

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

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PROCEEDINGS HELD ON 15 MARCH 2019

CHAIRPERSON: Good morning Mr Mokoena, good morning everybody.

ADV PHILLIP MOKOENA SC: Good morning Chair.

CHAIRPERSON: Good morning Mr Jonas.

MR MCEBISI JONAS: Good morning Chair.

CHAIRPERSON: Thank you. Just before you say anything Mr Mokoena we have started a little late - later than we should have. In the main I think that is because of me I arrived at about twenty-five past which left five minutes for counsel to see me so that had I arrived a little earlier, much earlier we would have been able to start on time. So I
10 apologise for that. Yes Mr Mokoena.

ADV PHILLIP MOKOENA SC: Thank you Chair. Chair today we will be proceeding with the testimony of Mr Jonas as a reminder to ourselves Mr Jonas will be completing his evidence focussing mainly on the terms of reference 1.1, 1.2 and 1.3. And subsequent to that he will then be cross-examined by the legal teams of Mr Duduzane Zuma as well as Mr Fana Hlongwane who were granted leave to cross-examine Mr Jonas. You will also recall Mr Chair that Mr Jonas testified on the 24 August 2018 at that time he was not afforded an opportunity to react to the versions of the implicated parties which only came after his testimony. And it is for that reason that he is here today to complete that evidence and to also proffer his own version in relation to what
20 the implicated parties are saying in their Rule at 3.4 applications. Mr Chair the legal teams of both Mr Jonas and Mr Duduzane Zuma are currently – are present maybe I should afford them an opportunity to place themselves on record?

CHAIRPERSON: Yes thank you.

ADV WIM TRENGROVE: May it please you Chair my name is Wim Trengrove I appear for the witness instructed by attorneys Nortons.

CHAIRPERSON: Thank you Mr Trengrove.

ADV PIET LOUW: Mr Chair I am Piet Louw and I appear with Mr Joubert to my left on instructions from Messrs Krause and Van der Merwe to his left.

CHAIRPERSON: Thank you very much.

ADV PHILLIP MOKOENA SC: Mr Chair we are ready to proceed may the witness be sworn in?

CHAIRPERSON: Yes please do that Registrar?

REGISTRAR: Please state your full names for the record?

MR MCEBISI JONAS: Mcedbisi Jonas.

10 **REGISTRAR:** Do you have any objections to taking the prescribed oath?

MR MCEBISI JONAS: No.

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

MR MCEBISI JONAS: Yes I do.

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

MR MCEBISI JONAS: Help me God.

CHAIRPERSON: Thank you. You may proceed Mr Mokoena.

ADV PHILLIP MOKOENA SC: Mr Jonas the last time when we parted ways there were some assignments which were given to you to undertake and let me remind you the
20 first one, the first assignment that you were supposed to do was to read the transcript of the Public Protector containing your interview with the Public Protector. The second assignment which you were supposed to do was to read the version of - different versions of the implicated parties in order to afford you an opportunity to react to those versions and the third assignment arises from the questions which were posed by the Chair when you testified you informed the Chair that there was general hostility towards

the Minister of Finance and the Department of Finance or the Treasury and the Chair requested you to ponder around that evidence and for you to give much more details. And lastly I will canvass with you a specific issue that arises from your interview with the Public Protector before being handed over for cross-examination. Do you recall that those were the four main assignments which you were required to undertake?

MR MCEBISI JONAS: Yes I do.

ADV PHILLIP MOKOENA SC: Yes. Now let us deal with the first assignment. Did you have an opportunity to peruse the transcript of your interview with the Public Protector?

MR MCEBISI JONAS: Yes I did Chair.

10 **ADV PHILLIP MOKOENA SC:** Does it fairly record the substance of your interview with her?

MR MCEBISI JONAS: Generally consistent with the conversation. I must also add that it was a free flowing conversation guided by the questions raised.

ADV PHILLIP MOKOENA SC: Yes. Are there any serious inaccuracies which you may wish to highlight to the Chair arising from that transcript?

MR MCEBISI JONAS: No major inconsistencies probably there are a few grammatical and spelling errors like Luanda is spelt wrongly.

ADV PHILLIP MOKOENA SC: Yes.

MR MCEBISI JONAS: But generally I think the content remains.

20 **ADV PHILLIP MOKOENA SC:** But you are happy with the substance and the content at least?

MR MCEBISI JONAS: Generally the substance reflects the conversation.

ADV PHILLIP MOKOENA SC: Yes. Now let us deal with the second issue which you were required to undertake. On the 24 August 2018 you testified before the commission. You told the Chair that there was that general hostility towards the

Minister of Finance and the Department itself by some of the executive members. You were requested to reflect on that evidence Mr Jonas and to provide more details on that topic. Are you ready to do so?

MR MCEBISI JONAS: I am ready to do that.

ADV PHILLIP MOKOENA SC: Yes. Could you please proceed Mr Jonas?

MR MCEBISI JONAS: The – essentially I will probably focus on a few points just to underline and underscore the importance of and the effect of that hostility. Firstly I think we must understand the hostility as arising in the very nature of Treasury and the Minister of Finance.

10 **CHAIRPERSON:** Maybe before you proceed it would help to indicate up front whether what you said was hostility towards the Minister of Finance or hostility towards the Ministry of Finance or hostility towards National Treasury I seem to have understood it was National Treasury.

MR MCEBISI JONAS: Yes.

CHAIRPERSON: But I am just mentioning this so that you appreciate the importance of making it clear as to who the hostility was directed at.

MR MCEBISI JONAS: It was directed primarily at Treasury but also at the Ministry of Finance. So probably I – probably navigate in and out to...

CHAIRPERSON: Yes no that is fine.

20 **MR MCEBISI JONAS:** So I think the first is to understand that the hostility is probably inherently imbedded in the very constitutional and legal rule that Treasury has to play. Now you have many government departments. Treasury is probably the only department where it is I mean constitutionally determined what its role should be. Now part of that role entails managing budgets and managing fiscal – [indistinct] managing generally fiscal allocation and expenditure. It also managing revenue generally but it

also relates to managing macroeconomic policy. And these are all probably sensitive issues and I will try to show that later.

ADV PHILLIP MOKOENA SC: Yes.

MR MCEBISI JONAS: Now inherent in that responsibility is always an ever existing possibility of people raising concerns about what Treasury does or the implications of Treasury on their work. I will give a few examples to just to

ADV PHILLIP MOKOENA SC: To illustrate it.

MR MCEBISI JONAS: To illustrate the point.

ADV PHILLIP MOKOENA SC: Yes.

- 10 **MR MCEBISI JONAS:** The first would be there was a time when provinces expenditures – expenditure of provinces went through the roof. They were overspending hugely. Free State at some point the Department of Health was runaway train and Eastern Cape and different other provinces were facing the same problems. Essentially the role of Treasury was actually to step in and try to manage that and block that and redirect expenditure and refocus those provinces but also build capacity in some instances. Now if you look at the political landscape in the country and I always say that we are in a state where there is no national leadership. You have provincial leadership playing national rule essentially. Because what you find in ministers and probably everybody that they see they tend to be in the national executives and
- 20 national government because they have been supported by provinces. So over the last ten years this – the importance of provinces has been – has grown so tremendously. That actually naturally opens up Treasury to hostility at a political level from both in the political organisation but also generally from all sorts of angles and provinces etcetera. I will use another second example just to demonstrate this and I am – there was I mean at Treasury manages amongst other things borrowing, government borrowing. Now the

formula for government borrowing is such that you must not break the fiscal ceiling basically you cannot borrow to a point where you cannot pay. And in fact South Africa as we stand has a crisis of debt already. So you had examples I will take the Department of Water and for that matter all most ministers in the Department of Water had this novel idea of having a dam in the Eastern Cape they call Umzimvubu dam in the Eastern Cape and all of them think which probably different times it ranges between 20 billion and 30 billion. Now obviously I mean at different points you – as Treasury you have to step in and say how do you finance that? And sometimes more enthusiastic ministers will say no, no, no, we will talk to China. They will give the 30
10 billion and we will sort out...

CHAIRPERSON: They will talk to who?

MR MCEBISI JONAS: They have spoken to China.

CHAIRPERSON: Oh.

MR MCEBISI JONAS: The government of China they will give us the 30 billion and we will sort it. And effectively you have to tell you have – as Treasury you have to say to them by the way there is a process of borrowing it entails the following steps. So in the – because of that misunderstanding generally about the role of Treasury generally people respond with hostility to Treasury. That is the first point. I could give a number of other examples just I am trying to be brief

20 **ADV PHILLIP MOKOENA SC:** Yes.

MR MCEBISI JONAS: But that is the first point. The second point I think I would raise around the hostility is can I call it for lack of a better word the political and ideological context which is probably ...

ADV PHILLIP MOKOENA SC: Can you explain what you mean by that?

MR MCEBISI JONAS: I am about to get into that.

ADV PHILLIP MOKOENA SC: Yes.

MR MCEBISI JONAS: And I think there – if you look at the – our notions of transformation, our notions of the state, our notion of service delivery as in the – politically and in South Africa at the moment they all lend to an expansive fiscal framework basically. So in other words most of the things that we say we want to do either whether it is transformation, whether it is service delivery, everything else it does in a sense the trust of it is an expansive fiscal framework. Now this is easy I mean if your economy is growing and therefore you have in a sense revenue because you can easily fund your expansive growth. The problem is that since 2012 our economy has

10 not been growing and in fact if you look at our figures we have been spending continuing the trend of spending in that space. So located in Treasury you are essentially seen as the one who holds back this whole process. And I want to give an example again on this point just to illustrate it. There was a huge debate I understand that some people erred the thing. There was a huge debate that says take away the budget office from Treasury to the Presidency. Now the more – if you look at a more naïve explanation was because expenditure is not aliant to the national development plan. That was the – if you look at the simplistic explanation. But at the core of that injunction was an understanding that – an understanding that you need to place it at a point where regulation is not taken seriously. So the regulational - so ultimately the law

20 says the financial regulatory.

ADV PHILLIP MOKOENA SC: Yes.

ADV PHILLIP MOKOENA SC: Responsibility ultimately sits with the Minister of Finance. So I mean the idea was that – so we had a whole process by the way that runs from the cabinet right into the ANC structures where people were saying you need to restructure and the restructuring must actually take the budget office into the

Presidency.

ADV PHILLIP MOKOENA SC: What time period are you talking about there more or less, the years?

MR MCEBISI JONAS: Oh, It is actually – it happened over an extended period I mean before I got fired or I probably – that was the time when they had the document to outline this.

ADV PHILLIP MOKOENA SC: Yes.

MR MCEBISI JONAS: How that was to happened.

ADV PHILLIP MOKOENA SC: Alright.

10 **MR MCEBISI JONAS:** And it led by the way it led to a lot of senior officials in Treasury leaving Treasury because they thought it is absurd you have to – the constitution says you manage expenditure and revenue on the other hand you have a policy that says you are taking away budgeting from you. Which is a constitutionally assigned responsibility as it were.

CHAIRPERSON: It might – I am sorry – it might be difficult to answer this but maybe you can if you are able to. Did this idea emanate from within the governing party or did it emanate from within different structures of government?

MR MCEBISI JONAS: It emanated from government.

CHAIRPERSON: Okay.

20 **MR MCEBISI JONAS:** But then it went into party structures and people started talking about that and had the regulation.

CHAIRPERSON: Okay.

MR MCEBISI JONAS: Now the – this was very useful on it by the way because if you manage budget this thing of state capture becomes very easy. I mean it becomes easy to discharge and dispense with resources. But the third point and I am raising this point

very cautiously Chair in all respects because I think I am – I have been grappling with raising it because in part I am actually asking myself it is within the ambit of the commission but I think it is fundamentally important in understanding state capture and corruption in our system. And this is the – what again for lack of a better word it the overall developmental framework of South Africa. Can I put it differently some people would use the term the growth strategy. Some people will say the accumulation strategy whatever term you use. I want to simplify it and the way I understand it. It is essentially and again it is embedded in the deal we made in 1994. If you look at the deal and cut out the frills of who are the best constitution and everything else that – and

10 cut them out it is essentially entails the following. One it is a deal that says ensure that the established elite remains protected. You do not disrupt it. And I mean you understand why because it is crucial for continuing with growth and everything else. So you have instruments like protection of property rights and all of other things that you use to do that. The second element of it is also about – is also about ensuring that you strengthen the new elite. Again you kind of use all sorts of instruments to build and strengthen and grow the new elite so that is why you have BEE policies, you issue licences, mining licences and you do all other sorts – procurement, public procurement to actually booster that as it were. The third element is ensure that the working class the under-class and the poor are serviced through re-distribution. Now that is the

20 model that we have if you think about it. Now looked at it differently it is a patronage model because you actually dispensing patronage across these three layers effectively. But that model depends effectively on three things to work. One it depends on a strong state and an efficient state. It is a state that is able to manage resources very well and dispense them more efficiently. But secondly it also depends on growth because and without growth then you would not be able to do that things. The third one is revenue,

consistent revenue that you have. Now what you see now I think is a = in many – so in many ways what has come to happen over particularly over the last ten years has been that model unravelling. It unravels because your state is weak and sometimes it is consciously weakened I mean if you think about the Eskom's and the SOE's and what has been happening in SOE's but growth has not happened. And therefore you do not have the revenue to service this. Now the manner in which it unravels it actually means you have tensions across all those three layers that you normally service and support. I mean you start having – at the bottom people started talking – start talk about we need more houses, we need more this and you have like the new elite also rumbling

10 that transformation is not happening at the pace that it is supposed to happen. Procurement is still astute to white companies etcetera, etcetera, etcetera. And that is the crisis. Now if you – and for me that is the basis the structural basis of corruption and state capture in the current context. It is the unravelling of this model that we have so to speak. So your – you take a case in point then you have then somebody at Eskom saying we need to procure to companies that are 51% black and coal from companies that are 51% black. I mean the fact that of course they end up being Gupta's that is another story. But essentially then that you can easily say that because the atmosphere is incensed and people are not looking at the structural issues they are looking at the challenges they are facing inequalities rising, jobs are not there because

20 of the unravelling of the model. Now we could use a couple of examples to show the impact of that. But it also means that it also means that racism becomes bigger, stronger because people start looking at okay who owns more and people start thinking about oh it is – they happen to be white and you have all sorts of other things. Tribalism by the way rises because people start saying ag if you stay in a particular province you get more etcetera, etcetera. So it is an unravelling of this. Why am I saying all this

because again the hostility on Treasury arises out of that because the response if normally a populous response to say spend and spend and spend? Sitting in Treasury then your role is to say who can spend the money that we do not have and that naturally creates all sorts of problems for Treasury as it were. But I am also raising it to say that – to say that it will be amiss of the commission not to talk about growth issues at some point, not to talk about – not to look at this kind of growth issues, these developmental challenges because ultimately they are embedded in the narrative that you guys we are currently dealing with Chair about state capture and so on and so on.

The last two points Chair I will not be long. It is what I would call the political system
 10 that we have. Now and I am again I will be crude and less sophisticated in articulating it. Essentially what you have I mean in our system if you kind of cut out the frills again you – it is – you have a particular relationship between the state and the party. Now firstly the – you go into elections and elect a party. And normally whilst the party gets elected of course the party goes to its own conference. Once it goes to its own conference it takes power to in provinces it takes to provisional executives it nationally takes it to the national executive. Ultimately power then gets taken to the working committee and at a later point then power gets taken to another committee the top six. Then later on it gets taken to the President basically. Now effectively what it actually means is that there again I do not know whether this is in the ambit of the commission
 20 but I think ultimately you going to have a problem where – a problem where capturing the party is the easy vehicle of capturing the state. Because the relationship between the party and the state is so – it is not – there is no kind of lines that are as strong as you would want to have. So again part of I think again I am being [indistinct] part of the things that I think as we think constructively about this is actually to revisit our political system particularly how do you draw a wall between the political party and the state

and how do you build institutions of the state that go beyond political cycles like election cycles for instance I mean and so on and so on. And I mean there is a clear example institutions in South Africa that have survived it is because they are not linked to political cycles. The judiciary survives, it survives simply because it is not – when you have a new president you do not jump and fire all judges etcetera. I wish you do that but I mean if you do not do that.

CHAIRPERSON: Well it is good that we know your weakness Mr Jonas.

MR MCEBISI JONAS: Ja that was a joke.

CHAIRPERSON: Yes.

- 10 **MR MCEBISI JONAS**: The same with the Reserve Bank you do not change government there is no change of government you fire the Reserve Bank as it were but all those institutions that are like that have been durable. Now think about it most institutions where the monetary of a new minister walking in they have to change have become unsustainable and in fact have been part of a problem as it were. So part of I think the thinking around this separation should be about the – how do you kind of effectively separate the state from the political party. How do you build institutions that not just institutions some of them macroeconomic institutions, some of them economic institutions. I mean SARS for instance I mean it will be a sad story that you have a SARS that links with the – it is linked with political cycle. And DG's get fired when new
- 20 minister comes in by the way if you look at the turnover of DG's it is a normal case. Boards are fired because you have a new minister. So those are the kinds of things that I would think that in exploring solutions to this problem win it. My last point Chair is that we have in South Africa an over personalised political system. Our politics are so over personalised that we hardly talk structural issues that is why we cannot resolve these issues of racism is nice if it is said by Mcebisi Jonas or somebody else. I mean if

somebody else says racist remarks we tolerate because of the personality. But even our political cycles I mean we kind of – and that is why I think the days I would still argue with the process of state capture is can I use the term “to-over-zuma-nise” it. To think that it was about Zuma. That is – that would be a biggest mistake because it is bigger, it is structural, it is systemic because we will miss the point and then if you do that. And again I mean because whether you can have I mean there is an interesting story somebody talking to a chief in one country of the president and he asked the chief of the president he was asking the chief of the president are you worried that you have a new president in your country because your menu might change. So this guy

10 responded he says, actually I am not worried because normally the visitors of the C – so effectively what I am saying is that I think we must also avoid a danger where we do not look at the structure relations. We do not give attention to them and fortunately I think looking at the way things are going presently in the country it seems there is a focus on trying to resolve them. I think I – there is something that we need to say around how do you decouple our politics and structures from personalities and actually make them embedded in the system. Sorry for being long with it.

