listen, this is how things are going to work. It says, 'is' there, but he said, this is how things are going to work, you must go to all the departments, talk to the Ministers, tell them to transfer the budgets into your*

account, and by 'account' I think he means, GCIS account, and your only job is to make sure that the money comes to me and the New Age newspaper."

ADV VINCENT MALEKA SC: Can I stop you there please? I read these things to suggest an instruction to you, how did you read them yourself?

MR THEMBA MASEKO: Well firstly, at this point I think he had become a bit aggressive and I did take that to be an instruction which in my view was unlawful.

ADV VINCENT MALEKA SC: What was your job at that time in so far as other departments are concerned? Was it your job to go and get them to transfer money to your department, to GCIS?

10 **MR THEMBA MASEKO**: Chairperson, this is the part I was trying to explain to you that it's not my budget, I do not have the power or authority to instruct a Minister or a Director General from another department to transfer any money into the GCIS account and as far as I know, even National Treasury could not instruct a department to take money from its account into the New Age newspaper.

ADV VINCENT MALEKA SC: And I mean what strikes me most is that he says, your only job is just to make sure the money comes to me in the New Age newspaper. Now, as a matter of fact, was that your job?

MR THEMBA MASEKO: Nope, no Sir, no Chairperson.

20 **ADV VINCENT MALEKA SC**: It seems to me that someone is re-writing your official duties.

MR THEMBA MASEKO: He was basically giving me an instruction which I found totally unacceptable and unlawful.

ADV VINCENT MALEKA SC: Then can I ask you to continue with, and I am sorry to have interrupted you, from where you say, I said.

MR THEMBA MASEKO: Okay, my response to that statement from him was that unfortunately Mr Ajay, this is not how things work but if he said if I have other and there is a dash in the transcript and I presume you would have said other problems or anybody giving me problems or difficulties with any of the Ministers who were refusing to transfer their money to me, I must come back to him and he will call those Ministers to order and he will make sure that they deliver. I said, Mr Ajay, but these are my leaders, these are my Ministers, you can't talk to them like that, you can't talk about them like that I clarified
10 further. He said, no, and I quote: *"That is how the system works now. If there is any Minister who is not co-operative, I tell him and by that he meant, tell President Zuma and he sorts them out."* I did ask him how will he sort them out, he then volunteered information that he as Ajay Gupta, has regular meetings with the President and that if there is a Minister who is not co-operating, the Minister is then summoned to, just clarify, that is not in the transcription, I am explaining what happened during the conversation. So if he speaks to the President, the Minister is either spoken to by the President or summoned to Saxonwold where they are given instruction of what to do. Essentially that is what transpired.

ADV VINCENT MALEKA SC: You were asked by Advocate Kanyane whether you asked
20 Mr Gupta during your meeting, how would they be able to sort out Ministers who might not want to co-operate with you. That question was put to you in line 9. What was your answer?

MR THEMBA MASEKO: My answer and it is captured in the transcript with the Public Protector. His response was he has regular meetings with President Zuma so he would

talk to the President and the Ministers would be summoned to, the transcript says [indistinct] but I can clarify that it meant Saxonwold and they will be instructed to transfer the budget to him. The meeting just ended like that Chairperson because I just did not agree to that and I said okay, let's end the meeting here. He was extremely angry and I left the house and my car was brought back and I drove out, this is what transpired.

ADV VINCENT MALEKA SC: Yes, you see, up to that point you were not asked any question about what Mr Gupta said to you about the regularity of meetings he held with the President but elsewhere in the transcript you were asked those questions and you explained your version. I am going to jump to page 46. I skip lines 1 – 8 and ask you to
10 pick up your version from line 9.

CHAIRPERSON: I am sorry Mr Maleka, on what page is that?

ADV VINCENT MALEKA SC: Page 46 of E1. Can I ask you to pick up your version Mr Maseko from line 9?

MR THEMBA MASEKO: Okay, line 9 and just for background this was now following a discussion of what was happening in the house there. In page 46 on line 9, the question was, because he was boasting to say how often he was meeting.

ADV VINCENT MALEKA SC: Who was boasting?

MR THEMBA MASEKO: Apologies Chairperson, Ajay Gupta was boasting about the frequency of meetings he had so the question was, how often did he say he meets the
20 President. My response on line 9 says, he said the President comes to their house for dinner at least once a week. He told me that much and that Ministers regularly come to the house but other than that he didn't discuss anything further.

ADV VINCENT MALEKA SC: I take it that by that time you had a clear picture of who Mr Ajay Gupta was?

MR THEMBA MASEKO: Chairperson, at that time I did have a very clear picture of what type of human being I was dealing with.

ADV VINCENT MALEKA SC: Can I come back to the lines that I skipped and that is line 1 – 7. You raised a different subject, can I ask you to explain to us in your own words, what you conveyed to the Public Protector at that point in time.

MR THEMBA MASEKO: Which page?

ADV VINCENT MALEKA SC: Page 46, lines 1 – 7.

10 **MR THEMBA MASEKO**: Okay, he did mention that he already was getting a lot of business from SABC breakfast that they arrange with Ministers and the question was, which breakfast, I explained that a New Age breakfast that they broadcast on SABC, then he was doing this to try and show me his influence, how they have weekly meetings with the President.

ADV VINCENT MALEKA SC: Mr Maseko, unless you have any further issues to raise in regard to that part of the transcript, I am going to go back to your statement and I am going to go back to page 13.

CHAIRPERSON: Mr Maleka, before you take him back, you have said that Mr Ajay Gupta said to you that the former President used to have dinner with them weekly and
20 that he said to you, that is now Mr Ajay Gupta, he said to you that there are some Ministers, I don't know whether you said they don't co-operate or what however you put it, but there are some Ministers. Now during your time at GCIS or during your time as

Government spokesperson, did you get to know of any Ministers who got summoned to the Gupta house at any stage?

MR THEMBA MASEKO: Chairperson, there were a lot of rumours in Government corridors that a lot of Ministers were visiting the Saxonwold compound. I may not have prove of that but the way reports in the media and these stories were also mentioned in one or two books that were published.

CHAIRPERSON: Would you also may have known of any senior Government officials such as DG's being summoned to the Gupta house. I know you didn't talk about DG's being summoned but I am just asking because DG's would be accounting officers in
10 Government departments.

MR THEMBA MASEKO: Yes Chairperson, there were again reports of DG's also, either visiting or having meetings or being summoned to Saxonwold compound.

