

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

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10

15 JULY 2019

DAY 133

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PROCEEDINGS COMMENCE ON 15 JULY 2019

CHAIRPERSON: Good Morning Mr Pretorius, good morning everybody, good morning Mr Zuma.

ADV PAUL JOSEPH PRETORIUS SC: Morning Chair.

CHAIRPERSON: Thank you. Before we start I have a few remarks to make. Today the former president of the Republic Mr Jacob Zuma appears before this commission without having been compelled to do so and in response to a request from the commission to give an undertaking that he would appear before it this week which he gave.

10 The commission appreciates that he is here.

I accept that through his lawyers he had indicated that he has certain reservations about the commission and that he reserves his rights in appearing before the commission. The commission has no difficulty with this and accepts that everyone is entitled to have an opinion about the commission.

I just want to make it clear that the former President is not the only leader in this country who is going to be appearing before the commission. There are others who will be appearing before the commission and I also wish to point out that the commission is not
20 mandated to prove any case against anybody but it is mandated to investigate and enquire into certain allegations and as I have indicated over a long period it invites everyone who has information or knowledge of matters that fall under its terms of reference to make that information available to it so that it can investigate those matters.

In doing its work this commission will seek to hear from as

many people as possible within the time and financial constraints that it has. It will seek to have the benefit of different perspectives from different people in our country in regard to the issues that it has – that it has to investigate. So that as far as possible at the end of its work it will be able to make findings based on as full evidence as possible and based on having heard as different – different perspectives from different people about the matters that it is investigating.

It is important to emphasise that the evidence leaders are mandated to seek to establish what the facts are through questions that
10 they ask and not to prove any particular allegation against anybody. But they are required to assist me as the Chairperson of the commission by asking questions including those that will seek to establish what the truth is.

This commission attempts at all times to treat all those who appear before it with respect and courtesy without comprising its mandate but will be firm where firmness is required. The former President in appearing before the commission this week is expected to deal with various matters in respect of which certain witnesses who have been identified have submitted statements before the commission
20 and given evidence.

It is anticipated that this will not be the last appearance of the former Presidents before the commission but that it may be necessary at a later stage to ask him again to appear before it in order to deal with other issues. It is possible that although we have set aside five days this week for the evidence of the former President it is possible

that we might not use all the five days. I thank the former President for having given the undertaking to appear before the commission and having actually appeared as he does this morning.

Those are the remarks I wanted just to make before we can start. Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: The former President is represented by a legal team. May his counsel place himself on record and I understand that he wishes to address you on certain matters?

MR JACOB GEDLEYIHLEKISA ZUMA: Thank you.

- 10 **ADV MUZI SIKHAKHANE:** Thank you Chairperson. Chairperson I make this address because I think there has been a lot of exchanged correspondence exchanged and the propaganda machine out there has been quite alive and I thought it is important that we place certain things on record because the – I said this on the first day of this commission and the letters demonstrates that people do not believe our undertaking.

I said to the Chairperson that the former President established this commission and is willing to cooperate. So all the speculation about ...

- 20 **CHAIRPERSON:** Yes you did.

ADV MUZI SIKHAKHANE: Is untrue. Mr Mantsha did set out some of the problems that emerged here the notices that he did not – we did not receive. So I do not want to traverse that ground.

The ground I want to traverse starts from the 30 April because the speculation and some of the misunderstandings emerge from the

correspondence starting from that day from the commission. And the most important paragraphs in that letter of the 30 April this year is that it says in paragraph 1 [a] and [b] the former President is being invited here to put his side of the story, to state his side of the story. And the second one says that the commission wishes to ask him a couple of questions.

And the second letter then from there and I want to state this because there has been a misunderstanding about why the attorney – his attorneys were enquiring.

10 You will recall Chairperson that in terms of your rules – the rules of this commission 3.3 in particular one the rights of the witnesses or implicated people is that they make an election when you tell them that you believe they are implicated. They make an election that I have listened to this, I have read the statements, I do not think I am implicated. And they do so at their peril of course because they must accept that you may an inference.

And the former President made that election in respect of all and this was done in careful consideration of whether or not he had been implicated in the two crimes that this commission is about, fraud
20 and corruption. We are not sure about the other one because its elements are not yet established. The one called state capture.

So in the second letter we request the questions. The Chairperson will recall that in 3.10 it sets out a number of ways in which we could come – he could come here and we asked for 3 – for that specific – we made that request. We were not being facetious. It

was a request because as you will see today I hand over Mr Zuma to you, the former President without knowing what he is going to say.