CHAIRPERSON: No no it is – it was important but certainly some of the points you have made you know are points that I have raised with some of the people particularly Ministers who or past Ministers or present Ministers to say when this commission looks

20 at the issues that it must look at one of the things that it must do is to ask the question what is the environment that made it easy for certain things to happen? And it may well be that we must look at what our political or constitutional arrangements are because it may well be that some of them made it easy for certain things to happen and if we are looking at taking measures to make sure that for example state capture never happens again and we do not address things. Whatever measures we might come up with might

not assist and in that regard one of the things one looks at is what structures and what bodies and what functionaries were supposed to take certain steps once they realise that certain things were happening and if they did not take those steps is it that held them back, because certainly if I conclude in the end that there was state capture. I will have to look at why certain bodies or what role certain bodies may have played in either facilitating it or in looking away and not doing what they should have done and in this regard it may well be that one must think about the oversight function of Parliament. Did Parliament play the kind of role that it was supposed to play? The governing party is not a statutory body, but in our system it has an important role to play. Is there
 10 something that it ought to have done? Did it do it and if it did not do it why? Was there an environment or is there something in our systems that made it possible or that prevented it from doing what maybe it ought to have done. So I think part of what you say raises those issues and I think they are very important issues. So I do not know whether you want to say anything or?

MR MCEBISI JONAS: Thank you Chair. I agree Chair [indistinct] that that is probably the direction we should be taking.

CHAIRPERSON: Thank you very much.

ADV PHILLIP MOKOENA SC: Mr Jonas.

CHAIRPERSON: Mr Mokoena.

20 **ADV PHILLIP MOKOENA SC:** You have raised very important issues which I have no doubt that the Chair will take into consideration when he ultimately makes his recommendations. However to sum up on this issue just before you were fired are you able simply to sum up for us the type of hostility that you experienced within Treasury?

MR MCEBISI JONAS: Again I mean there; I think we were at a point where before we kind of and I am talking for most of the officials and myself and the Minister, before we

even attend any meeting of Government we used to kind of think very hard about what is likely to be, to come out because I think it was becoming; I think it was most of it centred around the nuclear like I mean particularly the nuclear deal, but it also centred around issues of expenditure management and the other more difficult one was the revenue management just to ensure that revenue comes in and so and so and; so the tension was almost I mean reaching personal proportions basically. I mean it was and I was surprised recently I went to some function and I saw some Ministers and they hugged me and greeted me and I said wow, because I think there is time when I felt, you felt like we were ostracised and it was almost palpable. So like ostracised in a

10 subtle manner that you will greet. You were ostracised in a palpable manner in a sense and the pressure on officials meant that also we were like worried about almost tittering on the brink of losing most of the technical capacity that we had in Treasury at the time. So it was at a personal level very serious. I mean I think at a personal level very serious and when I say serious to the point where I think some of us were even worried for our lives actually because it was real. It was very serious and the way it was panning out to be and it was also, I mean, I remember that there were also investigations on Ministers and investigations by this and this and this and I was listening, I mean, if you watch some of these things there were, intelligence was being used to pursue some of the people and I think the intelligence report that came out now

20 shows that that was real. It was not just imaginary. I see that some of the witnesses quoted their big intelligence report that depicted Treasury to be what it has and what it was not by the way and I think by the time we got fired I think again there was some intelligence report used to fire us saying that, I think I remember they said they were going to go and mobilise against the country etcetera. So in summary I think the pressure was like at a personal level, at a professional level very palpable I think. The

most excruciating experience being the whole charging of Minister Gordhan and I am not arguing about the content of that, but I am just saying the whole process that we went through in that process was probably, it reminded me of the apartheid era basically. I mean in the way it was so vicious. It was so vicious absolutely vicious as it were.

ADV PHILLIP MOKOENA SC: Where was this pressure coming from?

MR MCEBISI JONAS: Look I mean it was clear. I mean at all different points. I mean clearly I mean as I have mentioned in the thing, in my earlier submission I think I mentioned that apart from being constitutionally mandated to do A, B, C, D your
10 success relies on political support and political support by the Head of State. So if you do not have that I mean forget it and quite frankly I will advise any Minister of Finance that does not have that must just resign, because it does not work. It just does not work as it were. So that was one part of it, but the security parenthesis were in how they were looking at Treasury was not fun. It was not so bad in that period.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Of course it might be something that should be taken as normal that if any Minister does not have political support they should resign, but based on the evidence that has been given by previous Ministers of Finance. I think it [indistinct] at a certain stage if some or other Minister of Finance has resigned some people would say
20 another Minister might have been put in who might not have been seen to be on that would be strict with regard to compliance with regulations and legislation and policies and that may have resulted in certain problems for the country economically and financially.

MR MCEBISI JONAS: I would say yes. I mean in part that is true, but again I mean I am saying I was actually, I keep on, we had a long debate in Treasury at some point. I

mean in one strategic planning session and my attitude was that we were essentially stalling or slowing down the pace of destruction essentially. I mean that was what we were doing and because I mean we were allocated you could manage our expenditure. You can do all of those things. So it helped I mean to a certain extent, but imagine if we did not reach a point where society gets alarmed about what was happening and acted and so and so and so if we did not reach that point. I would not and we were not fired. Would we still be trying to play that role? Personally as Mcebisi Jonas I would not.

CHAIRPERSON: Thank you.

- 10 **ADV PHILLIP MOKOENA SC:** Yes. Now let us move to the third assignment that you were required to do. At the time when you testified Mr Jonas you were not afforded an opportunity to react to the versions of the implicated parties, Mr Duduzane Zuma and Mr Fana Hlongwane has since applied to cross-examine you and they have furnished the Chair with their versions in terms of Rule 3 and four and they were subsequently also granted leave to cross-examine you. May I refer you to an exhibit before you, you will see. It is marked EXHIBIT D3. If you look at the spine of the file you will be able to easily locate it. Now let me assist you to navigate that file and only refer you to the relevant portions which we will be conversing. The affidavit of Mr Fana Hlongwane commences from page 57 and it runs up until page 67 and the affidavit of
- 20 Mr Duduzane Zuma runs from page 171 to page 177. For completeness Mr Jonas what I will do also I will refer you to the affidavit of Mr Ajay Gupta which is on page 165 and it runs up until 170 for you to be able to react to some of the allegations that he says about you and I will also refer you to the affidavit of Mr Rajesh Gupta which you will locate on page 178 and it runs up until page 181. Even though they were not afforded the right to cross-examine but it is important for you to react to some of the

specific allegations which are made about you in those affidavits. Now if we may start with the one of Mr Fana Hlongwane on page 59. Without having to read the contents you will see that from paragraphs 3 to 3.2 Mr Hlongwane states that your evidence which you have adduced before this Commission is untrue and has an effect of serious damage to his reputation. Do you wish to comment before we proceed on other specific paragraphs?

MR MCEBISI JONAS: In my understanding everything that I said and presented to this Commission is true.

ADV PHILLIP MOKOENA SC: Yes. Now may I refer you to page 62 with particular
10 reference to paragraph 11, because of its importance I will read it to you and allow you to comment thereafter. In paragraph 11 Mr Hlongwane says that:

“During October 2015 I had been made aware by
Mr Duduzane Zuma that Mr Jonas had made allegations to the
effect that I was blackmailing him. These allegations seemed
incredible and completely at odds with our relationship and true
affects. In view of our relationship I was very perturbed by the
allegations and decided to address the issue. I therefore asked
Mr Duduzane Zuma to urgently convene a meeting between the
three of us.”

20 Now are you aware of any allegations which you have made to the effect that Mr Hlongwane was blackmailing you?

MR MCEBISI JONAS: Chair we dealt with the issue now our affidavit. There are no allegations. They talked about rumours and there were no rumours that I ever heard and denied that.

ADV PHILLIP MOKOENA SC: Yes.

CHAIRPERSON: Okay. I am sorry. I just want to make sure I understood. One, you never said that Mr Hlongwane was blackmailing you?

MR MCEBISI JONAS: Yes, I did not.

CHAIRPERSON: And two, you said something and I do not know whether it was that there were no rumours or I am not sure. There was something that you said.

MR MCEBISI JONAS: No, I never heard of the rumours.

CHAIRPERSON: You have never heard? Oh, you had never heard of any rumours.

MR MCEBISI JONAS: Both from Duduzane and from Fana.

CHAIRPERSON: Yes. Let me ask this question before Mr Mokoena proceeds. Prior
10 to October 2015 as far as you recall had you had any discussion with
Mr Duduzane Zuma?

MR MCEBISI JONAS: I do not, I did not know Duduzane at all and.

CHAIRPERSON: Yes.

MR MCEBISI JONAS: The only time I knew about him was in October when
Fana Hlongwane indicated to me that he wanted to talk to me.

CHAIRPERSON: Yes.

MR MCEBISI JONAS: At that point I requested the cell number, the cell phone
number.

CHAIRPERSON: Yes.

20 **MR MCEBISI JONAS:** We had a couple of telephone calls and text messages right
through that period until we have ultimately arranged a meeting at the Hyatt.

CHAIRPERSON: Yes.

MR MCEBISI JONAS: So I do not know. I did not know him personally at all.

CHAIRPERSON: So certainly prior to October you had never had any?

MR MCEBISI JONAS: I never had.

CHAIRPERSON: Discussions with him, you had never met him?

MR MCEBISI JONAS: *Ja.*

CHAIRPERSON: As such, but sometime during October you did speak to him following upon what Mr Hlongwane said to you and you asked for Mr Duduzane Zuma's number?

MR MCEBISI JONAS: [No audible reply].

CHAIRPERSON: Okay, thank you.

ADV PHILLIP MOKOENA SC: Now having regard to what Mr Hlongwane stated in this paragraph were you at any stage informed about the nature or the extent of these rumours?

10 **MR MCEBISI JONAS:** No.

ADV PHILLIP MOKOENA SC: Or the content of it?

MR MCEBISI JONAS: No.

ADV PHILLIP MOKOENA SC: Yes and when was the first time you heard about these allegations of rumours, of blackmailing?

MR MCEBISI JONAS: And I state in my affidavit that when the Gupta brother who entered when we were at Saxonwold the first thing that he talked about is that I hear that Fana Hlongwane is blackmailing you, but he then quickly proceeded. I responded quickly to say that is nonsense. That is not there. That is not true and he responded quickly, but anyway that is not the purpose of the meeting and he proceeded with
20 whatever conversation he wanted.

CHAIRPERSON: Just refresh our memory again going back to the phone call that you received from Mr Hlongwane in October as you have said. Can you just tell me the content, remind me of the content of that discussion between the two of you?

MR MCEBISI JONAS: The phone call was that they, the first phone call I remember very well. I was in Luanda and he called to say Duduzane was looking for me.

CHAIRPERSON: Yes.

MR MCEBISI JONAS: And it had to do with an event which was the ANN7 awards.

CHAIRPERSON: Yes.

MR MCEBISI JONAS: That were happening in a few weeks from there and the second time I was, it was a physical meeting where I went there with a friend of mine and I state the name in the affidavit.

CHAIRPERSON: Yes.

MR MCEBISI JONAS: In the presence of him he then said by the way Duduzane would want to talk to you and wants to invite you to this event [intervenes].

10 **CHAIRPERSON:** Yes.

MR MCEBISI JONAS: And I said to him listen let me take his number so that he contacts me directly.

CHAIRPERSON: Yes.

MR MCEBISI JONAS: And we can talk directly [intervenes].

CHAIRPERSON: Yes.

MR MCEBISI JONAS: And that is how then.

CHAIRPERSON: Yes.

MR MCEBISI JONAS: The contact happened.

CHAIRPERSON: Okay, thank you.

20 **ADV PHILLIP MOKOENA SC:** And you have now told the Chair that the first time you heard about these blackmailing rumours were on 23 October 2015?

MR MCEBISI JONAS: Yes.

ADV PHILLIP MOKOENA SC: Prior to that Mr Hlongwane did not even call you or discuss with you about these rumours?

MR MCEBISI JONAS: Yes.

ADV PHILLIP MOKOENA SC: No one else had done that?

MR MCEBISI JONAS: No one else.

ADV PHILLIP MOKOENA SC: Now may I refer you to page 63 paragraph 13 and there

Mr Hlongwane says to the Chair that:

10 “I was subsequently informed by Mr Duduzane Zuma that he
convened a meeting at the Rosebank Hyatt on that day. Prior
to my arrival I decided that because of the private nature of the
discussions and possible confrontation that the Hyatt might not
be a suitable venue due to the fact that it was not private. I
therefore called Mr Duduzane Zuma and also spoke to
Mr Jonas. I proposed to them that we move the meeting to a
more private venue. Mr Duduzane Zuma informed me that he
has a venue available in the vicinity. I was provided with an
address and arranged to meet with them in a couple of
minutes.”

A number of things arises from that paragraph Mr Jonas. Firstly would you wish to
comment generally on what is being stated there by Mr Hlongwane?

MR MCEBISI JONAS: I cannot comment on the first line because it was not a
conversation with me.

20 **ADV PHILLIP MOKOENA SC:** Yes.

MR MCEBISI JONAS: So I really cannot say I mean whether that conversation
happened between him and Duduzane, but certainly I think and again I stated in my
affidavit that I phoned Duduzane and made arrangements to meet at Hyatt because I
was in an event close by. So the conversation between Duduzane and Fana I cannot
comment on that, because I was not privy to that. Secondly that the suggestion to

move I think it arose when Duduzane raised that there are other people who must join. He never mentioned who they are. He said there are other people who must join and let us move. So I do not actually agree with the explanation of events.

ADV PHILLIP MOKOENA SC: Yes.

MR MCEBISI JONAS: As stated here.

ADV PHILLIP MOKOENA SC: Now what might be able to help us if you could if indeed this meeting, the purpose of this meeting was to discuss the rumour about blackmail do you know why it was supposed to be held in a private location?

MR MCEBISI JONAS: I would not know, I mean definitely know.

10 **ADV PHILLIP MOKOENA SC:** And in your statement you refer to the SMS and the calls that were made between yourself and Mr Duduzane and yourself and Mr Hlongwane on the day in question. Were you ever told about the purpose of the meeting?

MR MCEBISI JONAS: Definitely not. I even spoke to Fana a couple of days before the actual meeting and there was no mention of blackmail at all.

ADV PHILLIP MOKOENA SC: Yes and what also arises in that paragraph Mr Hlongwane justifies the moving of the location to a private venue because of a possible confrontation that might ensure. Are you able to assist the Chair in understanding?

20 **MR MCEBISI JONAS:** There was no confrontation at all. There was no possibility of confrontation because there was no tension.

ADV PHILLIP MOKOENA SC: Before 23 October, before the meeting in question how would you describe your relationship with Mr Fana Hlongwane?

MR MCEBISI JONAS: They were very good. They were very good and cordial.

ADV PHILLIP MOKOENA SC: Now may I refer you to page 64.

CHAIRPERSON: I am sorry.

ADV PHILLIP MOKOENA SC: Yes Mr Chair.

CHAIRPERSON: Your question Mr Mokoena was it before, was it about after the meeting?

ADV PHILLIP MOKOENA SC: No, before, before the meeting.

CHAIRPERSON: Oh, okay.

ADV PHILLIP MOKOENA SC: So meaning that even on the day when you went to meet with Mr Hlongwane there was no incident that you can refer to that might result in the confrontation?

10 **MR MCEBISI JONAS:** No.

ADV PHILLIP MOKOENA SC: May I refer you to page 64 paragraphs 14 and 15 and to save time I will simply paraphrase them. In those paragraphs Mr Hlongwane says that the people who were present in the meeting, now we are talking about the meeting of 23 October, it was himself Mr Hlongwane, Mr Duduzane Zuma and yourself Mr Jonas and no one else. Do you wish to comment?

MR MCEBISI JONAS: That is untrue. There was a fourth person which was the Gupta brother.

ADV PHILLIP MOKOENA SC: He says that, I mean if you look at paragraph 16, he says:

20 “I mention that a member of the Gupta family did enter the room briefly at some stage, but immediately left. This was definitely not Mr Ajay Gupta. I do not know the identity of the person who briefly entered the room.”

So what we can infer from that paragraph is that there was a Gupta brother, but he simply entered and went out without participating in any discussions.

MR MCEBISI JONAS: That is untrue.

ADV PHILLIP MOKOENA SC: Now in paragraph 17 Mr Hlongwane denies that there were any of us that were made to you during the meeting in question and what it is your comment?

MR MCEBISI JONAS: That is untrue.

ADV PHILLIP MOKOENA SC: So you maintain what you have stated in your testimony before the Chair when you testified?

MR MCEBISI JONAS: Yes Chair.

ADV PHILLIP MOKOENA SC: Yes. Now let us move on to deal with the version of
10 Mr Duduzane Zuma.

CHAIRPERSON: Before you do this Mr Mokoena, Mr Jonas you have said that your relationship with Mr Hlongwane was before that meeting. How was it after the meeting?