CHAIRPERSON: Thank you for that, it's just that if the evidence is ultimately accepted that this is what was said to you and no Ministers have come before the Commission to help the Commission to say we were summoned or we did have meetings at the Gupta house a number of times and these were the circumstances and we went there willingly or we felt that we had to go there because of this and that and that, if they will not have come before the Commission, to help the Commission and the nation to understand the depth of state capture, it will be very very unfortunate so I am hoping that to the extent
20 that there may have been Ministers who were summoned, I am hoping that they will come forward and help the Commission and the nation to understand what was going on, thank you.

ADV VINCENT MALEKA SC: Chair, we are grateful to that question and the concern you raise and certainly would ask the investigators to follow them up. Some of the Ministers

as you know, have been lined up to come and testify before you and no doubt they will be asked those questions and they will put their versions on you but can I ask for leave to follow up on your question now that we have at least witness here who has given their version and I do so at the request of my learned friend, Mr Mokoena. You see Mr Maseko, at page 28, line 4, you say that in the course of that conversation with Mr Ajay Gupta, he said the following to you and you put it or the transcript puts it in quote and I am going to read it as transcribed: *“This is how the system works”*. You see that? Are you with me?

MR THEMBA MASEKO: Yes.

10 **ADV VINCENT MALEKA SC**: Do you appreciate what “system” was Mr Ajay Gupta referring to which was not there but which was going to work from that point onwards?

MR THEMBA MASEKO: Chairperson, the impression I got from the conversation was that we were in a state where there was a parallel state in place, a parallel system of Government where decisions about procurement and other Government decisions were now taken in the compound and by “system” he meant that’s how things work, he issues an instruction to whoever works in Government, if you don’t comply, you are then summoned to Saxonwold and the other reprimand or he is the Gupta or one of the brothers reprimand you and if you still don’t co-operate then they pull out the big guns and these big guns in my view would be the President at the time and that’s what he
20 meant by, this is how the system works now.

ADV VINCENT MALEKA SC: Mr Maseko, in page 13, Exhibit E1, paragraph 29 going to page 14, paragraph 30, you draw some conclusions there, it’s up to you whether you want to repeat them or elaborate on them, if there is anything further you want to say, well, say them now.

MR THEMBA MASEKO: Just refer again to the right paragraph, page?

ADV VINCENT MALEKA SC: Page 13, paragraph 29 going to page 14, paragraph 13, there are some conclusions that you draw there. I wonder whether you have anything further to see relating to those conclusions or arising from them?

MR THEMBA MASEKO: Okay up to paragraph 30, I think that covers everything.

ADV VINCENT MALEKA SC: Yes, then I would like to explore paragraph 31 with you. I also reported the incident to Mr Frank Chikane who was a former Director General in the Presidency, do you see that?

MR THEMBA MASEKO: I see that, yes Sir.

10 **ADV VINCENT MALEKA SC**: As far as you recall, did you report this incident to him?

MR THEMBA MASEKO: Yes, I had a discussion with Reverend Frank Chikane about this incident.

ADV VINCENT MALEKA SC: You say a little more about persons that you reported the incident to in addition to Reverend Chikane. You explored that in the transcript in the same Volume E1, page 28. Can I ask you to go to page 28.

MR THEMBA MASEKO: Yes I am there.

ADV VINCENT MALEKA SC: And then opposite line 13, you say, I said okay, let's end the meeting here but I was extremely angry. Do you see that?

MR THEMBA MASEKO: I got it yes.

20 **ADV VINCENT MALEKA SC**: Can I ask you to take up what follows thereafter?

MR THEMBA MASEKO: I then immediately called my Minister and said, this is what just happened and he said no, he will take care of it.

ADV VINCENT MALEKA SC: Who was your Minister at that point in time?

MR THEMBA MASEKO: By that time it was Minister Collins Chabane, unfortunately he was late Chairperson so may his soul rest in peace but he was my Minister at the time.

ADV VINCENT MALEKA SC: The late Minister Chabane was your Minister at the time?

MR THEMBA MASEKO: Yes he was.

ADV VINCENT MALEKA SC: What official Ministry did he occupy?

MR THEMBA MASEKO: He occupied the position of Minister in the Presidency.

ADV VINCENT MALEKA SC: And then you also explained other persons that you reported the incident to. Can I ask you to go to page 47 of Exhibit E1 and please go to
10 line 8 and there you say: I had a brief meeting with the Deputy President on the matter.
Which Deputy President do you refer to?

MR THEMBA MASEKO: Chairperson, Deputy President Kgalema Motlanthe.

ADV VINCENT MALEKA SC: Which matter are you referring to?

MR THEMBA MASEKO: That was with regard to my interactions and pressure I was getting from the Gupta family.

ADV VINCENT MALEKA SC: Then you say I had a brief meeting with the DG in the Presidency, Frank Chikane at the time to say this is what is happening, we have dealt with that issue in so far as paragraph 31 of your affidavit is concerned and then the question is asked to you by Mr Lekubu who was part of the interview and the question
20 was so: Reverend Frank Chikane and obviously President Motlanthe, do you think they will be in a position to corroborate your story, do you see that?

MR THEMBA MASEKO: Yes I got it.

ADV VINCENT MALEKA SC: And then you give an answer there. Can I ask you to explain to the Chairperson in your own words the answer you gave?

MR THEMBA MASEKO: Just one thing I would like to just correct, it should have said, former Director General in the Presidency, he had already left but I spoke to him, I also spoke to Joel Netshitenzhe who were Head of Policy in Government, I also spoke to my former Minister, Mr Essop Pahad and that's why if you go to my affidavit Chairperson you will see that paragraph 31 says, I also reported the incident. It doesn't say I reported, it says I also, so the omission on paragraph 31 is that it says "also" but it doesn't say who else.

10 **ADV VINCENT MALEKA SC**: And that's the reason why I am exploring these questions to try and give the Chairperson who falls in the bracket of it also, referred to in paragraph 31 of your statement. Before I ask you about whether they did anything after you made the report to them, can I ask you to go page 51? 51 Chairperson. And again, it is Mr Lekubu who is asking you questions on this issue and he is asking you questions around the Deputy President Kgalema Motlanthe from line 21. You see that?

MR THEMBA MASEKO: Yes I see that.

ADV VINCENT MALEKA SC: Can you please explain that to us, the question and answer. Chairperson, the question was what was the then Deputy President Motlanthe on the matter. My response and still is that he did express, when I was speaking to him, he
20 did express shock and surprise and I think a bit of disappointment but the response I got from him and all the people that I was speaking to was that they shared the concern about what was happening with regard to the role of the Gupta family so they did give their assurance that the matter was receiving attention at the level of the National Executive Committee of the ruling party and I was satisfied that if at least they handling it

politically, the matter should be sorted out. Mr Maseko, I am now going to move to a new topic that you call "The Con". Page 14 of your statement.

MR THEMBA MASEKO: Okay, I am there.