None of us in this room know which names he is going to mention and we were asking that question because an unfairness has happened in this – in this commission where people have been blurting names of people connecting their dots about people and those people have not been able to be noticed – to be given notice in time. And of course there is some injustice that Mr Zuma may do today and that is why we were asking for specificities so that we could prepare him, we
10 could advise him to go to certain people and not mention names of people without you as the commission giving them notice. That was not appreciated by Mr Peddler or – on your behalf because there was a belief that we were doing a Stalingrad or a Zuma tactic as it is called.

You will see that the other letter – we have annexures until the 24 June. Chairperson the letter that really, really I think we must record it for your attention although it is done on your behalf but I am certain that these particular words because they were difficult for us is the letter of the 7 June.

We tell the – your Mr Peddler or the attorney tells him “please
20 in terms of which Rule are we coming?” and of course because he has adopted or there is a position that this is not genuine he tells, he says: “this is done in terms of no rules.” And that is one part that is missing out there is that we are told by a state – a creature of statute that they are calling a witness in terms of no rules. He says it is a courtesy.

We write because we say this is dangerous, we want to

prepare him. Well the next letter is the letter of the 12th it explains exactly what I have said to the Chairperson.

On the 20th there is another letter. Then on the 24th June Chairperson you will see the tone of Mr Mantsha's letter he does give up because his client has given up and he says: "well I will bring him."

Chairperson I am raising this – that was the last letter. I am raising that because there is – there is truly a particular – a disturbing attitude that one finds in the letters and it is an attitude that one does not expect in a legal process like this that is designed to treat each and
10 every witness as a witness who must put to rigger and we believe that had we been given an opportunity to – to prepare Mr Zuma to advise him about people's names that he may mention that he cannot do so without those people being given notice. This process today would be much better.

And so I am going to hand him over to you Chairperson. I am making these things because he is not my guest today he is yours. Is that I have brought him here to you with reservations about how he has been called. With reservation about the unfairness that may happen to people he may mention. He may mention you, he may mention Mr
20 Pretorius, he may mention all sorts of people we do not know and what do we do about the unfairness of the process.

Chairperson those are the words insofar as the acrimony about his stance about this commission I think we all know that the question about biased is not whether it is actual bias it is when there is conduct in the commission that makes the witness feel some reasonable

apprehension that he is biased.

So I am going to hand him over to this commission because he is your guest and hope that he will be protected from himself and those that he is going to mention are going to be treated fairly because they do not know he is about to 'out' them.

Thank you Chair.

CHAIRPERSON: Well before you sit – before you sit down Mr Sikhakhane. As you say the letters from the acting sector of the commission were written on my behalf.

10 **ADV MUZI SIKHAKHANE**: Yes Chair.

CHAIRPERSON: Actually I fully approved each one of them and – so I just want to – to make that clear that the words in the letters can be taken to be my words. But we – we accept that the former President and his legal team have a certain view of the letters which we have articulated.

We remain committed to making sure that this process is as fair as possible.

ADV MUZI SIKHAKHANE: Thank you Chair. The last thing I want to say is that 1[a] of your first letter then is that because you asked him to
20 come to do two things is that he has asked me to allow him to do 1[a] of that request which is to address you to put his side of the story as he sees it to connect his own dots and that is what he is about to do.

CHAIRPERSON: No that is – that is fine. We asked him to come and give his side of the story and he will be allowed to do that.

ADV MUZI SIKHAKHANE: Thank you Chair.

CHAIRPERSON: Thank you. Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: Just very briefly we have not had notice of any substantive application and I do not believe there is a substantive application before you Chair but just to clarify on a number of issues.

The question of an election having been made we will deal with in due course to the extent that it is necessary. The question of whether there should have been a rule in vote or whether it is simply an order for a witness to be invited to the commission is a matter if it has
10 any substance or merit at all will be addressed in due course.

But our position is clear that there is an invitation, the invitation has been accepted. There can be no quarrel with that.

It seems to us however Chair that the nub of the complaint raised by Mr Sikhakhane in his address to you Chair is that former President Zuma is going to quote, unquote 'out' certain people. He has not had an opportunity to give notice to those people because of the procedures that have proceeded the former President's hearing and therefore unfairness may result.