MR MCEBISI JONAS: I have never spoken to him. I spoke to him once on the phone and I stated in the.

CHAIRPERSON: Hm.

MR MCEBISI JONAS: In my affidavit when I said to him he must never do that again to anybody.

CHAIRPERSON: Yes and when you say he must not do that again you were talking
20 about?

MR MCEBISI JONAS: I was talking about.

CHAIRPERSON: About the meeting?

MR MCEBISI JONAS: The meeting itself.

CHAIRPERSON: Yes and what happened at the meeting on your version.

MR MCEBISI JONAS: Hm.

CHAIRPERSON: If you say after the meeting you spoke to him only once that suggests that whatever friendship or relationship the two of you might have had before ended?

MR MCEBISI JONAS: Yes, it did.

CHAIRPERSON: Is that correct?

MR MCEBISI JONAS: Yes, Chair. It did.

CHAIRPERSON: Yes. Okay, alright. Thank you.

ADV PHILLIP MOKOENA SC: Thank you Chair. The affidavit of Mr Zuma you will locate it on page 171. However may I refer you to paragraph 4 page 172? Are you

10 there?

MR MCEBISI JONAS: *Ja*.

ADV PHILLIP MOKOENA SC: In that paragraph Mr Zuma states that:

“I depose to this affidavit to give my version of the events both leading up to and during a meeting that was held between the erstwhile Deputy Minister of Finance Mr Mcebisi Jonas, Mr Fana Hlongwane and myself on the afternoon of 23 October 2015 first at the Hyatt Hotel in Rosebank where I met Mr Jonas alone where after the meeting was moved to the premises situated at 5 Saxonwold Drive Gauteng.”

20 Can you see that?

MR MCEBISI JONAS: Yes.

ADV PHILLIP MOKOENA SC: Now when you received a call from Mr Zuma on the 23rd did you agree on a specific location where the meeting must take place?

MR MCEBISI JONAS: Can I just correct? Remember that we have been talking.

ADV PHILLIP MOKOENA SC: Yes.

MR MCEBISI JONAS: And the venue, because I chose, I said I was in Rosebank, can we make it Hyatt because the office where I was going is close to the Hyatt.

ADV PHILLIP MOKOENA SC: So the agreed venue was the Hyatt?

MR MCEBISI JONAS: Hyatt.

ADV PHILLIP MOKOENA SC: You were going to meet at the Hyatt?

MR MCEBISI JONAS: Yes.

ADV PHILLIP MOKOENA SC: Did Mr Zuma object to that venue or raise any issues of privacy?

MR MCEBISI JONAS: No, he did not.

10 **ADV PHILLIP MOKOENA SC:** Now when you moved from the Hyatt Hotel to this private place, 5 Saxonwold Drive were you informed that the meeting was now going to take place at the Gupta residence?

MR MCEBISI JONAS: No.

CHAIRPERSON: I am sorry Mr Mokoena, Mr Jonas just going back to paragraph 5 of that affidavit where Mr Duduzane Zuma says his first interaction with you was to invite you to the South African of the Year Awards as he had invited various people. Do you recall, are you able to tell when that conversation was which can be said to have been your first interaction with him or the day when he spoke, he invited you to the awards?

MR MCEBESI JONAS: It was a call after I came back from Luanda.

20 **CHAIRPERSON:** And well I assume you have had a look at your affidavits and statements and I'm just wondering whether somewhere it is dated roundabout what date that must have been?

MR MCEBESI JONAS: The dates are stated in the affidavit.

CHAIRPERSON: Oh, can you just tell me if it's possible to – I just want to locate ... (intervention)

ADV PHILLIP MOKOENA SC: If you can go to Exhibit C1 Mr Jonas and then if you can turn to page 2 Mr Chair paragraph 6 might be the one that the Chair is looking for.

MR MCEBESI JONAS: Yes.

ADV PHILLIP MOKOENA SC: Mr Jonas you can simply, you can read it for yourself and confirm whether would that be the date that you are looking for?

MR MCEBESI JONAS: At approximately 5.30pm on the 17th of October 2015, I sent Mr Zuma a text stating:

“Hi Comrade, tried to call you approximately 5.36pm. I had a short telephone conversation with Duduzane.”

10 **ADV PHILLIP MOKOENA SC:** And paragraph 7.

CHAIRPERSON: Just read it aloud.

MR MCEBESI JONAS: Seven is:

“Mr Duduzane requested me to attend what I recall to be the South African Year Awards hosted by African News Network on Saturday the 17th in Johannesburg. I ultimately indicated that I would not be able to attend, telling him that my schedule would not permit it.”

CHAIRPERSON: So is the position that the first interaction that you had with Mr Duduzane Zuma was on or about the 17th of October 2015, that's the date given in paragraph 6, but it says approximately 5.30 on 17 October.

20 **MR MCEBESI JONAS:** Yes.

CHAIRPERSON: So that would be the first interaction you ever had directly with him?

MR MCEBESI JONAS: Yes Chair.

CHAIRPERSON: Yes, and it was on that occasion that he invited you to the South African of the Year Awards which was to be held – oh was it going to be held on the same day?

MR MCEBESI JONAS: There must be a problem with dates there.

CHAIRPERSON: Oh there might be a problem with the date, but it was going, was it going, as far as you recall ...(intervention)

MR MCEBESI JONAS: It was a couple of days later.

CHAIRPERSON: It was a couple of days within a week or so.

MR MCEBESI JONAS: Less than a week I think.

CHAIRPERSON: Oh less than a week okay. But the date of the 17th October do you feel confident that it must be correct as the date when ...(intervention)

MR MCEBESI JONAS: I think that was the date.

10 **CHAIRPERSON:** Because that would be from your sms's, you first sent him an sms I think you said.

MR MCEBESI JONAS: Yes sir.

CHAIRPERSON: Ja, okay so that would – it looks like at least in that regard when Mr Duduzane Zuma doesn't say what day it was that the two of you had that interaction at least he doesn't say so in paragraph 5 what the date was, but it seems that both of you are agreed that you first spoke to each other on the day you spoke about he invited you to the awards, the South African of the Year Awards.

MR MCEBESI JONAS: Yes sir.

20 **CHAIRPERSON:** And on your version that conversation was on the 17th of October 2015. Okay, thank you, you may proceed Mr Mokoena.

ADV PHILLIP MOKOENA SC: Yes, if you may turn to page 173, Mr Jonas, page 173 paragraph 8, in that paragraph Mr Zuma say that you met with him as agreed at the Hyatt and then moved to the Gupta residence, number 5 Saxonwold. Now I want to know if you were told Mr Jonas that you were going to meet at the Gupta residence how were you going to react to that request?

MR MCEBESI JONAS: I definitely would have avoided to go.

ADV PHILLIP MOKOENA SC: Why?

MR MCEBESI JONAS: Look I mean – they were already in the media about their activities and certainly I would not have loved to be associated with them.

ADV PHILLIP MOKOENA SC: Yes, now if you look on the second portion of paragraph 8 Mr Zuma says that we accordingly agreed to move to Number 5 Saxonwold and in brackets he says (Gupta residence), what is your reaction to that statement?

MR MCEBESI JONAS: That's untrue, that is untrue.

10 **ADV PHILLIP MOKOENA SC:** Now he also says that you travelled with him in his vehicle, can you see that?

MR MCEBESI JONAS: That's correct yes.

ADV PHILLIP MOKOENA SC: Are you able to explain to the Chair why did you travel with him in his vehicle?

MR MCEBESI JONAS: Look I mean his vehicle as the closest; it was just down the parking area at Hyatt, secondly I didn't see any difficulty, I was not – I didn't have any reason not to trust him quite frankly.

ADV PHILLIP MOKOENA SC: And then what about the bodyguards, I mean I take it at the time you are with your bodyguards, why did you leave your bodyguards behind?

20 **MR MCEBESI JONAS:** I leave them all the time, all the time.

ADV PHILLIP MOKOENA SC: May I refer you to page – the very same page if you go down to paragraph 9, Mr Zuma says that I point out at no stage since the suggestion was made that a meeting be moved to the Gupta residence did Mr Jonas either object thereto and/or express any reservation and/or display any discomfort of having the meeting there, that's what Mr Zuma says.

MR MCEBESI JONAS: That's untrue because there was no knowledge that the meeting is going to be at the Gupta residence.

ADV PHILLIP MOKOENA SC: Now may I refer you to page 174, paragraph 11 and 12, I will simply paraphrase them to save time. There Mr Zuma states that there were only three people present in the meeting and he state that no one else was there. Mr Rajesh Gupta simply came in for a few seconds and thereafter exited the room, what is your comment on that?

MR MCEBESI JONAS: That's untrue, there was a Gupta present right through the discussion.

10 **ADV PHILLIP MOKOENA SC:** Right through the discussion, okay. Now if you go to paragraph 13 Mr Zuma says that after the meeting I was required to stay behind to attend further meetings and a driver took Mr Jonas to where he wanted to be. Mr Hlongwane also remained behind with me. Would this be consistent with what you told the Chair that after the meeting Mr Hlongwane and Duduzane remained?

MR MCEBESI JONAS: Yes they remained.

ADV PHILLIP MOKOENA SC: Yes. Now if you can turn the page over to page 175, and paragraph 16 because of its importance I will read it to you and to allow you to comment. In that paragraph Mr Duduzane Zuma says:

20 "I further confirm that on this specific day in question, being the 23rd October 2015 Mr Atul Gupta was not present as he was as far as I can recall overseas. I also confirm that Mr Ajay Gupta was not at the Gupta residence at the time, to the best of my recollection he was somewhere else or at his office in Sandton. He therefore had no interaction at all with Mr Jonas."

Are you able to comment?

MR MCEBESI JONAS: I am not able to comment on that except to say that I am

confident that there was a Gupta brother in the room.

ADV PHILLIP MOKOENA SC: And in paragraph 17 Mr Jonas Mr Zuma denies that there were ever discussions which took place about the removal of the Minister of Finance, he further denies that there were any monetary offers which were made to you, he further denies that there were any threats that were advanced towards you, what is your comment?

MR MCEBESI JONAS: I don't agree with it, it is untrue.

ADV PHILLIP MOKOENA SC: It is untrue. Now on paragraph 18 Mr Zuma says that:

10 "I did not take Mr Jonas to the airport after the meeting, nor did I receive a
 call from Mr Jonas. I wish to point out that subsequent to the meeting of 23rd
 October 2015 I informally bumped into Mr Jonas on two occasions, once at
 the Hyatt Hotel again and once at a Parliamentary event. I can state that on
 both occasions, on both these occasions we had friendly interactions with
 each other and there was no indication whatsoever of animosity."

Now he is telling the Chair about your relationship with him subsequent to the event of the 23rd and he specifies the occasions that he met with you and that there was no animosity and you were friendly with one another.

MR MCEBESI JONAS: The first part of the – I did not take Mr Jonas to the airport is correct, and I also wish to point out subsequent to the meeting ...(intervention)

20 **CHAIRPERSON:** Just raise your voice a little bit Mr Jonas.

MR MCEBESI JONAS: I'm saying the part that talks about taking me to the airport is correct, he didn't take me to the airport, the part about receiving calls I recall very strictly that we did text each other and I have those in the ...(intervention)

ADV PHILLIP MOKOENA SC: In your statement?

MR MCEBESI JONAS: In the statement, subsequent to the meeting, when he was

requesting to meet after that, so there was some interaction after that. The two occasions are correct but I don't think we even came into contact, so I don't know how he would, there would have animosity arising or friendliness, because we were very apart. This wasn't like a meeting, he was walking past and I was walking in the other direction.

ADV PHILLIP MOKOENA SC: Now let me provide you with an opportunity to react to the versions of the Gupta brothers starting first with Ajay Kumar Gupta and we will then deal with the one of Rajesh Gupta. The of Ajay Kumar Gupta you will find it on page 165. If you can turn to page 165 Mr Jonas. That's where it begins but I wish to
10 refer you to paragraph 5 which you will find on page 166.

MR MCEBESI JONAS: I've got it.

ADV PHILLIP MOKOENA SC: And in that paragraph you will see that from paragraph 5 to 5.3 Mr Gupta paraphrases your statement but what I wish that you may provide a comment on is the contents of paragraph 5.3 where he says a belated allegation in his latest signed statement dated 8 August 2018 to the Commission of the Inquiry wherein for the first time claims that I also threatened to kill him should he not cooperate with me or the Gupta family. Now before you react to that statement let me tie that statement with a similar allegation that is made by Mr Gupta, you will find it on page 168 paragraph 10, so as you may be able to comment at once. At paragraph 10
20 Mr Gupta says that Mr Jonas also for the first time ever incorporated in his most recent statement dated 8 August 2019 and claimed that I threatened to kill him should he not give his cooperation to me. In his version to the Public Protector he never had such claims, even when he was specifically questioned about any threats he may have received. If he may comment on those two paragraphs.

MR MCEBESI JONAS: Firstly I think the first formal statement we made was with an

extensive statement we made was at the Commission.

ADV PHILLIP MOKOENA SC: Yes.

MR MCEBESI JONAS: The conversation and questioning with the Public Protector happened in a different environment and I stated already it was conversational and responded to many of the questions that she raised and it was a different context because the context was very hostile at the time, I was still Minister of Finance and I wouldn't want to do that. The second statement, the other statement I made was with the Hawks, and we had already given the Hawks a statement to say we would not give you a statement because already they had already indicated that their intention was to
10 destroy the case and based on that we sent them a statement and later on they insisted I draft a statement responding to questions that they gave, which I signed. Again I am saying in all those, this is the statement to the Commissioner was the first formal extensive statement I made in a context where I was confident that there would be no reprisals.

ADV PHILLIP MOKOENA SC: Yes what Mr Gupta takes issue with is that when you had all these opportunities even before the Public Protector you did not mention any threats that you were to be killed if you were not going to cooperate with the Guptas and why does it appear only for the first time in this Commission.

MR MCEBESI JONAS: Again I am saying you must understand the context, I mean at
20 the time was – I mean that was probably the most difficult period for us. Even the conversation with the Public Protector Chair, we went into the conversation, she asked us questions, I was very uncertainty, even if we're talking to her, I didn't trust anybody, I didn't trust the police, quite frankly and I mean when I went to the Commissioner I knew that it's a public thing, I have my confidence back, I can say what I want to say, probably if reprisals come they will come through legal mechanisms.

I outlined earlier on how the Hawks treated us.

ADV PHILLIP MOKOENA SC: Yes, now may I refer to page 167, with particular reference to paragraph 6 and 7, I won't read them I will simply paraphrase them to save time, Mr Ajay Gupta in those paragraphs denies ever meeting with you on the 23rd of October 2015 and he says that he was at his office at Oakbay in Katherine, do you wish to comment?

MR MCEBESI JONAS: I maintain my position that in my and based on the information that I had at the time I said it was Mr Ajay Gupta who was there, but I am certain now I mean there was a Gupta brother and as I have always said and right through I had
10 always had the disclaimers on the matter.

ADV PHILLIP MOKOENA SC: Yes, and let's deal with page 168, what you stage in paragraph 9, in fact Mr Jonas in order for that paragraph to make sense let's begin on paragraph 8 on page 167, I will read them quickly. There Mr Gupta says that:

"It is also plain and indisputable that my identity was introduced to Mr Jonas by way of a leading question, suggested to him and of photos of me being shown to him to enable him to conclude that he in fact met with me specifically and not with anybody else, whereafter he accepted and claimed that he in fact did have a meeting with me."

And paragraph 9:

20 "He later in an application in High Court Pretoria which was dismissed with costs by the then Minister of Finance, Minister Gordhan, against Oakbay Group of Companies without any qualification and/or hesitation in fact confirmed under oath that he met with me and nobody else. However in his later statement dated 8 August 2018 to the investigators of the Commission of the Inquiry on State Capture Mr Jonas claims that he still unsure with

whom he has met on that specific day, as he did not know the Gupta brothers and had never been introduced to the Gupta Brothers before and it may have been my brother Rajesh Gupta with whom he met on that specific day.”

Now he’s pointing out to what he terms the alternatives and at some stage you having said it was him and now at the Commission it appears that you are unsure about who exactly was present. What is your comment?

MR MCEBESI JONAS: Again I’m at – probably if you go back to the Oakbay affidavit there was already a disclaimer there and if you read the full affidavit you will see that t
10 here was a disclaimer that says it could be any other Gupta brother but definitely there was a Gupta brother, that’s what we were trying to convey. Of course we were saying Ajay because based on the information I had at the time and the assumption, and that’s again looking at the pictures, this was four years ago by the way and I have met the guys for the first time and I have never met them after that, and that’s the reality.

ADV PHILLIP MOKOENA SC: So on the 23rd of October it was the first time that you met.

MR MCEBESI JONAS: That was the first meeting I had with him, that brief encounter, and I have never seen him again, and he was just looking at pictures and I conclude that it could be Ajay so to the best of my knowledge at the time I assumed that it was
20 him. But when I was preparing the statements for the Commission it was the first time that a couple of pictures I looked at and I realised that you can’t tell, I can’t tell the difference between the two.

But anyway I think at the moment it’s common cause that there was a Gupta Brother.

ADV PHILLIP MOKOENA SC: Yes. On ...(intervention)

CHAIRPERSON: Well certainly on your version there was a Gupta brother and I think on Mr Duduzane Zuma's and Mr Hlongwane's version, on your version there was a Gupta brother throughout the meeting or the discussion, on their version a Gupta brother I think came in for a short time and went out. Is that your understanding of the difference between the two versions?

MR MCEBESI JONAS: Chair I think the central point is there was a Gupta brother in the room and all of us agree, we can go back and look at the statements.