ADV VINCENT MALEKA SC: Let me read paragraph 32. You say:

“On about - On or around the end of November 2010. I was driving to the North West Province for a “weekend getaway.”

I take it that you recall what “weekend getaway” that was.

MR THEMBA MASEKO: Yes I recall that. Yes sir.

ADV VINCENT MALEKA SC: Can you just hare with us. If it is not intimate and private.

10 **MR THEMBA MASEKO**: You want to know the venue?

[Laughing]

ADV VINCENT MALEKA SC: Where were you going t

MR THEMBA MASEKO: To Sun City.

ADV VINCENT MALEKA SC: What were you going to do there?

[Laughing]

CHAIRPERSON: Ow, Mr Maleka.

MR THEMBA MASEKO: I think the people of North West were missing me. So I visited them. But om short Chair was golf tournament I was going to watch with eh ...[intervened]

20 **ADV VINCENT MALEKA SC**: Chair on this see this note. You will see why this is important.

CHAIRPERSON: Okay. Alright.

ADV VINCENT MALEKA SC: You will see because and in anticipation.

CHAIRPERSON: Ja.

ADV VINCENT MALEKA SC: You will see that Mr Maseko was not to prepared to sacrifice that “weekend getaway”, but we will come to it. So if you may give me som indulgence to ask ...[intervened]

[Laughing]

CHAIRPERSON: I am sorry it might not just have been the people of North West missing him. He must have missing them too.

ADV VINCENT MALEKA SC: Sure we are, but it is up to him whether he would like to
10 disclose those matter before you. My view and my humble request is that although they are matters that would ordinary be private. They have acquired a dimension of public importance in the light of the testimony you will hear from him, in due course and if you are willing to tell us – it is fine. If you are not we will leave it on the description of a “weekend getaway” **to the North West Province.**

MR THEMBA MASEKO: Not – I have already spoken about the subject in public. So, I can speak about it, Chairperson. I was going to watch the Nedbank Golf Tournament in Sun City and that - the relevant is that it is going to help me if - becomes necessary later to remember the exact of that call. If this matter were to proceed beyond this Commission.

20 **ADV VINCENT MALEKA SC:** Let us anticipate that issue as far as you are concerned – when in time and space did that call happen?

MR THEMBA MASEKO: The first call came – I would say early, I was of the evening around five or six on the Friday evening as we were driving to the tunnel.

ADV VINCENT MALEKA SC: Yes and then you say

“I receive a call from a unknown gentleman who said he worked for the Gupta Media company in parenthesis – the term is used loosely herein to refer to the media company set up by the Guptas for their (print and/or TV venture).”

Do you recall the name of the TV venture that you have referenced in brackets?

MR THEMBA MASEKO: At the time – I do not - They had come up with a name for the newspaper which was the New Age Newspaper.

10 **ADV VINCENT MALEKA SC:** Yes.

MR THEMBA MASEKO: I do not think they had finalised the name of the TV station.

ADV VINCENT MALEKA SC: And you say:

“The gentleman requested me to meet the following Monday at eight in the morning to discuss Government advertisement in the soon to be launched New Age Newspaper.”

Do you see that?

MR THEMBA MASEKO: I see that Chair.

ADV VINCENT MALEKA SC: In context - you had already had discussions with Mr Ajay Gupta on this and the Government support he desired or demanded in relation to the
20 New Age Newspaper. So, this was not a new subject that was raise with you? Are you able to tell the Chairperson whether you recall the identity of this caller.

MR THEMBA MASEKO: I cannot recall. Chairperson I cannot recall whether he identified himself by name, but he did say that he was the person in charge of setting up the New Age Newspaper. I subsequently discovered that he – his name was Tony Gupta. Who was the person given responsibility to setup the newspaper, but at the time of the call I was not sure who was – who I was speaking to. I can confirm that it was somebody with a very strong Indian accent. Could not recall the name – at the time but...

ADV VINCENT MALEKA SC: And in paragraph 34 you say: “He insisted...” Well I am sorry to skip paragraph 33. Let me go back to paragraph 33. You say:

10 “I told him I would meet with him but that he should call me on Monday morning to setup an appointment as my diary was already packed. In this regard I wish to ensure that whilst I would listen to any proposal. This had to follow proper procedures and had to be done on a proper basis.”

Why did you – this time around take the view that any meeting of that kind had to follow proper procedures and had to be done on a proper basis.

MR THEMBA MASEKO: Chairperson, in short I was now aware what – there were the family was up to and I wanted to make sure that proper procedures were followed this time.

ADV VINCENT MALEKA SC: And then in paragraph 34 you say:

20 “He insisted that the meeting had to take place the following Monday. As the launch of the newspaper was imminent.”

Your words are quite interesting. You say he insisted “he insisted.” How did he insist?

MR THEMBA MASEKO: The call started Chairperson as just a normal business call “Hi, I need to meet with you to discuss the newspaper were just about to launch. Can I meet you on Monday morning and he had the time 8 O’clock?” My response was: Okay, Look here we can meet but it will not be at 8 O’clock, because I already have other commitments, but you can call me on my office on Monday and we will schedule a time to meet with you – either that week or whatever., because in my mind it was very clear that my program schedule cannot be determined the urgency of his business. I had a business to run and he needs to fit in with the rest - with the rest of the other priorities I had at that time. He then insisted that ...[indistinct], they were launching – the launch was quite imminent and they needed advertisement to be placed and that why the meeting had to happen at 8 O’clock and I said: No ways. Call me on Monday. If you cannot call on Monday. There is not going to be a meeting on Monday morning.

ADV VINCENT MALEKA SC: And you said call and that unceremoniously.

MR THEMBA MASEKO: Well, yeah – it ended with me saying him ‘okay’ and as me saying ‘okay’ – that is how it ended.

ADV VINCENT MALEKA SC: What happened after that call?

MR THEMBA MASEKO: I have literally it was – I would say between 45 minutes to an hour later my phone rang again and this time it was... Chair I think that it might just facilitate if I can just explain everything?

20 **CHAIRPERSON**: Ja.

ADV VINCENT MALEKA SC: Yes.

MR THEMBA MASEKO: In one show without waiting for a question.

CHAIRPERSON: Mmh.