I am not sure I understand the logic of that in any manner at
20 all Chair. If the former President's intention here today is to implicate certain parties under whatever clause of our terms of reference then that is his prerogative. But to say it is unfair because he is being prevented from giving notice is simply illogical. We do not know as a legal team. The secretariat does not know what he is going to say or who he is going to implicate. How that problem could be solved simply

by giving questions of matters that we do know to the former President escapes us Chair. Quite simply it has always been open if the former President and his legal team were concerned about this particular issue and fairness in relation to this particular issue to have given such notice. And to say we are going to implicate.

To expect us somehow through questions of matters we have no knowledge of to foreshadow or foretell what is going to be said does not bear scrutiny Chair. So that complaint cannot be accepted by us certainly Chair.

10 **CHAIRPERSON**: Yes. Thank you. Mr Sikhakhane do you want to respond? Okay. Let Mr Sikhakhane respond to that before we proceed. Please switch on the microphone.

ADV MUZI SIKHAKHANE: Now that he has started on his condescension let me deal with it now. First I did not say Mr Zuma wanted to give notice to anybody. I said an injustice can happen because we would have liked to prepare him, right. So everything he is saying that I was – it is a com – it is false. I simply was raising the issue that we are running a process, a truth finding process and if we do not run it fairly all of us we run the risk. I did not say he – he
20 should have given people notice. The problem is this attitude exactly of this commission is that people bring their views outside and treat certain witnesses as sweethearts and others as accused. I am saying it is important that everybody who comes here gets the same rigger and the same questioning. People must not bring their own ideas out there and I think Mr Pretorius is doing exactly that. I was articulating to you

Chairperson the dangers that we saw and that is why we kept asking. And I do not think I was inviting his condescension because he did not understand what I was saying. He truly did not and this is the problem we have been speaking past each other and I am raising this because he does not have to interpret what I am saying. If he did not understand me he must say so. It is this attitude that I think is making your process ...

CHAIRPERSON: Thank you Sikhakhane. May I request that there be no clapping of hands please? Thank you Mr Pretorius.

10 **ADV PAUL JOSEPH PRETORIUS SC**: Thank you Chair I will not respond. We will try and maintain a collegiality and a dignity in these proceedings.

CHAIRPERSON: Yes. You are ready to start?

ADV PAUL JOSEPH PRETORIUS SC: Yes Chair.

CHAIRPERSON: Yes. Mr Zuma we will need to do an oath or affirmation. May I ask you to switch on your microphone in front of you? Which one would you prefer an oath or affirmation?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes I do not know...

CHAIRPERSON: Oh I think she must go and help you actually. Go and
20 help him. It is on. Oh I am told that microphone is on.

MR JACOB GEDLEYIHLEKISA ZUMA: Yes it is on now.

CHAIRPERSON: Oh okay alright. Which one will it be oath or affirmation?

MR JACOB GEDLEYIHLEKISA ZUMA: Oath.

CHAIRPERSON: Oath thank you. Maybe if you could stand. Would

you please state your full names for the record?

MR JACOB GEDLEYIHLEKISA ZUMA: I am Jacob Gedleyihlekisa Zuma.

CHAIRPERSON: Do you have any objection to taking the prescribed oath?

MR JACOB GEDLEYIHLEKISA ZUMA: No.

CHAIRPERSON: Do you consider the oath binding on your conscience?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

CHAIRPERSON: Do you swear that the evidence you are going to give
10 will be the truth, the whole truth and nothing else but the truth, if so
please raise your right hand and say, so help me God.

MR JACOB GEDLEYIHLEKISA ZUMA: So help me God.

CHAIRPERSON: Thank you very much you may be seated.

MR JACOB GEDLEYIHLEKISA ZUMA: Thank you.

CHAIRPERSON: I think Mr Pretorius we will start with the part that Mr Sikhakhane indicated that Mr Zuma would like to start with.

ADV PAUL JOSEPH PRETORIUS SC: As you please Chair.

CHAIRPERSON: Ja. Thank you. Mr Zuma I understand from your
20 counsel that before any questions can be put to you you would like to
state your – you have – you would like to state your side of the story or
to address me on certain aspects or to indicate what you would like to
say on various issues. This is the opportunity that I am giving you to
do so before any questions can be put to you.

MR JACOB GEDLEYIHLEKISA ZUMA: Thank you very much.

CHAIRPERSON: Oh okay.

ADV PAUL JOSEPH PRETORIUS SC: Mr Zuma you may use the microphone with the red light.

CHAIRPERSON: Do not use that one. Ja use the red one ja thank you. Thank you.