CHAIRPERSON: Okay, alright, Mr Mokoena?

ADV PHILLIP MOKOENA SC: Can you now turn to page 169, paragraph 12, Mr
10 Gupta says that I also gave evidence under oath to the public protector denying the allegations and the version claimed by Mr Jonas and I also deposed to an affidavit in the Minister of Finance application in the High Court Pretoria which is self explanatory. I point out that it is highly unlikely that the meeting took place because if it did in the manner alleged by Mr Jonas he would immediately have reported it to the nearest police station as he – as any other ordinary citizen was legally obliged and duty-bound under the law to do so. And your comment?

MR MCEBESI JONAS: I don't agree with the statement at all.

ADV PHILLIP MOKOENA SC: Yes, do you have anything to say about it or anything to add.

20 **MR MCEBESI JONAS:** Look I mean on the reporting part which probably was what I covered it's quite extensively in the affidavit and the position articulated in my affidavit I still think it's valid.

ADV PHILLIP MOKOENA SC: Yes, and mostly ...(intervention)

CHAIRPERSON: And basically that was that you didn't have much confidence in the law enforcement agencies, is that right?

MR MCEBESI JONAS: Yes.

CHAIRPERSON: Ja, okay.

ADV PHILLIP MOKOENA SC: And lastly on the version of Mr Gupta on paragraph 15 on page 170 he concludes by saying that there were no offers made at all to you, be it monetary or ministerial position.

MR MCEBESI JONAS: I do not agree.

CHAIRPERSON: Well I don't think you represented what Mr Gupta says there accurately Mr Mokoena, he says he did not make any offer.

ADV PHILLIP MOKOENA SC: Yes, he, yes.

10 **CHAIRPERSON:** Yes, not that no offers were made.

ADV PHILLIP MOKOENA SC: That he, Mr Gupta, did not make those offers, Mr Jonas the answer is the same?

MR MCEBESI JONAS: The same yes.

ADV PHILLIP MOKOENA SC: Now ...(intervention)

CHAIRPERSON: Well the answer can't be the same if you are not sure whether he was at the meeting because you don't know which of the brothers, you just know there was a Gupta brother, isn't it?

MR MCEBESI JONAS: Yes.

20 **CHAIRPERSON:** So you can't say it was him who made the offer, all you can say is ...(intervention)

ADV PHILLIP MOKOENA SC: The offer was made.

CHAIRPERSON: An offer was made by a Gupta brother.

MR MCEBESI JONAS: Yes.

CHAIRPERSON: Ja, okay.

ADV PHILLIP MOKOENA SC: Now let's deal with the version of Mr Rajesh Gupta,

you will find it on page 178.

CHAIRPERSON: Well Mr Mokoena just bear in mind that if they say the same thing and he has already responded there is no need to ...(intervention)

ADV PHILLIP MOKOENA SC: To repeat that yes.

CHAIRPERSON: To repeat ja.

ADV PHILLIP MOKOENA SC: Did you have an occasion to read the affidavit of Mr Rajesh Gupta?

MR MCEBESI JONAS: Yes I did.

ADV PHILLIP MOKOENA SC: You did and I take it that to the extent that they deny
10 that anyone made an offer to you on the day in question your answers would be as reflected in your statement?

MR MCEBESI JONAS: Yes.

ADV PHILLIP MOKOENA SC: And do the extent that there was no Gupta brother that was present throughout the conversation he will remain, you persist with what you've said in your statement before the Chair?

MR MCEBESI JONAS: Yes.

ADV PHILLIP MOKOENA SC: Now may I refer to Exhibit C1, if you look at the spine Mr Jonas they are marked, page, it is the transcript of the Public Protector containing your interview with the Public Protector, it starts from page 21, it runs up until page 89,
20 however I wish to refer you to page 50, page 50 Mr Chair.

CHAIRPERSON: Five zero?

ADV PHILLIP MOKOENA SC: Five zero. Now on page 50 against line 40 that's where you begin to respond to a question posed to you by the Public Protector.

CHAIRPERSON: And where it is possible to just paraphrase the point that was being point please do so without reading unless there is something significant about the

wedding.

ADV PHILLIP MOKOENA SC: Definitely Mr Chair. In this one Mr Jonas I would read it from paragraph 14 to line two on the next page because there are a number of issues that are quite unclear which you told the Public Protector. You said that it is not as if it did not cross my mind, you know because it did cross my mind that I should. I in fact was thinking seriously about doing it and I just thought about it seriously, and I ended up saying no, maybe there's no need. Now pay attention to what I am going to read now Mr Chair that is why I say two reasons. One was that I did not trust that he would do anything about it. I mean government by the way and in political circles. I hear
10 people saying they have done – they have been approached by these guys. That is the first thing. Secondly say I know that I mean there are people there are many people who say that I mean I cannot mention their names here but I know they always say you know I mean it as – it is a common thing in the system that that happens in the first instance. That is what you told the Public Protector he proceeds by saying but the second problem I had is that what guidance was I going to take from him on a matter like that because it is his son and I thought I cannot take guidance from him when I think he is conflicted on the matter,. Now the first clarity which I am seeking from you can you elaborate to us on what you state that in government and in political circles you heard people saying that they were approached by these guys. Who are these people
20 that you are talking about? And who are the guys who approached them?

MR MCEBISI JONAS: I mean it is – it has been a known fact at the time that a lot of people I mean in the circles people will say Mbalula for instance stood out and say they [indistinct] a meeting formally that he received the news from the Gupta's. You also have a couple of other people I mean that Themba Maseko for instance had a story already at the time and there are many more stories of people who and many of them

have sat where I am sitting now Wako for instance Ramatlhodi ...

CHAIRPERSON: Well I am not sure you are right.

MR MCEBISI JONAS: And some ..

CHAIRPERSON: To say many of them have sat there.

MR MCEBISI JONAS: Some of them.

CHAIRPERSON: Some have but ...

MR MCEBISI JONAS: Some have...

CHAIRPERSON: But I would like many to sit there.

MR MCEBISI JONAS: Some have I mean have sat here and – before.

10 **ADV PHILLIP MOKOENA SC**: Are there...

MR MCEBISI JONAS: And I mean there is also...

CHAIRPERSON: Basically you are talking about Ministers Deputy Ministers maybe some DG's.

MR MCEBISI JONAS: DG's

CHAIRPERSON: And other officials.

MR MCEBISI JONAS: And CEO's and of companies, parastatal.

CHAIRPERSON: Of parastatal.

MR MCEBISI JONAS: Parastatals ja.

ADV PHILLIP MOKOENA SC: Yes. And secondly what appears to be unclear you say

20 what guidance was I going to take from him, who are you referring to?

MR MCEBISI JONAS: The question was relating to why did I not tell the President.

ADV PHILLIP MOKOENA SC: Yes.

MR MCEBISI JONAS: And my attitude was it is like my son does something and he come to me and tell me. I thought it was like a wasteful – it was wasting energy. I did not have confidence that he would have done anything about it.

ADV PHILLIP MOKOENA SC: Yes. And last – Mr Chair.

CHAIRPERSON: Well I am not sure about that example Mr Jonas.

MR MCEBISI JONAS: It is a bad example.

CHAIRPERSON: Where I grew up any adult person who finds you as a child or boy doing something wrong anywhere could discipline you and you would not even tell your parents because they could give you a hiding and say, an adult person was not going to discipline you for nothing you must have done something wrong? So some parents would really enquire into what did you do and so on.

MR MCEBISI JONAS: But I mean the scale of what we are talking about Chair it is just
10 that an ended – the news I mean have been running about some of the events and things that were happening so certainly he should have known about some of these things.

CHAIRPERSON: Ja. Well I was talking more about you and your son.

MR MCEBISI JONAS: Oh my son yes. If the scale of what he does is this I will probably decide to do something else.

CHAIRPERSON: Okay Mr Mokoene.

ADV PHILLIP MOKOENA SC: Finally Mr Jonas in order to short circuit your evidence you are aware that Mr Gordhan Minister Gordhan, Minister Nene and Mr Fuzile including Mr Mogajane did testify before this commission.

20 **MR MCEBISI JONAS:** I am aware.

ADV PHILLIP MOKOENA SC: And did you have an opportunity to consider their evidence in as far as it related to you?

MR MCEBISI JONAS: Yes I did.

ADV PHILLIP MOKOENA SC: And do you confirm that evidence to the extent that they referred to yourself?

MR MCEBISI JONAS: Probably I do.

ADV PHILLIP MOKOENA SC: Mr Chair that concludes my questions for Mr Jonas.

CHAIRPERSON: Okay that is just the – at the right time for the tea break. I think we will take the short break and we come back which will be half past eleven then counsel for Mr Duduzane Zuma can commence with cross-examination. We adjourn we will resume at half past. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Mr Louw I now give you the opportunity to cross-examine Mr Jonas.

10 I did indicate that although I thought 30 minutes might be fine, I will not be rigid. I will see how things go and I rely on your cooperation and your *bona fide* attempt also to try and make sure that we deal with real important issues.

ADV PIET LOUW SC: Mr Chair of course. Good I before I commence.

CHAIRPERSON: And I do know that you would like more.

ADV PIET LOUW SC: Oh certainly, but could I say this?

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Just to preface perhaps the cross-examination.

CHAIRPERSON: Yes.

20 **ADV PIET LOUW SC:** The aspects on which I am going to cross-examine Mr Chair are front and centre in your enquiry.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: If one recalls that item 1.1 of your terms of reference.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Makes specific reference.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: To the incident on which I am going to cross-examine.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: You will recall that what it says is:

“The Commission must investigate...”

And here comes the important part.

“...the veracity...”

CHAIRPERSON: Yes.

ADV PIET LOUW SC: “...of allegations that former Deputy Minister of

Finance Mr Jonas and Ms Mentor were offered Cabinet

10 positions by the Gupta family.”

It is thus not a matter where we can perhaps deal with on a very elevated scale like we did this morning with the

CHAIRPERSON: *Ja.*

ADV PIET LOUW SC: With respect the grand theories of political issues.

CHAIRPERSON: *Ja.*

ADV PIET LOUW SC: Grand political theory perhaps. We have to drill down to some facts.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Now as you have pointed out Mr Chair.

20 **CHAIRPERSON:** Hm.

ADV PIET LOUW SC: There are two completely conflicting versions.

CHAIRPERSON: Hm.

ADV PIET LOUW SC: Only about a small part.

CHAIRPERSON: Hm.

ADV PIET LOUW SC: Of the whole incident. You have summarised.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Where the differences of opinion lie.

CHAIRPERSON: Ja.

ADV PIET LOUW SC: And unfortunately when one then has to test the veracity.

CHAIRPERSON: Hm.

ADV PIET LOUW SC: Of a witness.

CHAIRPERSON: Ja.

ADV PIET LOUW SC: You have no choice.

CHAIRPERSON: Hm.

- 10 **ADV PIET LOUW SC:** But to deal with the rather difficult issues of contradictions and probabilities and credibility.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: So half an hour is going to be exceptionally difficult.

CHAIRPERSON: Hm.

ADV PIET LOUW SC: To fit in a lot of this work.

MR MCEBISI JONAS:

CHAIRPERSON: Huh-uh.

ADV PIET LOUW SC: There is also an issue of these proceedings and what they are about.

- 20 **CHAIRPERSON:** Hm.

ADV PIET LOUW SC: Mr Chair you are enjoined to determine the veracity.

CHAIRPERSON: Hm.

ADV PIET LOUW SC: You use of course your legal or the legal team.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: To do the footwork, but at the end of the day you must make all

enquiries that are necessary.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Even if that means that from this cross-examination.

CHAIRPERSON: Hm.

ADV PIET LOUW SC: Further enquiries have to be done.

CHAIRPERSON: [Intervenes].

ADV PIET LOUW SC: In order to determine whether there is.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Objective evidence one way or the other.

10 **CHAIRPERSON:** Yes.

ADV PIET LOUW SC: And that should be done. So these are not adversarial proceedings.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: And I am not here simply to meet a case.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: And so forth.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Because Mr Zuma will testify.

CHAIRPERSON: Yes.

20 **ADV PIET LOUW SC:** And he will testify.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Completely different to what Mr Jonas has testified.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: As a matter of fairness perhaps.

CHAIRPERSON: Hm.

ADV PIET LOUW SC: The cross-examination should deal with some of what we see.

CHAIRPERSON: Hm.

ADV PIET LOUW SC: To be glaring inconsistencies and contradictions.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: And issues of credibility.

CHAIRPERSON: Ja.

ADV PIET LOUW SC: And to fit all of that into a half an hour package will be difficult.

CHAIRPERSON: Ja.

ADV PIET LOUW SC: Which means that if at the end of all of this.

10 **CHAIRPERSON:** Hm.

ADV PIET LOUW SC: We do not succeed.

CHAIRPERSON: Hm.

ADV PIET LOUW SC: For purposes of fairness.

CHAIRPERSON: Hm.

ADV PIET LOUW SC: Showing Mr Jonas what all the issues are that we believe count against his version.

CHAIRPERSON: Hm.

ADV PIET LOUW SC: Then perhaps another plan should be made and perhaps we should be allowed.

20 **CHAIRPERSON:** Hm.

ADV PIET LOUW SC: To present you with a list perhaps of contradictions and so forth.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: To be looked at in your own good time.

CHAIRPERSON: I think all of that, all of what you have just said Mr Louw is fair enough and quite legitimate and I am in agreement with what you have said. So I do

not see any problem.

ADV PIET LOUW SC: Thank you.

CHAIRPERSON: Ja.

ADV PIET LOUW SC: So the only point I am trying to make is.

CHAIRPERSON: I just hope that our agreement will endure to cover.

ADV PIET LOUW SC: Yes, they certainly.

CHAIRPERSON: Time as well.

ADV PIET LOUW SC: The only point.

CHAIRPERSON: Yes.

10 **ADV PIET LOUW SC:** That I actually wish to make is if I do not put certain points to Mr Jonas.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: In these proceedings, it must not be held.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Against Mr Zuma when he testifies.

CHAIRPERSON: Yes. No, no that is fine.

ADV PIET LOUW SC: Thank you.

CHAIRPERSON: Maybe I should just say this that the idea or part of the idea behind I think it is Rule 3.4 which says that an implicated person who applies for leave to cross-
20 examine the application must be accompanied by a statement which deals with the areas where he or she is implicated and that the idea is that that statement will give his version and I think.

ADV PIET LOUW SC: Yes.

CHAIRPERSON: Everybody has understood it that way.

ADV PIET LOUW SC: Yes.

CHAIRPERSON: Because that is also helpful when I have to determine how much time I should allow for cross-examination, *ja* but I have no problem whatsoever with a situation where an opportunity maybe given for you to submit certain other let us say inconsistencies as you may see it.

ADV PIET LOUW SC: Yes.

CHAIRPERSON: By way of something in writing.

ADV PIET LOUW SC: Yes.

CHAIRPERSON: And that is, no that is not a problem.

ADV PIET LOUW SC: Once again these are not adversarial proceedings.

10 **CHAIRPERSON:** Yes.

ADV PIET LOUW SC: I am not here to meet a case.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: I am simply to assist the Commission.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: And then two people and they sit front and centre of this case.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Who have conflicting versions.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: About something that you have.

20 **CHAIRPERSON:** Yes.

ADV PIET LOUW SC: Mr Chair in your wisdom and it is going to be a difficult task.

CHAIRPERSON: *Ja*.

ADV PIET LOUW SC: To determine the veracity of.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Thank you.

CHAIRPERSON: No, thank you.

ADV PIET LOUW SC: If I then against that background may.

CHAIRPERSON: Thank you.

ADV PIET LOUW SC: May the clock tick.

CHAIRPERSON: *Ja* that is right. It is just now.

ADV PIET LOUW SC: Mr Jonas I do not have a lot of time. So you must please bear with me. I am going to touch on a few topics as you have just heard from the exchange. There are a few more that I perhaps would have wanted to deal with if I had unlimited time, but we will; that is how things are. The first point that I would want to
10 ask you about is the Public Protector, the proceedings at the Public Protector, can you recall whether you were represented by attorneys or advocates?

MR MCEBISI JONAS: I was with my attorney.

ADV PIET LOUW SC: With your attorney and he is or was?

MR MCEBISI JONAS: Max Boqwana.

ADV PIET LOUW SC: Do you have a copy of, well you would because my learned colleague asked you about that; the transcript of the Public Protector in the Bundle C1 as he has pointed out previously just look at the spine and you should see it. Do you have it?

MR MCEBISI JONAS: [No audible reply].

20 **ADV PIET LOUW SC:** What we find is, if I can just ask you quickly to help me. The proceedings at the Public Prosecutor commenced at page 21.

MR MCEBISI JONAS: *Ja*, I have got it.

ADV PIET LOUW SC: You have got it. The person referred thereto as Advocate Boqwana should be Attorney Boqwana. Is that correct?

MR MCEBISI JONAS: *Ja*.

ADV PIET LOUW SC: But we see consistently that the person is referred to as advocate and addressed as that as well. Can I then ask you at the end of that meeting can you recall that your attorney undertook to provide a statement to the Public Protector called a timeline that would deal with various points that were raised during the conversation with the Public Protector that you were not too clear about dates and so forth?

MR MCEBISI JONAS: He did promise to do that.

ADV PIET LOUW SC: And was it done?

MR MCEBISI JONAS: Yes, it was done, but I must also say that when it was
10 effectively done there were lots of I think contradictions in the dates, because we have not had the chance of looking at phones and other things like that.

ADV PIET LOUW SC: We cannot hear the last part of your answer.