MR THEMBA MASEKO: Phone rings, second time during the drive, to Sun City and this time around it was Ajay Gupta. He says: James, that is what they called me at that time. Now everybody called me. that. “I hear that you are being difficult or my people tell me that you are being difficult.” I said: No, no, no Ajay, I think your people are misinforming you. I am not being difficult. Your people called me – your person calls me, this evening wants or demands a meeting on Monday morning. I said he must call me on Monday and I said I was not going to meet. I did not tell him I was not going to meet him. I said he must call me on Monday to arrange a meeting and Ajay says: No, no, no this is very urgent. You have to meet him on Monday. I said: No, Ajay I told him as I am just about to
10 tell to tell you. It is not going to happen on Monday morning. It can happen at any other point but not on Monday morning and then his response was simply that I can see you are being difficult. Okay, the meeting is not going happen on Monday it is now going to happen tomorrow morning which was a Saturday morning. At 10, at my house in Saxonworld. I said: Listen Ajay, firstly I do not work for you. You cannot give me an instruction. If you want a meeting, yourself. You call me. I then went on to relate to him that there are other ANC people who work in Government, ministers, who own newspapers and that time I was thinking somebody like Tokyo Sexwale and is covered in the affidavit and I said they own media houses. They never give me instructions. They never give orders to me. They never demand meetings. So you have got no right. I do not
20 work for you. You have got no right to give me an order to meet in any case, tomorrow happens to be impossible in any case, because I am out of town. He says no, no, no I can see you are being difficult. This is where he makes the comment that he can see that I am difficult. He is going to speak to my seniors and he will make sure that it is sorted out and he will make sure that I am replaced with people who will co-operate and I must

say the conversation went soft beyond that point, because he was obviously upset. I was obviously a little bit more upset than he was, but that is what transpired.

ADV VINCENT MALEKA SC: Well you say that all of those – that detail is covered in your statement.

MR THEMBA MASEKO: Yeah.

ADV VINCENT MALEKA SC: But can I remind you that all of that detail is covered in you interview...

MR THEMBA MASEKO: Okay.

ADV VINCENT MALEKA SC: With the Public Protector. Especially from page 13.

10 **MR THEMBA MASEKO:** Yeah

ADV VINCENT MALEKA SC: From, for example line 17 going forward and you explain how you were upset, in line 31 and opposite line 5 Chair there is a description that I would not use, but ...[intervened]

CHAIRPERSON: I am sorry, what page are you now on?

ADV VINCENT MALEKA SC: Page 31.

CHAIRPERSON: Yes and what lines?

ADV VINCENT MALEKA SC: Line 5.

CHAIRPERSON: Yes.

ADV VINCENT MALEKA SC: Well let me read it.

20 **CHAIRPERSON:** O, ja.

[Laughing]

ADV VINCENT MALEKA SC: Yes.

CHAIRPERSON: Mmh. Okay.

ADV VINCENT MALEKA SC: I would not read it, Chair.

[Laughing]

CHAIRPERSON: Yes. No.

ADV VINCENT MALEKA SC: But, it reflects the mood of Mr Maseko at that point in time.

Mt Maseko, I am going to ask you something that flows from line 6. There you say:

“Come Monday and nobody pitches up in my office,
because I did not agree to meet. But during the course of

10

That week I was getting a lot of calls from heads of
communication departments who were complaining that
there is somebody from New Age Newspaper who is
demanding to have meeting with them and what should
they do ...[intervened]

CHAIRPERSON: I am sorry Mr Maleka. Please Mr Maseko or remember the question he
has just put to you. Do not forget it, but I just want to go back a little bit. When Mr Ajay
Gupta said to you he would speak to your seniors. Who would have been your seniors, at
that time?

MR THEMBA MASEKO: Chairperson, seniors would have meant my immediate
20 supervisor which was the Minister in the Presidency, but because of the telephone I had
received from Pres Zuma I assume that included Pres. Zuma in that. So, my minister and
the president.

CHAIRPERSON: Thank you.

ADV VINCENT MALEKA SC: Thank you, Chair. Something strikes me that I should follow on that question, Chair. I hope Chair you do not mind. Why do you think that your seniors would be approached?

MR THEMBA MASEKO: Well he put it that way in the telephone conversation. He said if I do not co-operate he will speak to my seniors who will then sort me out.

ADV VINCENT MALEKA SC: Yes. Can I then go back to the question that I had put to you. It arises from page 31. I had read line 6 up to line 11. You can read it and when you are done I would like to ask you one or two questions.

10 **MR THEMBA MASEKO:** You read the first part Chair. ...[intervenes]

[Indistinct] – speaking simultaneously]

ADV VINCENT MALEKA SC: I am just – you do not have to read it. You just read it quietly. I think we should avoid putting it in the record. Ja.

MR THEMBA MASEKO: I am done.

ADV VINCENT MALEKA SC: You are done? Yes. Are you able to tell us who are the heads of communication who raised their concerns at that point in time?

MR THEMBA MASEKO: Chairperson, this is a quite a difficult matter because speaking on this matters is something that each individual must make a choice because it has serious personal implications for individual concern.

20 **ADV VINCENT MALEKA SC:** Are you able to tell us who they are? Even confidentially.

MR THEMBA MASEKO: At this stage – confidentially if you want to.

That is going to be possible.

ADV VINCENT MALEKA SC: We could have a conversation with the investigators and see if it is possible.

MR THEMBA MASEKO: Yes.

ADV VINCENT MALEKA SC: But for now on the record there were people who raised concerns with you. Who were Government officials? Heading different communications departments of our National Public Service.

MR THEMBA MASEKO: Chair person I can confirm that several heads of communication, from different department, were approached by the very same individual whom I discovered to be a Tony Gupta later on. Was making calls. Demanding that they place
10 advertisement in the New Age Newspaper which was going to be launching at the time soon and in his conversations with them he said he had spoken to me about it and that is why in my response, as captured in the transcript is that I said – my advice to them was that they should just ignore them. Nobody can demand a meeting with you. If you are not available to meet. You are not available here. So, that is the story. So, I said any impression that anybody gave to them that I had given authorisation to the Guptas to call them to demand advertising was completely unfounded, wrong. They must make the choice whether they want to meet them or not.

ADV VINCENT MALEKA SC: Thank you. That issue will be taken up with you by the investigators, but you say that you advised them to ignore this person.

20 **MR THEMBA MASEKO:** To ignore, but if they choose to meet. They must meet, but they must not - must do so, not with the understanding that it has my blessing – in other words I am not giving meeting with them any blessings from my side.

ADV VINCENT MALEKA SC: Yes and then in paragraph 46 on page 16 Jan Botes keep the rest because they have been dealt with by Mr Maseko.

CHAIRPERSON: Yes.

ADV VINCENT MALEKA SC: At page 16 paragraph 46. You say:

“During my tenure as at GCIS there were no dealings or contracts between GCIS and the Gupta family or any other – or any of their companies that I am aware of.”

You see that?

MR THEMBA MASEKO: I see that, Chair.

ADV VINCENT MALEKA SC: Do you confirm that that has not – that did not take place?

MR THEMBA MASEKO: I would confirm that as far as I am aware. I would confirm it.