CHAIRPERSON: I am sorry Mr Louw. I am sorry. I must just check is Mr Jonas sufficiently audible at the back? *Ja*, some cannot hear him well. So one, you might wish to just raise your voice a little more.

MR MCEBISI JONAS: Hm.

CHAIRPERSON: But it might be the equipment. So they will look at it as well.

MR MCEBISI JONAS: Thanks Chair.

CHAIRPERSON: Okay, thank you.

20 **MR MCEBISI JONAS:** I am saying he did put together a document.

ADV PIET LOUW SC: Yes and you say there are some difficulties with dates in the document?

MR MCEBISI JONAS: At the time, because it was a rushed process at the time.

ADV PIET LOUW SC: But the contents of it the narrative contained in it never mind the dates that would be correct?

MR MCEBISI JONAS: They are even in the narrative. I do not have it in front of me.

ADV PIET LOUW SC: Turn to page 90?

MR MCEBISI JONAS: 90.

ADV PIET LOUW SC: Is that the statement?

MR MCEBISI JONAS: *Ja*, it is.

ADV PIET LOUW SC: Alright [intervenes].

MR MCEBISI JONAS: He was giving the content. In the content there were a couple of confusions in the way he articulated it.

ADV PIET LOUW SC: It is very curious, because it was sent to the Public Protector
10 and we find aspects of this document to be reflected in the Public Protector's report that
is the genesis of this very Commission.

MR MCEBISI JONAS: In part.

ADV PIET LOUW SC: Did you; I just put that to you as a statement. The question is
did you look at the statement before it went out?

MR MCEBISI JONAS: I did look at it broadly and I did.

ADV PIET LOUW SC: You did look at it?

MR MCEBISI JONAS: *Ja*.

ADV PIET LOUW SC: Yes. Go on, sorry I interrupted you.

MR MCEBISI JONAS: I am saying I did look at it and I pointed some of the things that
20 were lumped together and things that could have articulated differently based on my
own recollection of facts, but I.

ADV PIET LOUW SC: And was it corrected or not corrected?

MR MCEBISI JONAS: They were never corrected.

ADV PIET LOUW SC: So your attorney, Mr Boqwana, sent out knowingly a wrong
statement to the Public Protector?

MR MCEBISI JONAS: It was not wrong. The content broadly speaking is correct.

ADV PIET LOUW SC: But are there points now that you look back at it that are incorrect?

MR MCEBISI JONAS: *Ja*, there are points that you could say were incorrect.

ADV PIET LOUW SC: In what sense were they incorrect? Misunderstanding perhaps, what?

MR MCEBISI JONAS: In a case where an idea, ideas are lumped together and where points that are separated could have been separated could be separated.

ADV PIET LOUW SC: Alright. Let us look a few of those points that were according to
10 you lumped together and gave a wrong impression. Let us commence with on page 90
I think I am not going, because of the limit of time, I am not going to deal with all of it,
but could I ask you the second bullet point you have there. Meeting with
Advocate Fana Hlongwane and Mr Bongani More and Mr Jonas yourself and then the
narrative below that, I have got to just quickly place that on record.

“I decided to meet with Advocate Hlongwane to hear him out on
the issue of meeting Mr Duduzane Zuma and the Gupta family.”

Is that correct?

MR MCEBISI JONAS: That is not correct.

ADV PIET LOUW SC: So this is an incorrect statement that your attorney sent to the
20 Public Protector?

MR MCEBISI JONAS: That is; there are two. If you look at my own statement I
corrected it in my statement, because essentially there are were two discussions in this
meeting and I make that very clear in my statement. The one discussion was the
invitation by Duduzane Zuma to go to the awards. The second part of the discussion
that arose and I state that in my statement was a discussion about, a general

discussion, where Fana started talking to us about how important the Guptas are and there was a third person in the meeting. So he could verify that. These are separate issues.

ADV PIET LOUW SC: Sorry, I am not quite with you. If I look at this, this is before; what you are dealing with here in this paragraph happened prior to the introduction to Mr Zuma.

MR MCEBISI JONAS: I still maintain these, there were two separate issues.

ADV PIET LOUW SC: Yes, but.

MR MCEBISI JONAS: One is the issue about meeting Duduzane. The second is an
10 issue about Fana telling us how important the Guptas were.

ADV PIET LOUW SC: Yes. They are two separate issues. I do not dispute that, but you find them here. Let us go on.

“...and I went to see him with another friend.”

That is now Mr Hlongwane, Mr Bongani More.

“The discussion ensued I suppose briefly with reasons why it is
important to meet with Mr Zuma and the Gupta family.”

MR MCEBISI JONAS: No that is incorrect. Again the discussion we had and I state it quite categorically, the discussion we had was a discussion about the meeting with Duduzane which turned out to be a meeting about arranging an invitation to go to the
20 awards. The second discussion that happened was a general discussion where Fana was talking about general politics and the importance of the Guptas, generally.

ADV PIET LOUW SC: Yes, I do not dispute that. One reads that there were two separate discussions, but what we do not find in any of your other statements are sentences like meeting the Gupta family, why it is important to meet the Gupta family.

MR MCEBISI JONAS: There was.

ADV PIET LOUW SC: It is only in this statement.

MR MCEBISI JONAS: There was no discussion on the importance of meeting the Gupta family.

ADV PIET LOUW SC: [Intervenes].

MR MCEBISI JONAS: The discussion was about the importance of the Gupta family and that I capture in the statement that I signed.

ADV PIET LOUW SC: So this is just patently wrong?

MR MCEBISI JONAS: I said so. The compilation was wrong.

ADV PIET LOUW SC: Right, let us go on. Then you go on in that same paragraph.

10 “We agree to revisit this issue as I was not really convinced I
 needed to meet them. Not really convinced that I needed to
 meet them.”

Is this also wrong?

MR MCEBISI JONAS: That is wrong. I mean the discussion was never.

ADV PIET LOUW SC: Once again is it affection from the attorney and not yourself?

MR MCEBISI JONAS: I still think that it was a confusion about the discussion at the time and this was actually very, kind of, done in a rush and that is precisely why I could not even sign it.

ADV PIET LOUW SC: Mr Jonas you were a Deputy Minister. This was a serious affair.

20 **MR MCEBISI JONAS:** It was.

ADV PIET LOUW SC: Investigated at the highest level. Are you seriously telling this Commission that you were happy to let a statement containing errors, [indistinct] errors to go out in your name?

MR MCEBISI JONAS: If I had to sign the statement I would have gone through it with a fine comb and actually found out all the contradictions in the statement.

ADV PIET LOUW SC: So if it goes out under your name, but you do not sign it does not matter?

MR MCEBISI JONAS: No, no I am not saying that.

ADV PIET LOUW SC: Alright.

MR MCEBISI JONAS: I am saying if I had an opportunity to sign it and peruse it I would have come to a different conclusion, but all those points it was lumping together issues that could have been separated.

ADV PIET LOUW SC: We will see how much it was lumped together. Let us go with this passage.

10 “I further expressed my view that I would never want to be associated with the Gupta family.”

Did you express that view?

MR MCEBISI JONAS: I have expressed it quite [indistinct].

ADV PIET LOUW SC: In that meeting with Mr Hlongwane?

MR MCEBISI JONAS: I did.

ADV PIET LOUW SC: Who is Mr More?

MR MCEBISI JONAS: He is a friend of mine.

ADV PIET LOUW SC: Where is he? Who is he?

20 **MR MCEBISI JONAS:** He is a friend of mine. He was part of that conversation. In fact he wrote a statement about the same meeting.

ADV PIET LOUW SC: Is it and that was provide to the?

MR MCEBISI JONAS: Not yet.

ADV PIET LOUW SC: Not yet?

MR MCEBISI JONAS: Hm.

ADV PIET LOUW SC: So is it a private statement?

MR MCEBISI JONAS: No, no. He will be providing a statement to the Commission.

ADV PIET LOUW SC: When?

MR MCEBISI JONAS: I do not know.

ADV PIET LOUW SC: I suppose when the Commission decides to investigate this matter further and ask him questions?

MR MCEBISI JONAS: Yes.

ADV PIET LOUW SC: Of course and then you go on to say:

“My impression was that he...”

That is Mr Fana Hlongwane.

10 “...was working with them...”

Of course now being the Guptas.

“...for financial gain.”

Is that correct?

MR MCEBISI JONAS: I am saying again, again this paragraph I would have, if I had written it I would have written it differently.

ADV PIET LOUW SC: Hm.

MR MCEBISI JONAS: Because in essence the discussion was about firstly is it, are you going to be able to talk to Duduzane because he wants to talk to you in relation to the ANN7. The second one as we were talking about the politics in the country. He
20 then raised the issue about the importance of the Guptas etcetera and in that context I specifically said I would not have anything to do with the Guptas, but also proceeded to say that and this point about my impression again. I thought I mean there was nothing else that could combine Fana with the Guptas except money anyway, but that is not what was in the statement.

ADV PIET LOUW SC: Hm. When the Public Protector had her interview with yourself

she asked you certain questions about motives, possible motives for this topic of blackmail that you explained this morning to the Commissioner was an issue that was raised at the Saxonwold meeting on 25 October 2015, sorry 23 October 2015. Is that correct?

MR MCEBISI JONAS: Yes, indeed.

ADV PIET LOUW SC: And she asked you about your motives, whether you had any issue with Mr Hlongwane, historical issue.

MR MCEBISI JONAS: *Ja*.

ADV PIET LOUW SC: Is that correct?

10 **MR MCEBISI JONAS:** Yes.

ADV PIET LOUW SC: Did you not have any issue with him?

MR MCEBISI JONAS: I do not have any historical issue.

ADV PIET LOUW SC: But you were, were you old friends? Let me ask you in that.

MR MCEBISI JONAS: We are friends.

ADV PIET LOUW SC: Old friends?

MR MCEBISI JONAS: I would not say old. I mean I do not know what is old. Is it two years, five years?

ADV PIET LOUW SC: No, no, no. From the Eastern Cape days.

20 **MR MCEBISI JONAS:** Well we know each other from the struggle, but I think as in the transition we interacted more.

ADV PIET LOUW SC: Of course. Did you have; there was an issue that arose in the Eastern Cape to which the Public Protector refers and I do not want to take you there, because it is going to waste time. Do you recall that that she mentioned an issue, an issue that she from her office investigated at the time? The Public Protector investigated concerning the Eastern Cape where you were personally involved in as

well.

MR MCEBISI JONAS: Well the issue that Thuli at the time was investigating was the Mandela Funeral and I did give evidence to her on that issue and it was probably irrelevant to the discussion.

ADV PIET LOUW SC: What was your position at that point in the Eastern Cape?

MR MCEBISI JONAS: I was MEC for Economic Development.

ADV PIET LOUW SC: And then what happened to you after that?

MR MCEBISI JONAS: I moved to National.

ADV PIET LOUW SC: Was there a period in between?

10 **MR MCEBISI JONAS:** It was almost that period of transition where you did not know, in fact I was moving out of Government at the time.

ADV PIET LOUW SC: You were moving out of Government?

MR MCEBISI JONAS: *Ja* that was my intention [intervenes].

ADV PIET LOUW SC: And how long were you out of Government or did you now, were not an MEC or a Deputy Minister?

MR MCEBISI JONAS: I was called back in probably a month or two.

ADV PIET LOUW SC: Can, but those dates can be checked in any event?

MR MCEBISI JONAS: You can, *ja* you can.

20 **ADV PIET LOUW SC:** Objectively, yes. Alright, thank you. So if we then can move on. Then in that same document let us just quickly deal with the document not page too much. I am almost halfway through my cross-examination. If you look at page 90, just a little from the bottom. You see the date October, the 23rd 2015?

MR MCEBISI JONAS: Where are you now?

ADV PIET LOUW SC: Page 90 still.

MR MCEBISI JONAS: 90. *Ja*.

ADV PIET LOUW SC: Alright. There is a sentence there:

“Later on I agreed to meet with Mr Duduzane Zuma and
Advocate Fana Hlongwane.”

Is that correct?

MR MCEBISI JONAS: *Ja.*

ADV PIET LOUW SC: So you met, the agreement; can I just get this very clear.

MR MCEBISI JONAS: Can I correct that again? I agreed to Fana that I will meet
Duduzane.

ADV PIET LOUW SC: But it stated [intervenes].

10 **MR MCEBISI JONAS:** And following that we heard I took the number for Duduzane.

ADV PIET LOUW SC: Yes.

MR MCEBISI JONAS: From that point on the conversation was between myself and
Duduzane.

ADV PIET LOUW SC: Yes. The point simply is this that the meeting at the Hyatt that
commenced at the Hyatt on 23 October you knew you were going to meet both
Mr Hlongwane and Mr Zuma. Is that correct?

MR MCEBISI JONAS: No.

ADV PIET LOUW SC: You did not?

MR MCEBISI JONAS: No. The meeting in the Hyatt as arranged between myself and
20 Duduzane. It was.

ADV PIET LOUW SC: Did you not?

MR MCEBISI JONAS: It was only when I was sitting at Hyatt that I Fana called and in
his call he said I understand that you are meeting with Duduzane and I said yes. He is
here already anyway.

ADV PIET LOUW SC: Alright. Look at least from that point onwards the call that was

made by Mr Hlongwane was you and Mr Zuma were together in the Hyatt already at about 1 o'clock. Is that correct?

MR MCEBISI JONAS: Ja.

ADV PIET LOUW SC: On the 23rd?

MR MCEBISI JONAS: Ja.

ADV PIET LOUW SC: It is about 1 o'clock.

MR MCEBISI JONAS: Hm.

ADV PIET LOUW SC: Right. So you get a phone call from Mr Hlongwane and from that moment onwards you know that he is going to meet with you?

10 **MR MCEBISI JONAS:** No, I did not.

ADV PIET LOUW SC: You did not?

MR MCEBISI JONAS: I did not. By the time we drove from there I did not even know what his conversation with Duduzane was. The conversation with me I can verify. He said I understand that you found each other. I said yes and then he spoke to Duduzane and later he called Duduzane, later or before that. I do not know, but when we left I was unaware that Fana was part of the meeting.

ADV PIET LOUW SC: You see it is at that point where the versions differ and commence to differ. What happened before the phone calls, the texts and afterwards no dispute that there was communication, but it is at this point where the evidence
20 before the Commission will in due course be that you knew precisely that you were going to meet Mr Hlongwane.

MR MCEBISI JONAS: No.

ADV PIET LOUW SC: That was what the purpose of the whole meeting was.

MR MCEBISI JONAS: No. Mr Hlongwane was not part of the meeting in my understanding. He had arranged a meeting for Duduzane and myself to meet.

ADV PIET LOUW SC: And that is precisely in line with what you yourself say in your timeline that was drafted by your attorney and sent to the Public Protector.

“Later on I agreed to meet with Mr Duduzane Zuma and
Mr Fana Hlongwane.”

Your own statement, but you say that is wrong?

MR MCEBISI JONAS: I said it is wrong and I [intervenes].

ADV PIET LOUW SC: And you did not check. You did not check the statement?

MR MCEBISI JONAS: I did not check the statement.

ADV PIET LOUW SC: You did not check the statement at all?

10 **MR MCEBISI JONAS:** I did look at the statement and I looked at it broadly because I was not meant to sign the statement in any case.

ADV PIET LOUW SC: Whose statement was it?

MR MCEBISI JONAS: The statement I made was with Thuli and it is in the Public Protector interaction.

ADV PIET LOUW SC: Yes of course. We have that record, but this document that was prepared in your name that you saw and you must have seen that there are these glaring errors.

MR MCEBISI JONAS: But I still maintain it is incorrect.

ADV PIET LOUW SC: Oh.

20 **MR MCEBISI JONAS:** That I and that I maintain by the way that it is incorrect that I went there knowing that Fana was there.

ADV PIET LOUW SC: Yes.

MR MCEBISI JONAS: Actually I was very surprised when I walked into the gate Fana I think we coincided.

ADV PIET LOUW SC: Yes.

MR MCEBISI JONAS: In our arrival.

ADV PIET LOUW SC: Alright. Let us just look then at, on your version, you see there are now two versions and it is very complicated, because there is no dispute that you went with Mr Zuma in his vehicle to the Saxonwold premises of the Gupta family and that there was a discussion. There is no dispute about it. It is only the contents of the discussion and your motives, because what this Commission must investigate is the veracity of your version insofar as how it got that you came to that residence in the first place. Now let us, let me ask you this and I am not asking you [indistinct] of any document, but we can have a look at the statements, but it will take time. Let me ask
10 you this, you sat there at the Hyatt after having left a NEDLAC Meeting in Rosebank. Is that correct?

MR MCEBISI JONAS: Yes.

ADV PIET LOUW SC: Was the Minister at that NEDLAC Meeting as well? That was Mr Nene at that time. Yes.

MR MCEBISI JONAS: Yes.

ADV PIET LOUW SC: Did he stay on after you had left?

MR MCEBISI JONAS: No we almost; I do not have any recollection, but my suspicion is that we left almost the same time, because later when I called him he was on his way to the airport.

20 **ADV PIET LOUW SC:** But that was not much later in the afternoon.

MR MCEBISI JONAS: No, it was not too much later.

ADV PIET LOUW SC: Not too much later.

MR MCEBISI JONAS: Ja.

ADV PIET LOUW SC: How long was this meeting with, at the Gupta residence according to your memory?

MR MCEBISI JONAS: It was between 20 and 30 minutes.

ADV PIET LOUW SC: How many?

MR MCEBISI JONAS: Which meeting?

ADV PIET LOUW SC: The meeting at the Gupta residence.

MR MCEBISI JONAS: It was between 20 and 30 minutes.

ADV PIET LOUW SC: 20 and 30 minutes, alright. Let us accept that for the moment.