10 **ADV VINCENT MALEKA SC:** Thank you. Then Chair the next topic that I am going to explore is what is described as the exits from the Public Service.

CHAIRPERSON: Yes.

ADV VINCENT MALEKA SC: Do you see that, Mr Maseko?

MR THEMBA MASEKO: I see that, sir. Thank you.

ADV VINCENT MALEKA SC: Again to facilitate your evidence can I ask you to deal with that issue at once so that I should not interrupt you.

MR THEMBA MASEKO: Ja.

ADV VINCENT MALEKA SC: You begin at paragraph 47, but just summarise it – that issue for us. In your own words for – beginning from paragraph 47.

20 **MR THEMBA MASEKO:** Thank you. Thank you Chairperson. This is a topic dealing with my exit from the Public Service toward of January 2011 and I managed to ...[indistinct] I

managed to get the date of that meeting. Working out the events from the internet. The call was on 30 January 2011, a Sunday morning. The minister requested a meeting with me that afternoon, but unfortunately I was not available that afternoon. So I agreed to meet the following morning which was the 31st. The meeting took place, as I said on the 31st and the content of the meeting was essentially the minister informed me that he had received the - a call from Pres. Zuma was out of the country at the time and the president had instructed him to redeploy me or terminate my contract and in fact the words that he used is the president said to him by the time he returns to the country I must not be at GCIS. The minister then and this is covered in paragraph 48. The minister

10 then said he had no choice but to implement this decision, because the president is his boss, but he then made a commitment to me that he was not going to throw me into the streets, because he knew that I had not done anything wrong and that I was – I use the words “committed civil servant” in the answer there. He said he will make a plan to find another post for me in the Public Service. He said he is aware that there are quite a few vacancies. So he would make a plan. So, we continued the meeting by him saying he is going to talk to his colleagues, in cabinet, to see who is in the market for – O, these are my words “in the market for a DG.” The very next – the following the Wednesday on

2nd February 2011, then a cabinet meeting took place and in my role as government spokes person, I sat in cabinet, I sat in cabinet meetings so that I could listen to the

20 decisions and then prepare media statements and make a public announcement about what cabinet had decided. During the course of the meeting I was then informed that the eTV News Channel – I think they call themselves ENCA now, but it was eTV then was running with the – a news item saying that I had been fired. I then, because in cabinet meetings you are not allowed to take your mobile phones in. So, we lock them outside the meeting. So, I went out. Took my phone and did some checking. Called my office

and my media people, in the office, confirmed that, yes, there was such a news item running. I then immediately brought this to the attention of minister Chabane to say: does this story growing. I know that you and I had had a conversation. You were going to look for a position for me and in the meeting – my understanding was that I should stay in the post. The minister was shocked to learn that such a story was running, because he thought we were still in negotiations, but he promised to come back to me within minutes. He wanted to check with the president.

CHAIRPERSON: So, the president was still outside of the country at this stage)

MR THEMBA MASEKO: Now at this stage this was the Wednesday. He was already in
 10 the country and in fact he was chairing that particular cabinet meeting. So the minister said he will go and check with the president. If this was correct or not. The minister came back to me to confirm that yes there was such a move and I said to him – look we – he needs to consult with the president, because at the end of the cabinet meeting an announcement has to be made, because the media people were already bothering me with calls to find out is this true or not. So, the minister then went back to have a chat with the president and then came back – unfortunately were not able to meet then – came back to the cabinet meeting which was already in session and at the end of the cabinet meeting the president announced that minister Chabane wanted to make an
 20 announcement. Then minister Chabane was given the platform, in the cabinet meeting, and the announcement was to the effect that I have been removed from GCIS and that I had been replaced by Jimmy Manje as the new governments spokesperson and CEO of GCIS and he then said he was aware there was vacancy – Well, not in the announcement, but in the announcement he then informed the cabinet that I was the DG of DPSA, which is Department of Public Service and Administration and he then – after the meeting informed me to report immediately ...[indistinct]

CHAIRPERSON: His announcement in the cabinet meeting was that you were removed from GCIS.

MR THEMBA MASEKO: Yes.

CHAIRPERSON: And that you were already the Director General of DP ...[intervened]

MR THEMBA MASEKO: DPSA. I was going to be - I had already – Ja, I was the new DG of DPSA.

CHAIRPERSON: Yes and at that stage, I am sorry – I want to know this. At that stage was it coming to you – were you hearing this for the first time in terms of being confirmed that you are the DG of that department or were going to be or had you already been made to understand that yes you will be. So, what I am trying to say is whether when he spoke to you on Monday. Whether i under – I thought he was going to explore other options for you, but now in the cabinet meeting he seems to - he is simply saying either you are already the DG of that department or you are going to be. I am trying to ...

MR THEMBA MASEKO: Okay.

CHAIRPERSON: How much of that did you know before the cabinet meeting in terms of certainty being DG of this other department?

MR THEMBA MASEKO: Chairperson the end of our – my meeting with minister Chabane on the Monday. He was going to look for alternative positions for me. The announcement about my removal was a surprise to both of us, because he was still looking and I must give credit to him, because I think he bent over backwards, because had he not done that it would have meant – after the announcement of my departure I would have been in the street, literally. So, and that becomes relevant because at the end of the cabinet meeting – unfortunately the minister of DPSA was minister Richard

Baloyi. Who happened not to be at the cabinet meeting. An announcement is made. I had to call and it became clear to me later on that minister Chabane had not had the chance to speak to minister Richard Baloyi about this. So, I had the misfortune or the privilege of calling minister Chabane that I was his new ...[intervenes]

CHAIRPERSON: Baloyi.

MR THEMBA MASEKO: I mean minister Baloyi.

CHAIRPERSON: Yes.

MR THEMBA MASEKO: That I was his new DG. Minister Baloyi was equally shocked because he had not had the chance to speak to anybody about it.

10 **CHAIRPERSON**: Well that is the angle I was trying to explore because it seem to me that the announcement of your removal happened before the time that you

MR THEMBA MASEKO: Yes.

CHAIRPERSON: You and Mr Chabane were expecting it to happen, because of the pressure from the media.

MR THEMBA MASEKO: That is correct Chairperson.

CHAIRPERSON: And I was wondering whether in making that announcement at the cabinet actually there had been communication with the minister of the department to which you were be going. So, it seems that, from what you are saying, it seems that minister Baloyi may not have known that he was going to get a new DG.

20 **MR THEMBA MASEKO**: That is correct.

CHAIRPERSON: Thank you.

MR THEMBA MASEKO: So, the cabinet meeting concluded; an announcement is made and I immediately moved over to the Department of Public Service and Administration.