You met at 1 o' clock, roughly 1 o' clock. I know that we are talking about approximations. [Intervenes].

MR MCEBISI JONAS: [Intervenes] meeting by.

10 **ADV PIET LOUW SC:** Yes, of course. No, no, no. We are not going to make any argument based on exact times Mr Jonas, but you sit at the Hyatt having left the NEDLAC Meeting and you meet Mr Zuma there?

MR MCEBISI JONAS: Hm.

ADV PIET LOUW SC: You then have and I will take you to it. Let me not say that there are discrepancies, but you explain the circumstances differently in different words in the various statements that you have made. Leave that aside. For the moment what I am interested in to ask you is, whilst you sit there you get the call from Mr Jonas, not Mr Jonas I apologise, Mr Hlongwane and then something happens and this meeting moves to other premises. That is what I want to ask you about. Alright, now just on

20 that point, did you ask Mr Zuma what is the meeting about?

MR MCEBISI JONAS: We started a conversation. I did not by the way. I did not.

ADV PIET LOUW SC: You did not?

MR MCEBISI JONAS: I did not.

ADV PIET LOUW SC: Why not?

MR MCEBISI JONAS: Look I mean I knew he was going to explain to me what the

meeting was about.

ADV PIET LOUW SC: So.

MR MCEBISI JONAS: I just waited for him to articulate what the meeting was about and by the way at the time I did not have any mistrust about what his intentions were.

ADV PIET LOUW SC: No, no, no. We will get to trust, mistrust and motives in a moment or two. Just stop there. You are a Deputy Minister and you have personal protectors with you, body guards. Is that correct?

MR MCEBISI JONAS: Yes.

ADV PIET LOUW SC: How many?

10 **MR MCEBISI JONAS:** Two.

ADV PIET LOUW SC: You have an official vehicle. Is that correct?

MR MCEBISI JONAS: Yes.

ADV PIET LOUW SC: Where is that, where was that vehicle parked?

MR MCEBISI JONAS: It was parked upstairs, outside.

ADV PIET LOUW SC: Upstairs?

MR MCEBISI JONAS: Outside the Hyatt.

ADV PIET LOUW SC: Just outside?

MR MCEBISI JONAS: Hm.

20 **ADV PIET LOUW SC:** If you wanted to leave they would bring the vehicle for you to the front door.

MR MCEBISI JONAS: Hm.

ADV PIET LOUW SC: Absolutely, otherwise you would be a target if you had to walk up and down the streets. Not so? That is the purpose of having personal protectors. Is that right?

MR MCEBISI JONAS: Yes.

ADV PIET LOUW SC: You then decide Mr Jonas to leave with Mr Zuma to a place you did not know for a purpose you did not know. Is that correct?

MR MCEBISI JONAS: Yes indeed.

ADV PIET LOUW SC: And you left your protectors behind.

MR MCEBISI JONAS: *Ja*, I did.

ADV PIET LOUW SC: And your vehicle?

MR MCEBISI JONAS: I did. Again, I mean, when he said to me, we had a preliminary discussion and I mean that conversation it was about his father and what his father thinks about me and I outlined that and after that discussion he then says listen we
10 cannot meet here and we have to meet elsewhere. In any case I would want other people to join us.

ADV PIET LOUW SC: You.

MR MCEBISI JONAS: So I said of course let us do that.

ADV PIET LOUW SC: Thank you.

MR MCEBISI JONAS: I asked him how far, because I am rushing to the airport that was the time and he said no, it is not far. It is just around the corner. I said okay.

ADV PIET LOUW SC: So who, did you ask who are the other people we going to meet?

MR MCEBISI JONAS: No, I did not. I did not. I did not ask. I mean I really did not
20 have any reason to assume that there was something funny or bad that was about to happen.

ADV PIET LOUW SC: But Mr Zuma's name and the Guptas name had been linked if we look at the statement and all the other statements it's always the two of them together when Mr Hlongwane talks to you about these matters.

MR MCEBISI JONAS: I can put it differently, a President's son says he wants to talk to

me I will go and listen to him, whether I will do what he says I must do is another story. I will go and listen to him, I will not even interrogate him about what the meeting is about.

ADV PIET LOUW SC: Mr Jonas you're a Deputy Minister, you leave your protectors behind, your vehicle behind, you get into a car with a man you had just met a few minutes ago to go to a meeting where you don't know where the location is, to talk about things you have no idea what it's going to be and to meet unknown people, is that your evidence?

10 **MR MCEBISI JONAS:** That's what I'm saying, I do travel alone most of the time by the way?

ADV PIET LOUW SC: Yes, alright.

MR MCEBISI JONAS: And I did.

ADV PIET LOUW SC: Good, ...(intervention)

CHAIRPERSON: I'm sorry, did you finish answering that question?

MR MCEBISI JONAS: Yes I did Chair thank you

CHAIRPERSON: Okay alright..

20 **ADV PIET LOUW SC:** Alright, we then know that there was a meeting that was held and I want to march on very quickly, to one or two other points that occurred afterwards, just to get some clarification, at the foot of page 91 of that bundle, if you look at the very last paragraph there, that's now after you explained all of these various things that was said and during the disputed conversation, as you know it's disputed, the last line there is if I may just pick up the sentence after the word "and":

"I asked both Duduzane and Fana to take me to the airport as I was running late."

Is that correct?

MR MCEBISI JONAS: Ja.

ADV PIET LOUW SC: And then on the way to the airport I asked both Duduzane and Fana what was the purpose of the meeting?

MR MCEBISI JONAS: That is an incorrect interpretation again.

ADV PIET LOUW SC: Interpretation? That's a statement of fact.

MR MCEBISI JONAS: No I am saying that it is written badly again because I asked, as I was leaving the Gupta house I asked them to take me to the airport and they said there's a vehicle that is taking me to the airport, and on the way to the airport I made a couple of calls to people and one of them I think was to Fana and when I landed in PE
10 again I made a call to Fana.

ADV PIET LOUW SC: No, no I am not asking about those calls, that's not what my question is about. It's about this patently wrong statement because once again it is interesting Mr Zuma agrees that you were taken by one of the Gupta vehicles to the airport.

MR MCEBISI JONAS: I also said so in my statement.

ADV PIET LOUW SC: No of course you did but here it's different and the question is why is it different here?

MR MCEBISI JONAS: I don't know, I mean this is again some of the inconsistencies that arose out of the statement. The first time I had an opportunity by the way to write a
20 comprehensive statement was for the Commission.

ADV PIET LOUW SC: No, no this is a comprehensive statement, it goes single spacing over some five full pages, it's comprehensive.

MR MCEBISI JONAS: And that was certainly not written by me.

ADV PIET LOUW SC: But you read it and it was issued under your name to the Public Protector and aspects of her report that's the genesis of this Commission are based on

what's contained in this statement, like for instance Mr Zuma and Mr Hlongwane driving you to the airport.

MR MCEBISI JONAS: I then again I confirm that I was not driven by Fana and Duduzane, I was driven by somebody else to the airport.

ADV PIET LOUW SC: The question Mr Jonas you would of course know that I ask you which sits at the bottom of all of these questions is how is it possible for a Deputy Minister to have a statement issued about something so sensitive and so important containing such gross factual errors?

MR MCEBISI JONAS: Again I mean the fact that I didn't sign this statement, quite
10 frankly the statement was read to me and I never signed the statement and if there was my signature attached I'm sure you will have something different.

ADV PIET LOUW SC: Yes.

MR MCEBISI JONAS: In the Public Protector interview I was more detailed to some extent but in my statement I had an opportunity to the Commission, I had an opportunity to do a full statement conscious of its consequences.

ADV PIET LOUW SC: One or two quick points after this please. If you just turn a few pages over, let me just make doubly sure it's in the same bundle, C1 page 87, just have a quickly look there.

CHAIRPERSON: What page is that?

20 **ADV PIET LOUW SC:** 87.

CHAIRPERSON: 87?

ADV PIET LOUW SC: Ja 87.

CHAIRPERSON: Thank you.

ADV PIET LOUW SC: Do you have it?

MR MCEBISI JONAS: Ja.

ADV PIET LOUW SC: Good, there you will see this is now part of the interview that you had with the Public Protector and you give an answer that commences on page 86, I just want to double check, are you talking about the khoki pen numbers, not the printed numbers.

MR MCEBISI JONAS: I'm there.

ADV PIET LOUW SC: You've got it?

MR MCEBISI JONAS: Ja.

ADV PIET LOUW SC: So the previous page you start with giving an answer and you deal with all sorts of general aspects but what I'm really interested in is at page 87 just
10 at the end of that first paragraph you say it actually convinced me very strongly that actually if we think we are far from the Mafia still, we are kind of fooling ourselves that is what we have, so that is why I mean for me the thing about going public – and this is the important bit I'm asking about:

“...so that is why I mean for me the thing about going to the public or going to public and saying this thing out there and so on to be honest I mean were it not for the leakages I would not even have bothered, I would have found some other means of excluding myself from the whole thing.”

Could I ask you why do we find such a long period of time after the October event and the first time you mention this other than to the two Ministers of Finance, Nene and
20 Gordhan, as you've explained and in the manner that you have explained. Why such a long time, why don't you make any mention of it to the police, why don't you lay a charge, nothing?

MR MCEBISI JONAS: Look I had ...(intervention)

CHAIRPERSON: I'm sorry Mr Louw, I just want to make sure I follow the question.

ADV PIET LOUW SC: The question is why ...(intervention)

CHAIRPERSON: Is the question about why he didn't tell anybody about the incident?

ADV PIET LOUW SC: Other than the two Ministers.

CHAIRPERSON: Other than the two Ministers, okay, alright, thank you.

ADV PIET LOUW SC: Yes, and specifically just to cut things to the chase, why did you not lay a charge?

MR MCEBISI JONAS: Again I mean I explained this in my affidavit quite extensively, I mean ...(intervention)

ADV PIET LOUW SC: No we've read it but then we would like to hear now what you say.

10 **MR MCEBISI JONAS:** And I think my argument is that the situation at the time was very hostile, it was so hostile that you hardly trusted the police, I never trusted the police, I didn't trust the Hawks, I didn't even trust the Intelligence and in fact I mean themselves I mean in the meaning they made it very clear they are in control of all those structures, and by the way I believed them, and all evidence shows now that that was not far from the truth, and we have now in the latest the report from Intelligence that confirms that. The reason, the only reason why I actually communicated to Nene and Pravin it was because they were the only people I trusted at the time.

ADV PIET LOUW SC: Yes.

MR MCEBISI JONAS: I wasn't reluctant to talk to talk to Thuli by the way, I thought we
20 will find time when we think that maybe you can stick your head out.

ADV PIET LOUW SC: But I hear that answer but we now know that there was a threat to kill you. Now that is serious.

MR MCEBISI JONAS: That even makes it more serious to talk about it ...(intervention)

ADV PIET LOUW SC: And there – sorry I apologise, I interrupted you, go on.

MR MCEBISI JONAS: I'm saying the fact that there were even threats made it even

more serious not to talk about it.

ADV PIET LOUW SC: So it's more serious the less you talk out?

MR MCEBISI JONAS: Ja, many people are not Commission by the way, the only reason why they are not coming to the Commission it's better to keep quiet.

ADV PIET LOUW SC: Who are they, do you have names, can you give names, can you provide names?

MR MCEBISI JONAS: There are many people who could have come, I know for instance talking Bbalula I know that his biggest fear was if he comes here he will be ridiculed and many things will happen but the reality of the matter there are lots of
10 people in government and in politics would see things and rather opt to keep quiet.

ADV PIET LOUW SC: Let me, that statement is so vague that I really cannot test it, let us just move to the things that we indeed can test. You stated to the Public Protector that you would have found other means of excluding yourself, in other words not being associated with this whole affair, that's what you wanted to do, is that correct?

MR MCEBISI JONAS: Two things, excluding meant that I even considered resigning at the time and the second one was thinking that I move as far away from these fellows.

ADV PIET LOUW SC: No, no that's not what it means, look I'm not going to, we don't have time for me to do a proper textual analysis and to deal with your answer on that basis, let's just move on. What we do know is that there was a story that was later
20 published and that's March of 2016. Now remember all of this that we discussed now happened in October 2015, you then had the NeneGate debacle in December of that same year and about three months later in March there was first the Financial Times that published the story in London and we know it was then picked up by the South African press and eventually published in the Sunday Times in South Africa in March, is that correct?

MR MCEBISI JONAS: Yes.

ADV PIET LOUW SC: Could I ask you, you had spoken only to the two Ministers about what had happened, where did the leak come from?

MR MCEBISI JONAS: I don't know, you could tell me if you could.

ADV PIET LOUW SC: No, no it's quite important because the Public Protector also asked you, did you not tell anybody else?

MR MCEBISI JONAS: No I didn't tell anybody.

ADV PIET LOUW SC: Not a single person?

MR MCEBISI JONAS: Look I afterwards I did tell Zweli Mkhize ...(intervention)

10 **ADV PIET LOUW SC:** No, no we know about that, I'm excluding that from my question.

MR MCEBISI JONAS: At the time I hadn't communicated with him.

ADV PIET LOUW SC: Because you spoke to Mr Mkhize after publication in the newspapers to understand how the ANC was going to deal with the matter, is that correct?

MR MCEBISI JONAS: Yes I did.

ADV PIET LOUW SC: I am excluding that because it happened in any event after the newspaper articles had been published.

MR MCEBISI JONAS: Yes.

20 **ADV PIET LOUW SC:** Yet the question remains where did the leak come from if you told nobody else?

MR MCEBISI JONAS: I do not know, I would not even ...(intervention)

ADV PIET LOUW SC: So it must be one of those two Ministers.

MR MCEBISI JONAS: No I wouldn't say that, I know they wouldn't do it. It could as well be the Guptas.

ADV PIET LOUW SC: It could as well have been the Guptas who said that they offered you a position, committing all sorts of crimes.

MR MCEBISI JONAS: It could have been anyone associated with them anyway.

ADV PIET LOUW SC: Alright now Mr Jonas can we then quickly move on because you then made a statement dealing with this matter and that was made only after publication in the newspapers and then the whole thing got momentum, it led to the public protectors enquiry and the events that happened after that. Alright, I would like to ask you about one aspect that you touched upon this morning in your evidence, your further evidence and that was the police interaction between yourself and those you did
10 not trust in the police. Now let me ask you your mistrust in the police was that for the whole institution, from top to bottom?

MR MCEBISI JONAS: I had a complete mistrust at the time yes.

ADV PIET LOUW SC: From the Minister down to the lowest constable?

MR MCEBISI JONAS: Yes I did.

ADV PIET LOUW SC: Good then if I may ask you just quickly the following, in your statement to the Commission at page 19 could you please look this will be the document styled C1, I think it's in the same bundle if you can just go back, page 19.

MR MCEBISI JONAS: 19?

ADV PIET LOUW SC: Ja, one nine, khoki 19, do you have it?

20 **MR MCEBISI JONAS:** Ja.

ADV PIET LOUW SC: In paragraph 56 at the end of that paragraph you say on 19 July 2016 I provided the Hawks with a short affidavit confirming the content of the media statement which I had made on 16 March 2016, do you see that?

MR MCEBISI JONAS: Ja.

ADV PIET LOUW SC: Do you have a copy of that statement?

MR MCEBISI JONAS: Yes I do.

ADV PIET LOUW SC: Did you provide that to the Commission?

MR MCEBISI JONAS: It should have been provided, if it was not that will be, I know they should have.

ADV PIET LOUW SC: I'm certain that if you provided that the Commission might require that from you because we have not seen it anywhere in the bundles of documents.

MR MCEBISI JONAS: Okay.

ADV PIET LOUW SC: The second is if you just go down paragraph 57, and then there
10 you speak about I accordingly provided a supplementary affidavit signed on 2 May 2017, you see that, paragraph 57 on page 19, a supplementary affidavit.

MR MCEBISI JONAS: Ja.

ADV PIET LOUW SC: And then it says it contains a number of statements and so forth, that statement we also do not find in the papers, did you provide that affidavit, and I apologise it's a supplementary affidavit.

MR MCEBISI JONAS: It should be with the ...(intervention)

ADV PIET LOUW SC: It should be with the Commission, alright.

MR MCEBISI JONAS: Ja.

ADV PIET LOUW SC: And if it isn't then you will be prepared to give a copy of it to the
20 Commission.

MR MCEBISI JONAS: Yes we will.

ADV PIET LOUW SC: Of course. Right now the point here is that you found yourself apart from my client, Mr Zuma, and the Guptas, for whom I do not appear, in a further bit of a dispute insofar as the events that led up to the questions concerned and that was with the police itself, do you recall that?

MR MCEBISI JONAS: Ja, I recall.

ADV PIET LOUW SC: I am going to ask you some questions about your interaction with three generals, Mnonopi, Matakata and Themeza, do you recall that, these three people are mentioned in ...(intervention)

MR MCEBISI JONAS: I know the names, I don't know what was the interaction.

ADV PIET LOUW SC: You know the names, yes, let us just quickly see what they say because you have not been asked to provide comments on what these three generals say in their affidavits. Now this time I am going to ask you to turn please to the bundle that's marked Exhibit D, D3. Right the first affidavit is the one of General Mnonopi, you

10 see that at page 75. Did you see it?

MR MCEBISI JONAS: 75?

ADV PIET LOUW SC: Once again the one that's written in manuscript, the khoki pen number. Do you have it?

CHAIRPERSON: Yes, on page 75.

ADV PIET LOUW SC: Page 75.

CHAIRPERSON: Okay thank you.