ADV VINCENT MALEKA SC: Chair there are two last issues that I would like to converse with Mr Maseko. I can do them now I am sure I should be able to conclude them in 10 minutes.

CHAIRPERSON: I think you may go hurried.

ADV VINCENT MALEKA SC: Thank you.

CHAIRPERSON: Thank you.

ADV VINCENT MALEKA SC: You know, Chair all of your concern that you have raised
10 with Mr Maseko relate to the legal requirements of a Director General at the level of his
employment would lawfully be transferred from one department to another. The number
of legal requirements – I am not going to bother you with them, because I have been to
assure you that Ms Hoffmeyer will deal with them quite properly, timely and contextually
when Ms Williams testify, before you, insofar as Mr Maseko is concerned. I would like to
raise a number of matters that might well reflect on those legal processes, because
ultimately we would suggest to you that they reflect how the wish and the will of Mr Ajay
Gupta was effectively executed without regard to those legal processes.

Mr Maseko, you have told the Chairperson how the announcement relating to
your removal from DCIS to DPSA took place. First question: Were you consulted about
20 that removal?

MR THEMBA MASEKO: Chairperson, I was not consulted about that specific removal to
DPSA.

ADV VINCENT MALEKA SC: Are you aware that insofar as the legal processes are concerned you were entitled to make representations whether or not the removal or transfer should take place.

MR THEMBA MASEKO: I was still on contract – if we were dealing with a normal situation I would have had to be consulted and asked if I agreed or even given an option to consider other options within the Public Service, but that did not happen and for that reason, Chairperson, I think that it is prudent for me to say that the minister – my minister at the time was bending over backwards – may have broken a rule or two, but his intentions were noble indeed, because he knew that if there was any elapse of time I
10 would have been deemed to have been out the Public Service and a transfer would have been much more complex. It would have lead to a legal dispute which he thought was not warranted and that is why he did what he did. When he did it.

ADV VINCENT MALEKA SC: As far as you are concerned are you aware whether any consultation took place between the two ministers. That is the late minister Chabane and minister Baloyi?

MR THEMBA MASEKO: Unfortunately, Chairperson, I can confirm that there was no such discussion, because when I phoned minister Richard Baloyi to inform him that I had already made the announcement that was his DG. He expressed shock. In my first meeting, because I was calling him to say when can we meet I am your new DG. He
20 expressed shock and irritation that he was never consulted. A lot of it had to do with the fact that he was not at the meeting. I can also confirm that there was a very good working relationship between minister Chabane and minister Baloyi and that could be the reason why minister Chabane thought he could take such a risk and then have the conversation later with minister Baloyi, but as far as I know, based on the conversation I had with both

ministers. There was never consultation between the two of them, prior to the announcement.

ADV VINCENT MALEKA SC: Other than the announcement in cabinet. Other than the media reports about the shift and changes in your status. Did you receive any official communication confirming that you now been removed from GCIS and you are now the new Director General of DPSA?

MR THEMBA MASEKO: None of the – none of that happened I never got a formal letter, formally transferring me to DPSA.

ADV VINCENT MALEKA SC: What happened after you got to DPSA with minister Baloyi
10 who, remember you said he was shocked about your installation as the new DG of his ministry.

MR THEMBA MASEKO: The relationship – Chairperson the working relationship got off on a very bad note, because the minister, as I said was not consulted and was not impressed with it. It took a few days for me to secure a meeting with him Eventually we did meet and I said: look I am going to try and do my best to support you and work in this department, but he clearly stated that things were under control in the department. He introduced me to the various deputies, but the situation became very unpleasant. I think that the first three months – we did not have or managed to have regular meetings. This is minister Baloyi ...[intervened]

20 **CHAIRPERSON:** I am sorry. Did you say very unpleasant?

MR THEMBA MASEKO: Very unpleasant.

CHAIRPERSON: Okay.

MR THEMBA MASEKO: Because he felt he did not have choice in who was his DG, but I stayed on for about three months. It became very clear that he had - because he had not had full, a properly appointed DG at the time, He continued to work with the deputy directors generals. What we call DDG's in government speak and I just felt I was not needed in this place. We then started the conversation I said: look minister this is how things are happening. One classical example would be that at time there were serious negotiations taking place between government and the unions about salary increments and all those discussions were taking place in the building and I was not invited to those meetings. So, it became very clear to me that I did not have a role to play in the
10 department. So, I said: minister I think we should talk about my exit from the Public Service, because I feel I am earning a salary but I am not doing any work. So, he said: Okay. He will speak to the president and they will make a plan and in the meantime – that is then I do not need to come to the office every day. I can stay at home but he will make sure that the negotiations with the president are expedited. A few weeks later he came back with a letter and an offer saying that the president had agreed with the terms of the offer and that is how we concluded the relationship. I was given the offer and I exited the Public Service. We can get the dates. I think it must be around July or - = I have got it somewhere in this pack.

ADV VINCENT MALEKA SC: Ja, you do give a date in your statement.

20 **CHAIRPERSON:** I think Counsel for Mr Maseko is trying to assist you?

ADV VINCENT MALEKA SC: Chair they say it is at page 2 of his CV that is page 2 of EXHIBIT E1.

MR THEMBA MASEKO: O, ja it is July 2011.

ADV VINCENT MALEKA SC: Mr Maseko the last chapter of your experience with GCIS that I would like to briefly explore in conclusion is: Do you know who was your successor?

MR THEMBA MASEKO: Chairperson the issue of my successor was part of the announcement at the cabinet meeting. At the time it was announced as Mr Jimmy Manje. I believe his name is now Muzanele Manje, but that was announced at the cabinet meeting.

ADV VINCENT MALEKA SC: The point is: Did you meet him in order to handover your responsibilities in GCIS to him.

MR THEMBA MASEKO: Unfortunately the - No, Chairperson, there was no formal
10 handover because the way the decision was explained and implemented was that the decision was effective immediately. So, we never had the - I had never had the opportunity to hand over to him. I never even had the opportunity to pack my office. That is how urgent the move had to be, because my office told me that there is already - there was already an issue literally the next day after the cabinet meeting about packing. They need to know if they needed to give him access to the parking - to my parking bay in the building. So, I had to be out of the place. So, there was no time to ...[intervened]

ADV VINCENT MALEKA SC: You know Mr Maseko we were not there, hê and it is important that you should try and give us a picture of what happened. Did you have any occasion to go and bid farewell to your staff members?

20 [Laughing]

MR THEMBA MASEKO: That ...[indistinct] Chairperson, I never had the chance to say goodbye to my staff. I think that the last time they saw me was when I had finalised the ...[indistinct] statement for the cabinet meeting and had to exit the building. So, never got the chance to say goodbye to my deputies, my staff, although my staff did try, I must

give them a bit of credit. They did try to organise a farewell party – I think I may have declined but I think they did try.

ADV VINCENT MALEKA SC: Chairperson that is the story of Mr Maseko relating to GCIS. I do not think I have any further questions to put to him, but i would ask your permission to confer with my colleagues in case I missed in my enthusiasm.

CHAIRPERSON: Yes, you may do so. I do want to ask Mr Maseko a question or two, as well. At the time that minister Chabane told you that former president Zuma had told him or instructed him to redeploy you or terminate your services. How long had you been in government service?

10 **MR THEMBA MASEKO:** All-in-all Chair, I would estimate that it spanned 17 year or so, in the Public Service – in different capacities, in different departments.

CHAIRPERSON: Does that exclude or include the time you spend as a member of Parliament.

MR THEMBA MASEKO: I do include..

CHAIRPERSON: Okay. Alright. Let exclude years you spend as a member of Parliament as and count just those years when you were attached to government or another. Would that be easy to do?

MR THEMBA MASEKO: We can work it out. ...[indistinct] check I think it must have been something like - it is between 15 and 17 years. It covers from being Director General of
20 Public Works. A short stint with Department of Public Service and Administration. It covers a very long stint as Superintendent General which is Head of Education, Gauteng Department of Education.

CHAIRPERSON: And you say GCIS of course.

MR THEMBA MASEKO: And then there is of course GCIS. Yes. ...[ndistinct]

CHAIRPERSON: And how long had you been at GCIS at the time minister Chabane told you this.

MR THEMBA MASEKO: I had been there from 2008 to 2011.

CHAIRPERSON: Now would that be about five years, four years, five years, more or less?

MR THEMBA MASEKO: About three years.

CHAIRPERSON: About three?

MR THEMBA MASEKO: Ja. What makes that question even more important
10 Chairperson. Is that at the time when the contract was re-determined or cut or at the time when I was moved from GCIS. There were only a few months, in the contract.

CHAIRPERSON: Well I was going to come to that to say ...[intervened]

MR THEMBA MASEKO: O, my apologies. Yes.

CHAIRPERSON: No, no but it is good to say how much more time of your contract was still left when you actually got told by minister Chabane that president Zuma wanted you to be redeployed or your services to be terminated, You say it was about three months.

MR THEMBA MASEKO: I think it was longer Chair. Probably it was ...[intervened]

CHAIRPERSON: Less than a year.

MR THEMBA MASEKO: Less than a year, certainly. I think we calculated the other day. It
20 came to around 7 months.

CHAIRPERSON: Ja.

MR THEMBA MASEKO: But we have been trying to with your team of investigators trying to get a copy of the contract because it is so long ago, but I am not ...[indistinct] we are getting enough co-operation from the DPI side to get a copy of the contract.

CHAIRPERSON: Okay that is fine. Well if there are difficulties. I am sure the Commission's Legal Team would let me know if there is no co-operation coming forward. So during the time that you were at GCIS did you through out those years occupy one position only.

MR THEMBA MASEKO: Yes, Chairperson. One position CEO and Government Spokesperson.

10 **CHAIRPERSON**: Yes. During that time or let me rephrase that. Do Directors General get their performance assessed from time to time by the ministers or whoever to see if they are doing or not doing well?

MR THEMBA MASEKO: The Directors General are assessed on an annual basis by the minister who is normally assisted by other ministers – it will be a panel of three ...[indistinct] and they may invite another DG from another department. So, there is a process for assessment. I cannot confirm that it happens in all the departments all the time, but that is the process.

CHAIRPERSON: Now, from what you have told us, minister Chabane was not convinced that the decision that you should be removed from GCIS was correct or fair, because you say he said he knew that you had done nothing wrong.

20 **MR THEMBA MASEKO**: He put it in very clear words to say he did not agree with the decision.

CHAIRPERSON: Yes,

MR THEMBA MASEKO: But he was simply complying with an instruction, from his boss.

CHAIRPERSON: And he being basically your supervisor. He would be one person that would be – that would know your performance as a DG of the GCIS or the position you are holding as to how you had been performing.

MR THEMBA MASEKO: Without a doubt, sir. He would be the person.

CHAIRPERSON: During that time or let me first ask this question. During your time at GCIS. Was minister Chabane always your minister or had there been somebody else at some stage earlier who was your minister.

MR THEMBA MASEKO: I ... apologies. I had a total set of three ministers during my tenure.

10 **CHAIRPERSON**: Ye.

MR THEMBA MASEKO: The first one was minister Essop Pahad. Then there was Collins Chabane, the third one was Ms Manto Shabalala-Msimang.

CHAIRPERSON: Okay. During minister and minister Chabane was your minister from when to when. If you are able to remember or for more or less how long if you are able to remember, out of those three years or so.

MR THEMBA MASEKO: I can work it out. I do not have the dates off hand.

CHAIRPERSON: Yes, but you know whether he was you minister the longest compared to the other two or not.

20 **MR THEMBA MASEKO**: I think the longest would have been with minister Essop Pahad.
The first minister.

CHAIRPERSON: Yes, the first minister.

MR THEMBA MASEKO: I reported to .

CHAIRPERSON: Yes. Yes.

MR THEMBA MASEKO: The one with minister Collins Chabane was shorter – was short and the least number of months I think would have been with minister Manto Shabalala-Msimang.

CHAIRPERSON: Yes. Now if there is a performance problem on the part of a person occupying the position of Director General such as you occupied. What would normally happen. I assume that he would be or he or she would be informed about areas of concern in his or her performance. Is that your - is that the position or that not.

MR THEMBA MASEKO: The position in government and I presume in the private sector, as well. Is that if there are issues of performance the minister or CEO in charge cannot sit in their office and decide that this person is not performing without following due process and terminate. So, in government the way it works is that there would have had to be a process and if the process finds that the DG is not performing a report will then be given to the president with a recommendation from the minister to say this person is not performing and I recommend that they be removed from their position. Unfortunately the period that we - that your Commission, Chairperson is dealing with. There are a lot of Directors General's contracts that were terminated. I would say less than 5% of those terminations had to do with performance. The bulk of those dismissals had to do with either differences of personalities or a new minister being appointed and feeling that they want their own person to be appointed and as a result the Public Service has suffered a huge brain drain over the past – I would say two decades, because very capable Directors General and I am not including myself there. Very capable Directors General have left the service and are in the private sector now and the public service would have been in a better position if it would have retained those skills since 1994. I think we will be

stronger. There would have been less instances of poor service delivery that we are experiencing in the country at this stage. Short answer to your question. Process would have been a minister recommends to the president that person A is not performing and then a decision is then taken that the contract needs to be ended and then there will be formal discussions. Are there a disciplinary process or whatever, but there will be formal process.