ADV PIET LOUW SC: Sorry, do you have it Mr Jonas?

MR MCEBISI JONAS: Ja.

20 **ADV PIET LOUW SC:** Okay, just very quickly the statement it's an affidavit telling us that the person is a major general in the police, Director of Priority Crime Investigation, and then attached to the component CS Corruption Investigation and then the – what I want to ask you about really just to save time if I may take you paragraph 3 just explains what the issue is about, and I think really I must march on, and ask you to turn to page 76. This, the issue here concerns that these very senior police officials, this one, the first one we're looking at, complained that they had to go through a process of

extraction to try and get anything from you, any response from you about the allegations.

MR MCEBISI JONAS: I probably could respond to it in better details, but I will just summarise what happened, firstly mostly of the numbers that are said to have been my numbers where they were contacting me are incorrect, they are not my numbers to start with. I will ...(intervention)

ADV PIET LOUW SC: Sorry did you say that anywhere else in any affidavit?

MR MCEBISI JONAS: We only saw this affidavit, we never got a signed – my understanding is that Mnonopi retracted the affidavit, that's my understanding, that she
10 retracted the affidavit, so I don't even understand why we should make it subject of the cross-examination but let me explain what happened to – in this instance. I had a call from General Ntlemeza to say that they would want to finalise the case on the Guptas and we must meet, arrange a meeting with me. A couple of weeks passed and then I got a call from him again to say the matter has been handed over to I don't remember the role of Ms Mnonopi, to handle the matter. A few days after that Ms Mnonopi did call and arranged a meeting, and that meeting did take place, and by the way when she said she called for the meeting she said listen I just want to close the matter and I've prepared the statement for you to that effect, and I contacted my lawyer to say listen I've just had a conversation with this General Mnonopi, can we quickly, can you come
20 to the office because she is on her way, and on her arrival in the office indeed she had a statement, but there was no docket and we requested, we sat and looked at the statement but we said but you cannot give us a statement without a docket, she said give me a few minutes I am going to go and fetch the docket.

She left the office for if I remember right an hour or so, I'm not sure, and I was thinking that maybe it's like she won't come back. She came back with a file and

my lawyer went through the file and then said to her okay you can give me the statement so that we peruse it and we will give you a signed one if we agree with the contents. And that's what exactly happened.

ADV PIET LOUW SC: Alright, let us just look at what I wanted to show you at page 76 just a few statements over here, this is an affidavit and paragraph 53.2 at the foot of that page, 76, it says the following:

"I deny ..."

That's now in answer to an allegation that you made.

"...that I subsequently and initially approached Mr Jonas on 20 June 2016."

10 Now that was the date that I think you had the discussion with General Ntlemeza, is that correct, in June?

MR MCEBISI JONAS: I'm not sure, I must say I am not sure.

ADV PIET LOUW SC: Once again, forgive me I am not going to debate dates with you, we've got to move on, but the important thing is that she says I in fact started to call Mr Jonas on the 11th of April 2016 at 15:02 to request him to tender a sworn statement as a consequence of his media statement and pending cases culminating in the complaints made by Mr Bloem and Mr Maynier and then she says I humbly attach my call records. Did you or did you not receive a call from her in April 2016?

MR MCEBISI JONAS: The call I received from Ms Mnonopi the first call was about
20 saying she is leading the investigation, the second call was about let's meet and go through this, so ...(intervention)

ADV PIET LOUW SC: So this is, you say that this is a lie?

MR MCEBISI JONAS: Some of the – I don't know it's a pity that these dates, these numbers are not clear, but I looked at previously at some of the numbers, they were not even my numbers by the way, and by the way most of them if you look at the time it

shows you that it was not necessarily a call, I mean quite frankly when you go through the long list it's not even a call, so most of them has got my number and secondly I don't know if you buzz a person for a second and you say you had a call.

ADV PIET LOUW SC: And once again the itemised billing you see at page 78 showing the numbers that she called, but let's go on, at page 80 there is a print of a ... (intervention)

MR MCEBISI JONAS: Page 80?

ADV PIET LOUW SC: Eight Zero.

MR MCEBISI JONAS: Okay.

10 **CHAIRPERSON:** Maybe Mr Louw let me just have this clarified. Mr Jonas when Mr Louw began to ask you questions on this affidavit by Major General Mnonopi you said something that I understood to be that she had extracted or withdrawn the affidavit.

MR MCEBISI JONAS: That was my understanding.

CHAIRPERSON: Did I understand correctly?

MR MCEBISI JONAS: That was my understanding Chair, I don't know, that's how I understand it.

CHAIRPERSON: Your understanding was based on what, I just don't have a – I just want to make sure.

MR MCEBISI JONAS: There was a public statement I think I read somewhere where it
20 was said that she has retracted the statement, she's going a different route, I am not sure, we can ask Mr Louw.

CHAIRPERSON: You are not sure, let me ask Mr Mokoena if he knows anything, just so that we as we proceed we know what the status of the affidavit is?

ADV PHILLIP MOKOENA SC: He withdrew his application before this Commission to cross-examine so he never dealt with it yes.

CHAIRPERSON: Oh okay, no that I do know, that I do know. Okay so if what Mr Mokoena is what may have given you the impression that she had withdrawn the affidavit, I think what the position is, is that she filed an application for leave to cross-examine you, but subsequently withdrew the application which doesn't necessary mean she no longer stands by what she said in the affidavit.

MR MCEBISI JONAS: Okay.

CHAIRPERSON: Okay, alright.

ADV PIET LOUW SC: Mr Chairman I am indebted to you. Mr Jonas let's just tip-toe on, if you can then look at page 80, this is what the witness stated on oath, is what was

10 sent to you:

“Good day Honourable DM [Deputy Minister I take it]

Hope the DM is doing well. My apologies DM I know you've got a very busy schedule. I am Major General Mnonopi, head of Serious Corruption Investigation”

And she goes on to explain who she is.

“I wish to have a word with the DM as I am investigating two cases where the DM is cited as key witness. I tried to call the DM on numerous occasions with no success. I would appreciate a call from the DM so as to take the matter further. Hope to hear from the DM soon.

20

With regards,

Major General Mnonopi”

Dated 21 April 2016. Did you or did you not receive ...(intervention)

MR MCEBISI JONAS: I don't recall receiving this message. The one message I received again, I mean it would be nice to know the number to which this message was sent, but in any case the only, it could have been a message but the message I

received I responded promptly to it and that's what necessitated a meeting that we had and there was only one meet.

CHAIRPERSON: Do you recall whether you may have received only one sms from her or two or is it a number of them?

MR MCEBISI JONAS: I can't recall Chair, I can't recall.

CHAIRPERSON: You can't recall, but from your side in terms of responding to her by way of sms do you recall that maybe you might have responded?

MR MCEBISI JONAS: No, I never, I called her.

CHAIRPERSON: You called her yes.

10 **MR MCEBISI JONAS**: We had a conversation on the phone, following the conversation we had a meeting and that was the meeting where she was trying to basically persuade us to sign a statement that we didn't write.

CHAIRPERSON: Okay, thank you.

ADV PIET LOUW SC: Thank you. Page 83 if you quickly move there, I just want to ask you about the sequence of events very quickly through this, this is now an affidavit from Lt General this time, Matakata, do you see that?

MR MCEBISI JONAS: Ja.

ADV PIET LOUW SC: Have you seen this affidavit before?

MR MCEBISI JONAS: Yes I did.

20 **ADV PIET LOUW SC**: She says the following in paragraph 3 of that affidavit at page 83:

"I can recall being in a meeting ..."

She is not sure of the exact date and time.

"...with Lt General Ntlemeza and Major General Mnonopi. At the meeting Major General Mnonopi reported to General Ntlemeza that she has been

unsuccessful in obtaining a statement from a former Deputy Minister”

That’s yourself. It goes on in 4:

“Lt General Ntlemeza then called the former Deputy twice in my presence. I recall that the former Deputy Minister indicated he could not submit the statement as he was not the complainant in the matter.”

And then it goes on:

“Further he did not open any case and was not a witness. Mr Jonas therefore was asking why the DPCI was looking for him, Lt General Ntlemeza explained to him that he is the witness in the matter.”

10 And it goes on like that, and if you cross the page 84 at both instances Lt General Ntlemeza called the Deputy Minister and put him on speaker hence I could hear the utterances.

Now the point that is of some consequence is only this, she records in this affidavit that you said you would not open a case, you did not open a case, I apologise, you did not open a case, you were not a witness and therefore you were – why give a statement, if you’re neither a witness and you did not open the case, that is what is recorded over here.

MR MCEBISI JONAS: That is incorrect.

ADV PIET LOUW SC: So that is a lie?

20 **MR MCEBISI JONAS:** That is incorrect.

ADV PIET LOUW SC: A lie or incorrect?

MR MCEBISI JONAS: It is completely incorrect, I recall the conversation with General Ntlemeza.

ADV PIET LOUW SC: And what did you say to him?

MR MCEBISI JONAS: The General, the conversation was about he said to me there is

a case and he didn't explain what it is about, I asked what about he said the Guptas, I asked him am I a complaint or am a witness. He said that depends on what you are going to say, and we then said let's arrange a meeting and so that I can actually if I need to make a statement, and later by the way before I think two times after that and that's when he told me that Lt Mnonopi would be the person that deals with the matter.

ADV PIET LOUW SC: Alright, then if I may ask you if you can go to page 84, paragraph 5, at the last conversation when Lt General Ntlemeza and Mr Jonas and myself, Major General Mnonopi and Lt General Ntlemeza were in a meeting in General Ntlemeza's boardroom – long sentence – Mr Jonas promised to come to the office in

10 order for the affidavit to be obtained. Is that correct?

MR MCEBISI JONAS: It is untrue.

ADV PIET LOUW SC: Once again it is not just a misunderstanding it must be a positive lie, is that so?

MR MCEBISI JONAS: Look I did not – I did not – my issue was about that – I think that the next discussion we had was that the matter has been handed over to General Mnonopi and from now I will be dealing with General Mnonopi. That was my last discussion with General Ntlemeza.

ADV PIET LOUW SC: Alright it goes on if...

MR MCEBISI JONAS: After that...

20 **CHAIRPERSON:** Mr Louw I just want to mention that I think that we have taken about 50, 50 minutes but I must stop

ADV PIET LOUW SC: It feels like five.

CHAIRPERSON: But I am not stopping you now you have been using the time properly so I will give you a little bit more time to try and wrap up.

ADV PIET LOUW SC: Truly indebted Mr Commissioner.

CHAIRPERSON: Okay.

ADV PIET LOUW SC: Alright it just goes on like that and it ends off with this pithy statement that never mind the arrangements that had been made Mr Jonas never came. And you say that is nonsense you were never asked to come?

MR MCEBISI JONAS: I was never asked to come to the office.

ADV PIET LOUW SC: If you then turn the page to 85 now to see what the date of this document is we have got to turn to 86 where you will see the date as 28 March 2017. Do you see it?

MR MCEBISI JONAS: Ja.

10 **ADV PIET LOUW SC:** Right this is now addressed by the – by General Ntlemeza and this alarmingly is addressed to the speaker of the house of assembly, do you see it?

MR MCEBISI JONAS: Yes I do.

ADV PIET LOUW SC: Do you have any memory of this document?

MR MCEBISI JONAS: It was never presented to me.

ADV PIET LOUW SC: Never presented. Well it makes for quite interesting reading and I am just going to read paragraph 3 because it is incredible.

20 “The identified non-cooperation that is now with yourself is now leading the investigation team to believe that the honourable member of Parliament as a witness to this matter is found to be deliberately distorting and willingly failing himself to withstand his responsibilities of both public and private citizenship in circumstances of these compliances.”

You say you never saw this?

MR MCEBISI JONAS: I never saw this.

ADV PIET LOUW SC: Alright.

MR MCEBISI JONAS: So I cannot hardly respond to it.

ADV PIET LOUW SC: Alright we can – I certainly cannot put it to you that because I am not appearing for those people that it was sent to any specific address but you deny that you even received this document.

MR MCEBISI JONAS: No I did not receive this.

ADV PIET LOUW SC: Alright then just to end off this aspect the version of the police officials if I correctly understand it is that flowing from what you had said to General Ntlemeza on the phone namely that you are not a witness and you are not a complainant a statement was then prepared in precisely those terms. If I may ask you perhaps if I think I might have – yes page 122 in the same bundle, just look at that.

MR MCEBISI JONAS: I am on page 122.

ADV PIET LOUW SC: Page 122 just to double check this is in bundle C1.

MR MCEBISI JONAS: C?

ADV PIET LOUW SC: C1.

CHAIRPERSON: On my bundle page 122 seems to be part of an affidavit or statement by Mr Ajay Gupta.

ADV PIET LOUW SC: C.

CHAIRPERSON: Oh C

ADV PIET LOUW SC: C I apologise.

20 **CHAIRPERSON:** Okay, okay.

ADV PIET LOUW SC: Did I say D? Apologise if I said D.

CHAIRPERSON: Okay. Thank you.

ADV PIET LOUW SC: Page 122. Mr Jonas just to place this in context. Is this the statement that the police prepared on your behalf?

MR MCEBISI JONAS: I assume it is. I will assume it is. It looks like it.

ADV PIET LOUW SC: Please I can tell you that it is an annexure to I think let me double check your statement I have got so many – and really I cannot go into the detail of how this whole thing came about but if I correctly understand the position in the papers this is what the statement was that was prepared by the police for you?

MR MCEBISI JONAS: In general the line seems to be the same I mean the one was ja it looks like the same.

ADV PIET LOUW SC: It looks like the same.

MR MCEBISI JONAS: I can [indistinct].

ADV PIET LOUW SC: It looks like the same. The one that you would not sign?

10 **MR MCEBISI JONAS:** Yes

ADV PIET LOUW SC: Because all I want to direct your attention to at page 122 it is the second last paragraph is where you said the following – no, no not you said apologise where it was said that you would say

“During our engagement she informed me that I am cited as a witness in both cases and for that reason a detailed statement is required from me.”

And here is the bit.

“I responded to her that I am not prepared to submit any statement as I never opened any case against anyone and I do not intend opening any further I am not witness to any person.”

20

In other words non-committal you do not want to make a statement?

MR MCEBISI JONAS: This was a statement prepared by General Mnonopi

ADV PIET LOUW SC: Yes.

MR MCEBISI JONAS: And all of this thing that she talks about never happened and so in any case why would I have signed something that is false. I never had a meeting, I

never had this discussion that is captured in this paragraph with her.

ADV PIET LOUW SC: And...

MR MCEBISI JONAS: And by the way it was preceded by a detailed discussion where she was telling us that we cannot assist the DA and the COPE on this matter we have to kind of kick it out.

ADV PIET LOUW SC: Leave that aside. What we do know is that General Matakata at page 83 made an affidavit where precisely the contents that I now read to you she says rightly or wrongly is what you said over the phone and you say that is wrong?

MR MCEBISI JONAS: That is wrong I did not say that.

10 **ADV PIET LOUW SC:** It is not just the miss remembering or a miss statement it is a positive lie?

MR MCEBISI JONAS: I did not – I did not remembering saying that, I did not say that.

ADV PIET LOUW SC: Mr Chairman my predicament is I could go on for a day or more but if this is my time it is about as good a time to stop.

CHAIRPERSON: Well the idea is to try and strike a balance you know one has got to be fair to your client and all implicated persons and but at the same time look at the fact that we should not take too long.

ADV PIET LOUW SC: Yes.

20 **CHAIRPERSON:** So that is part of the reason why I did not stop you at the time that I had indicated so in terms of important things that you want to cover how much time do you think you still need?

ADV PIET LOUW SC: Chair my difficulty is if I get in – into any of the detailed aspects.

CHAIRPERSON: Ja.

ADV PIET LOUW SC: As it is with any examination like that.

CHAIRPERSON: Ja.

ADV PIET LOUW SC: We have to go to one page keep a finger and go to another page, compare them.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: This is it is fairly lengthy – a fairly lengthy exercise and I think if I may just perhaps confirm with my learned junior.

CHAIRPERSON: Yes. Ja.

ADV PIET LOUW SC: I am just taking a quick instruction to make sure that...

CHAIRPERSON: No that is fine. That is fine.

ADV PIET LOUW SC: Mr Chairman on the understanding that ...

10 **CHAIRPERSON:** Yes.

ADV PIET LOUW SC: We could perhaps provide you.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Because you are the Chief Inquisitor in this case.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: With a list of matters that we find to be contradictory

CHAIRPERSON: Yes.

ADV PIET LOUW SC: And indicative of Mr Jonas' version not being correct.

CHAIRPERSON: Yes.

20 **ADV PIET LOUW SC:** And in due course asking you when Mr Zuma testifies to look carefully at what he has to say.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: And that is at variance with this witness.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Mr Chairman that is all I can then do in the allocated time.

CHAIRPERSON: Yes. No certainly I would welcome that but I am just – I am happy

that you check with your team if in terms of what you have covered. I think you had – you were taking instructions or whatever. I am keen to make sure that at least important issues the rest if you the suggestions you make I think it is an important suggestion because again the legal team of the commission they are not pushing for a particular version.

ADV PIET LOUW SC: No.

CHAIRPERSON: They look at all versions and they will put questions so the suggestion you make is most welcome. But I just want to check whether subject to that you are okay or whether you need a little bit more time?

10 **ADV PIET LOUW SC:** Chair I would like more time but it is going to be exactly the same thing in fifteen, twenty, half an hour.

CHAIRPERSON: Okay, okay.

ADV PIET LOUW SC: So I think on the understanding that perhaps we can finish our learned colleagues...

CHAIRPERSON: Yes.

ADV PIET LOUW SC: With inviting what we believe to be indicative.

CHAIRPERSON: Yes.

ADV PIET LOUW SC: Of Mr Jonas' version being incorrect on the essential points.

CHAIRPERSON: Yes. Yes.

20 **ADV PIET LOUW SC:** I think if I may then at this point

CHAIRPERSON: Ja.

ADV PIET LOUW SC: End the cross-examination.

CHAIRPERSON: Okay no no that is fine and once again the suggestion you make is most welcome let us do that. Send whatever document you may send that would point to certain issue or contradictions or other material that you think should need to be

looked at and certainly I will look at it.

ADV PIET LOUW SC: Of course.

CHAIRPERSON: Ja.

ADV PIET LOUW SC: Thank you Mr Chair.

CHAIRPERSON: Ja but thank you very much. Mr Mokoene.

ADV PHILLIP MOKOENE SC: Chair Mr Trengrove would wish re-examine.

CHAIRPERSON: Okay that is fine. I did not determine any time before and I think we should determine – I should determine it now.

ADV WIM TRENGROVE: Yes Chair.

10 **CHAIRPERSON:** What – how much do you suggest Mr Trengrove?

ADV WIM TRENGROVE: I will be ten minutes.

CHAIRPERSON: Ten minutes?

ADV WIM TRENGROVE: Ten minutes.

CHAIRPERSON: Ten minutes okay. No thank you. Yes you may proceed.

ADV WIM TRENGROVE: Mr Jonas on the issue before the tribunal the difference between you and Mr Zuma is extremely narrow, you understand that?

MR MCEBISI JONAS: Yes I do.

ADV WIM TRENGROVE: In fact it is common cause that the two of you met at the Hyatt, common cause that you went to the Gupta house.

20 **MR MCEBISI JONAS:** Yes it is.

ADV WIM TRENGROVE: Common cause that Fana Hlongwane was at the Gupta house?

MR MCEBISI JONAS: It is.

ADV WIM TRENGROVE: Common cause that there was on occasion at least a Gupta brother?

MR MCEBISI JONAS: Yes.

ADV WIM TRENGROVE: The only difference between you is what was – what happened at the Gupta house.

MR MCEBISI JONAS: Yes it is.

ADV WIM TRENGROVE: And you will have noticed that that is the one thing that my learned friend did not canvass in cross-examination.

MR MCEBISI JONAS: Yes it is.

ADV WIM TRENGROVE: Everything except what happened at the Gupta house.

MR MCEBISI JONAS: Yes.

10 **ADV WIM TRENGROVE:** So I would like to deal with that issue. The version of Mr Zuma that has put to you. And that version is that the whole purpose of the meeting and the only topic of discussion at the meeting was rumours that Mr Hlongwane had blackmailed you or had tried to blackmail you.

MR MCEBISI JONAS: It is correct.

ADV WIM TRENGROVE: Now...

CHAIRPERSON: Please raise your voice again.

MR MCEBISI JONAS: It is correct.

CHAIRPERSON: Mr Jonas.

ADV WIM TRENGROVE: Now has he ever blackmailed you?

20 **MR MCEBISI JONAS:** No he has not.

ADV WIM TRENGROVE: Have you ever accused him of blackmail.

MR MCEBISI JONAS: No I did not.

ADV WIM TRENGROVE: Have you ever heard of any rumours to that effect?

MR MCEBISI JONAS: No I did not.

ADV WIM TRENGROVE: So if anybody said to you Mr Jonas we hear rumours that

you complained that Fana Hlonwane had tried to blackmail you what would your response have been?

MR MCEBISI JONAS: That is nonsense.

ADV WIM TRENGROVE: Would it have been – would it have required more than a one minute discussion to resolve the issue?

MR MCEBISI JONAS: Probably even a phone call.

ADV WIM TRENGROVE: Ja. And before this meeting on the 23rd when last had you spoken to Mr Hlongwane?

MR MCEBISI JONAS: In two days or one day before.

10 **ADV WIM TRENGROVE:** On the telephone?

MR MCEBISI JONAS: And that morning I think.

ADV WIM TRENGROVE: On the telephone or in person?

MR MCEBISI JONAS: On the telephone, on the telephone and we met a week or two so before.

ADV WIM TRENGROVE: And at that time was the – did he say anything at all about these rumours.

MR MCEBISI JONAS: No there was nothing about rumours.

ADV WIM TRENGROVE: Was there any tension or hostility between the two of you?

MR MCEBISI JONAS: It was the friendly meeting.

20 **ADV WIM TRENGROVE:** If he was looking for an occasion to discuss that kind of rumours with you was there any reason for him not to do so in that conversation.

MR MCEBISI JONAS: No he would have – he would have directly spoken to me but [indistinct] because I did not even know Duduzane from a bar of soap actually.

ADV WIM TRENGROVE: Now and what is more they = they then tell us that at this meeting at the Gupta house nothing else was discussed except for this alleged

blackmail rumour. Can I ask you to go to Mr Zuma's statement at page 172 paragraph 6.

MR MCEBISI JONAS: Which is the – which file?

CHAIRPERSON: Which exhibit is it? Is it C1?

ADV WIM TRENGROVE: I think it is. D.

CHAIRPERSON: D3.

ADV WIM TRENGROVE: D3 ja.

CHAIRPERSON: Okay. And what is the page number?

ADV WIM TRENGROVE: 172.

10 **CHAIRPERSON:** Thank you.

ADV WIM TRENGROVE: Are you there? At the foot of the page in paragraph 6 you will see he says in the third line rumours were surfacing in general that Mr Jonas allegedly claimed that Mr Hlongwane blackmailed him, Jonas in some or other manner. These rumours were regarded as very serious. Paragraph 7. When these rumours started to surface Mr Hlongwane in discussion with me decided to set up a meeting with Mr Jonas in an attempt to clear it up. And then the part that I would like to emphasise. As Mr Jonas also in his discussions with Mr Hlongwane wanted to know from me directly where these rumours were spreading or coming from. Do you see that sentence?

20 **MR MCEBISI JONAS:** Yes I do.

ADV WIM TRENGROVE: So he says that not only did you wanted to know where these rumours were coming from and you had raised that question not only in your discussions with Mr Zuma but also in your discussions with Mr Hlongwane. Did you see that?

MR MCEBISI JONAS: I see that.

ADV WIM TRENGROVE: Is there any truth to that statement whatsoever?

MR MCEBISI JONAS: It is completely untrue.

ADV WIM TRENGROVE: And if either of them had raised it with you what would your response have been?

MR MCEBISI JONAS: I would have told them that it is nonsense basically.

ADV WIM TRENGROVE: Then please go his account of what happened at the meeting at page 174 in paragraph 14. He says my observations during the meeting was that both Mr Jonas and Mr Hlongwane ventilated and discussed the rumours of the blackmail allegations. Any truth to that?

10 **MR MCEBISI JONAS:** Untrue again it is false.

ADV WIM TRENGROVE: Where there anything to discuss.

MR MCEBISI JONAS: There was nothing to discuss it was even mentioned by the...

ADV WIM TRENGROVE: And look it goes further not only was it discussed he says and eventually reached a stage where although it was not fully resolved the dust settled between them so to speak and they agreed that they should – that should any further issues arises that they would arrange further follow-up meetings in that regard. According to my assessment of the meeting the issue between Mr Hlongwane and Mr Jonas was not entirely resolved but hanged in the air for further follow-up meeting. I do not know whether the – whether or not the dispute between them regarding the claims
20 of alleged blackmail was ever resolved. Any truth to that?

MR MCEBISI JONAS: No truth to that.

ADV WIM TRENGROVE: So not only does he say that the blackmail allegations were resolved but there was still an issue between you and Mr Hlongwane causing hostility and tension and the issue was not fully resolved, any truth to that?

MR MCEBISI JONAS: No truth at all.

ADV WIM TRENGROVE: You will have notice that that was not canvassed with you in cross-examination at all.

MR MCEBISI JONAS: I did notice.

ADV WIM TRENGROVE: As for the Gupta version we have heard the version of two Gupta brothers was put to you as to what happened at the meeting, do you remember that?

MR MCEBISI JONAS: Yes I do.

ADV WIM TRENGROVE: Do you remember that the Gupta family issued a public statement at the time when your accusation became public?

10 **MR MCEBISI JONAS:** Yes they did.

ADV WIM TRENGROVE: And what did they say at the time about the accusation that they had offered you a bribe at a meeting at their house?

MR MCEBISI JONAS: The statement was that the meeting never happened I was lying.

ADV WIM TRENGROVE: Can I refer you to a copy of the statement please. Can I put this copy of the statement before you? I only have two copies Chair so I am – ja will you hand one to the Chair. You will see that is a public statement issued by Oakbay on behalf of the Gupta family but let us just take it from the top. It is on an Oakbay letterhead it says Mcebisi Jonas...

20 **CHAIRPERSON:** Mr Trengrove maybe we should mark this document now Yesterday Mr Pretorius put up a document and we forget what it should be marked.

ADV WIM TRENGROVE: Certainly Chair I will be...

CHAIRPERSON: Mr Mokeone might be helpful.

ADV WIM TRENGROVE: My learned friend suggest C2 Chair.

CHAIRPERSON: C2. Exhibit C2?

ADV WIM TRENGROVE: Ja.

CHAIRPERSON: Okay. This will be marked Exhibit C2 and that is a document marked News and analysis Oakbay Investments PTY Limited it is Jonas there was no meeting Gupta family. Yes thank you.

ADV WIM TRENGROVE: Thank you Chair. So you will see it says Mcebisi Jonas there was no meeting Gupta family. That is the gist of what you say they said at the time.

MR MCEBISI JONAS: Yes.

ADV WIM TRENGROVE: Do not put it aside yet I want to take you through other parts
10 of it. You will see it is dated the 13 March 2016 and then it says it is a statement from Oakbay Investments on behalf of the Gupta family. So that was made on behalf of Mr Ajay Gupta and Mr Rajesh Gupta amongst others.

MR MCEBISI JONAS: Ja.

ADV WIM TRENGROVE: And it recounts the accusation and then in the middle of the page there is a very short paragraph which says: to be absolutely clear there was no meeting at all. Do you see that? Will you answer audibly Mr Jonas?

MR MCEBISI JONAS: Ja.

ADV WIM TRENGROVE: The machine does not pick up your nod.

MR MCEBISI JONAS: Yes I can see that.

20 **ADV WIM TRENGROVE:** Ja and then my learned friend put to you the account of various members of the Hawks at including that of General Ntlemeza correct?

MR MCEBISI JONAS: Correct.

ADV WIM TRENGROVE: He was the head of the Hawks at the time?

MR MCEBISI JONAS: He was the head of the Hawks.

ADV WIM TRENGROVE: He is also the man whose appointment as head of the

Hawks was set aside by the Supreme Court Of Appeal.

MR MCEBISI JONAS: That is correct.

ADV WIM TRENGROVE: Because he had committed perjury in a high court case.

MR MCEBISI JONAS: That is correct.

ADV WIM TRENGROVE: He was also said to be behind the disastrous prosecution of Minister Gordhan?

MR MCEBISI JONAS: That is correct.

ADV WIM TRENGROVE: Thank you Chair.

CHAIRPERSON: Thank you very much Mr Trengrove. Mr Jonas prior to the meeting
10 with Mr Dudzane Zuma at the Hyatt Hotel and later at the Gupta residence do you
recall about how many conversations on the phone you had had with Mr Duduzane
Zuma? There was the one on the day you came back from is it Luanda?

MR MCEBISI JONAS: There were quite a couple I mean not too much but quite a
couple.

CHAIRPERSON: Sorry?

MR MCEBISI JONAS: It was not many Chair I mean there were..

CHAIRPERSON: Yes.

MR MCEBISI JONAS: There were quite a couple though.

CHAIRPERSON: Quite a couple of them.

20 **MR MCEBISI JONAS**: Ja.

CHAIRPERSON: Ja I was trying to have a look earlier on it seemed that in your
statement at least those that I could see apart from the one that we dealt with earlier on
that there may have been another one on the 19 October of course your meeting was
on the 23rd October. You both exchanged sms's and then there were some phone –
telephone or cell phone conversations as well. So you say it was a couple but you do

not remember

MR MCEBISI JONAS: A couple and a lot of missed calls [indistinct].

CHAIRPERSON: Yes. Okay alright thank you. Mr Mokoene.

ADV PHILLIP MOKOENE SC: Mr Chair I have no questions for Mr Jonas.

CHAIRPERSON: Yes okay alright thank you. What is the situation with regard to Mr Hlongwane's legal team?

ADV PHILLIP MOKOENE SC: Mr Chair I beg leave to hand correspondence which was handed to me during the tea adjournment. It might at least give us an indication as to what transpired. You would see Chair that the first letter which was written to Mr
10 Fana Hlongwane's attorneys Stockenstroom Fouchee it is dated the 28 January 2019.

CHAIRPERSON: Well it is addressed to Mr Fana Hlongwane but

ADV PHILLIP MOKOENE SC: Co care of.

CHAIRPERSON: But it says Dear Mr Fouchee

ADV PHILLIP MOKOENE SC: Yes.

CHAIRPERSON: So it is addressed to Mr Fana Hlongwane care of Stockenstroom Fouchee Incorporated.

ADV PHILLIP MOKOENE SC: Because they have placed themselves on record as the attorneys for Mr Fana Hlongwane.

CHAIRPERSON: Ja but it is strange to address it to the client.

20 **ADV PHILLIP MOKOENE SC:** It is very strange but Mr Mabunda did that.

CHAIRPERSON: Anyway ja okay.

ADV PHILLIP MOKOENE SC: And you will see in that in paragraph 2 then there dates which were proposed for Mr Jonas to complete his evidence to be cross-examined and the three dates are furnished in paragraph 2.1, 2.2 and 2.3.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENE SC: And they were indicated to choose one and to liaise in order to synchronise the diaries with all the respective parties.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENE SC: The second letter Mr Chair you will see if – immediately after that letter you then find another letter addressed to strangely as it may seem to Mr Fana Hlongwane but care of his legal – his attorneys dated the same day where there was a correction of the date. You will see that on paragraph 3 it says that ‘kindly substitute this date for the 15 March 2019 the remainder of the letter remains valid.

CHAIRPERSON: Yes.

10 **ADV PHILLIP MOKOENE SC:** So this is where they were informed about this date but it does not end there.

CHAIRPERSON: The wrong date was 11 March 2019.03.15

ADV PHILLIP MOKOENE SC: It was 11 March then it was corrected to 15 March.

CHAIRPERSON: Okay.

ADV PHILLIP MOKOENE SC: So there is no ambiguity about the date as to when the matter will be proceeding to finalise Mr Jonas’ testimony. The last letter you will see Mr Chair is the one dated the...

CHAIRPERSON: Dated the 18 January 2019.

20 **ADV PHILLIP MOKOENE SC:** Yes. And it says I think it is quite important paragraph 1 we refer to the above matter and in particular what our letter on even date 2. We confirm that the legal representative of Mr Duduzane Zuma Ms Van Der Merwe and Van Der Merwe have confirmed their availability on the 15 March 2019. 3. We further confirm that the date of the conclusion of the evidence and cross-examination of Mr Jonas will be heard on the 15 March 2019. We trust that you will find the above in order.

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENE SC: So there can never be doubt that there was communication that was directed to Mr Fana Hlogwane's attorneys and that the date was confirmed as early as the 30 January 2019. That is how far – as far as I can take the matter Mr Chair as to why they are not here today I do not have first-hand information.

CHAIRPERSON: You – do we have any information – any proof how these letters were sent whether they were sent as emails or they were just posted or faxed we do not have that?

10 **ADV PHILLIP MOKOENE SC:** I do not have that but one would assume that by seeing the attorneys of Mr Duduzane Zuma here today and having not questioned any dates and this was the last correspondence sent to all the parties.

CHAIRPERSON: Ja.

ADV PHILLIP MOKOENE SC: One would assume that it was also dispersed to the attorneys of Mr Fana Hlongwane. If much more proof is required we might just have to uplift from Mr Mabunda

CHAIRPERSON: Yes.

ADV PHILLIP MOKOENE SC: The – either emails confirming that they were received or he can tell us by which mode.

20 **CHAIRPERSON:** Ja.

ADV PHILLIP MOKOENE SC: Were the letters directed to Mr Fana Hlongwane's attorneys.

CHAIRPERSON: Okay no that is fine.

ADV PHILLIP MOKOENE SC: Yes.

CHAIRPERSON: I think therefore we will need to release Mr Jonas.

ADV PHILLIP MOKOENE SC: Yes.

CHAIRPERSON: And if and when the – another need arises for him to come back we will take it from there.

ADV PHILLIP MOKOENE SC: Yes Mr Chair.

CHAIRPERSON: Mr Jonas thank you very much for coming to complete your evidence and for making yourself available for cross-examination. Mr Hlongwane's lawyers are not here to cross-examine today. As you have heard apparently correspondence was addressed to his attorneys notifying them about today and if and when a need arises for you to be asked to come back we will deal with it then. But thank you very much

10 and you are excused. Thank you. Yes Mr Mokoene.

ADV PHILLIP MOKOENE SC: Mr Chair that concludes

CHAIRPERSON: For today.

ADV PHILLIP MOKOENE SC: The proceedings for today.

CHAIRPERSON: Yes. Alright we will adjourn the proceedings for today until Monday when we will begin with evidence relating to Denel.

ADV PHILLIP MOKOENE SC: Yes.

CHAIRPERSON: For next week. We will be hearing evidence relating to Denel. We adjourn.

INQUIRY ADJOURNS TO 18 MARCH 2019

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