CHAIRPERSON: And at that time the contract between a Director General would it have been – I mean would a contract of employment involving a Director General. Would it have been between that person and the minister or would it have been between that person and
10 the president.

MR THEMBA MASEKO: The process, if I may beg indulgence. Just to explain Chairperson the initial process was it was a contract surely between the Director General and the minister, they would sign. If there is termination it is just between the two of them, president gets informed. But there was a time. I think 10 years into our democracy it is problems are starting to emerge between ministers and their Directors General and there was a view we are filling within government that – we needed to get a third party to mediate this relationship, because a lot of DG's were being fired. I would imagine some for good reasons. Others were – could be that a DG did not agree to the signing of a particular contract and they get terminated. So, the view was that let that be a contract
20 between the minister and the DG, but with the concurrence of the president. So, that the minister knows that if they want to terminate the president has to be in the picture, but in my time in the public service I do not recall a decision being taken by the president to say this DG is fired without the involvement of the minister in that process. To make sure there is understanding of the reasons, agreement on the process *et cetera et cetera*.

CHAIRPERSON: And in particular your contract of employment was it with your minister?

MR THEMBA MASEKO: The signed contract in all cases would be between DG and the minister. So, in mine it was contract with the minister and the minister who would have signed it would have been minister Essop Pahad, because minister Chabane found be in the post

CHAIRPERSON: So, in your case, your contract was with minister Chabane even though it would have been signed by – a few years earlier by minister Essop Pahad, but minister Chabane would simply have stepped into the shoes whoever ad been the minister before him

MR THEMBA MASEKO: That is correct, sir.

10 **CHAIRPERSON:** And you say minister Chabane simply made it clear he did not agree with the decision that you should be removed from GCIS.

MR THEMBA MASEKO: I can confirm that, Chairperson.

CHAIRPERSON: And during your time at GCIS was there ever any complaint by any of your seniors if I can call them that, about your performance?

MR THEMBA MASEKO: Not even once, Chairperson.

CHAIRPERSON: Nobody ever raised any issue with you about your performance at GCIS?

MR THEMBA MASEKO: Nobody raise it with me.

CHAIRPERSON: Yes and ...

20 **MR THEMBA MASEKO:** I might just add that there would be cases where as the communication arm we issue a statement and the minister will be unhappy with that statement and say we ...[intervened]

CHAIRPERSON: But nothing really ...

MR THEMBA MASEKO: But other than that there was never a performance issue raised,

CHAIRPERSON: Yes and in terms of misconduct you were never called to any disciplinary process of any allegations of misconduct at GCIS.

MR THEMBA MASEKO: Chairperson at GCIS or in any of the departments where I worked and if there is a file that says disciplinary action against me, that file is probably empty still today..

CHAIRPERSON: So, the picture that we that you have conveyed to us is therefore that as far as you are concerned nobody had any dissatisfaction with your performance in terms of your ...[indistinct] as you said and then you were told that the former president had said to
10 your minister your services must be terminated or you must be redeployed and your minister made it clear to you he did not agree with this, but he had to comply and that is effectively what happened.

MR THEMBA MASEKO: That is correct. Ja.

CHAIRPERSON: Am I right to think that from what you have said, namely that minister Chabane said to you the president said he must either re-deploy you or terminate your services. Am I right to think that this must mean that the former president may not have minded you continuing in government in some – in another - in some government department but he did not want you to continue as head of GCIS.

MR THEMBA MASEKO: Chairperson, as it was communicated to me by minister Collins
20 Chabane. He said the president said by the time he arrives back into the country. I should not be the head of GCIS. It was as specific as at that.

CHAIRPERSON: Yes.

MR THEMBA MASEKO: It might be minister Chabane's own interpretation if he did not want me in GSIS he would not mind me elsewhere and that is how minister Chabane could have interpreted the instruction.

CHAIRPERSON: But if that was his interpretation - he probably was correct because he announced at cabinet that you were the new DG for another department and you have not told us that there was any complaint from the former president of anybody that you were still within government.

MR THEMBA MASEKO: That is correct, sir. When the announcement was made there was surprise in the meeting, but no complaint from anybody about my going to DPSA.

10 **CHAIRPERSON:** So, it maybe that the problem was you being head of GCIS.

MR THEMBA MASEKO: It is easy to come to that conclusion and that is the only that I come to.

CHAIRPERSON: Yes. Now, thank you. Mr Maleka you had a wish to consult with your colleagues.

ADV VINCENT MALEKA SC: Yes Chair I see that we have gone past tea time. Is it convenient to get back to tea time and resume.

CHAIRPERSON: Okay. Al right.

ADV VINCENT MALEKA SC: There are some announcement that Mr Pretorius may want to make.

20 **CHAIRPERSON:** Well if you are – there will not be any further questions for Mr Maseko would it not be convenient that we deal with those announcement and then, because we might – if we are going to be adjourned. But if there will be some questions for him or some other business other than announcements. Then maybe we can adjourn and come back.

ADV VINCENT MALEKA SC: Chair I do not have further questions to Mr Maseko.

CHAIRPERSON: Yes. You – Well maybe – but you would rather ask ...[indistinct] to adjourn and come back.

ADV VINCENT MALEKA SC: Yes because my colleagues may have some issues.

CHAIRPERSON: Okay. No hat is alright. We will adjourn. Well before that. Mr Maseko there will not be questions for you now and we contemplate that Mr Maseko would come back some other time. Is it not so.

ADV VINCENT MALEKA SC: Yes Chair for cross-examination to the extent, you allow it.

CHAIRPERSON: Yes. So we can excuse him for now and arraignments will be made for
10 him to come back at some stage in the future. Thank you very much Mr Maseko for coming
you will be excused for now, but the commission's legal will be in touch with you or with your
attorney and counsel to arrange for when you can come back again.

MR THEMBA MASEKO: Thank you very much sir.

CHAIRPERSON: Thank you very much. We will take the short adjournment now and resume at five to twelve.

COURT CLERK: All rise.

HEARING ADJOURS

[End of recording]

Session 2

CHAIRPERSON: Yes Mr Pretorius?

ADV PAUL PRETORIUS SC: Thank you Chair. May we adjourn then subject just to the following two information announcements.

The first is that at 10.00 am tomorrow, Ms Williams, the Acting Director General of GCIS will testify. She will be led by Advocate Hofmeyer. I am informed that a bundle of the relevant documentation will be forwarded to your office this afternoon and then at 3.00 pm, Doctors Hellman and Kaufmann, International experts on the concept of State Capture will be testifying by video conference. Again I am informed that a bundle of
10 relevant documentation will be delivered to your office today. So may we adjourn then.

CHAIRPERSON: Thank you very much.