MR JACOB GEDLEYIHLEKISA ZUMA: Thank you very much Chair. Chairperson and of course the entire commission firstly Chair I have got some flu so my voice is up and down.

CHAIRPERSON: Well I had flu from Thursday so – but I think I am fine now.

10 **MR JACOB GEDLEYIHLEKISA ZUMA:** Yes. Chair you will realise that me as an individual I have been a subject of talk in this country for more than a decade. I have been vilified alleged to be – be king of corrupt people. I am the most corrupt. I have been given every other name and I had never responded to those issues.

Firstly because I believe it is important that we all respect one another. That we must say things we know about other people not just tell things that we cannot prove.

This has been my nature as I grew up and I joined the ANC in my early age in addition to the teachings from my own homestead and
20 my parents I also got taught in the ANC to behave in a particular way.

And I have paid for my activities in the ANC including going to prison serving a term of ten years. At some point I had to leave my country to go out and in the process the ANC gave me different responsibilities at all material times that I have been active and participating. Then finding myself finally in the leadership of the ANC.

The reason why I am starting here Chair is because when this commission was proposed to all a recommendation was made that I should establish a commission by the Public Protector, the previous one. There are certain issues that I was not happy the manner in which they were handled and of course the Commission was to deal with an important point but as I will indicate part of the reason why I am here that is the background I am going to deal with why I find myself sitting here today and where it comes from particularly because this Commission from my understanding was really created to have me

10 come here and perhaps to find things on me.

I will deal with how it was conceived and therefore I made the Commission as – as to what it is. Because the ANC gave me tasks perhaps I had to know things that other people might not have known and the question how would I handle those and I was taught how to handle them. That is why in the background that I am going to give I will stand on this point I am making – (clearing throat) I am sorry. (Talking in Zulu).

CHAIRPERSON: That was Zulu for saying:

“The flu is preventing him from speaking.”

20 **MR JACOB GEDLEYIHLEKISA ZUMA:** There has been a drive to remove me from the scene. A wish that I should disappear and I will explain where it comes from and why perhaps it is important that I deal with in this Commission and it arises out of perhaps my work in the ANC and also because of who I am. This conspiracy against me has been stretched at all material times when there are things to be done or

said.

It has come in different forms and that is why there are even people who say I have got a way of trying to dodge things in one form or the other and I am going to connect the dots over a decade that talk to this point and talk to why I am here. As you know in 1990 the ANC was unbanned and I was one of those who was sent ahead of everyone to make contact with the then Government to study the process of finding a solution in this country.

10 People referred to it as talks about talks. I then became part of the negotiating team and we finally reached a point where those who were in prison were out. Those who were in exile came back. At that time my specific task among many was to be the Chief of Intelligence of the African National Congress. In other words I was part of the leadership at that very sensitive area with my late comrade John (indistinct).

20 Leaving many things just to go to the point straight in 1990 when we were already inside the country I received a report – an intelligence report – which was saying there were three intelligence organisations that met had a meeting to discuss me and had a plan to begin in 1990 a process of character assassination of Zuma. Two of these organisations came from two different big countries and one of them came from inside South Africa under – which was one of the – structures under apartheid which was part of this conspiracy.

When I received this report, had a discussion with my colleague (indistinct). We did not know what the reason is. We are

very keen to hear why Zuma's character must be assassinated. I then used the knowledge we had to ask this question and get an answer but to those who would be receiving the question and give an answer they should not know that this question comes from me because we had people in the intelligence had lots of net workings and networks as well as people dealing with different things.

So we sent the question. After a brief period the answer came back. The answer was the reason why we wanted to character assassinate Zuma's character was because he has a lot of information
10 that he – he holds among the type of information as – as a Chief of Intelligence. There are spies that are infiltrated by us in his organisation whom we want to nurture that they grow within the structures of the ANC to a point that at some point they will have to lead the ANC.

Now Zuma has information about these. We do not know when will he use this information to stop that process that plan of theirs and therefore they took a decision that Zuma must be removed from decision making structures of the ANC and that is why they character assassination began. That is the beginning of the process that has put
20 me where I am today and – and I thought it is important to go through this whatever else would be the end of your process but at least some truth should be known.

We handled this very, very delicately those who were dealing with intelligence but we are now where. There was going to be a conference in 1990 of the ANC. It was a consultative conference not

elective conference but these three organisations thought that it was an elective conference. That is why they were engaging in this plan and this conspiracy.

Then the ANC in the course of the period was explaining that was a consulted. So they realised they made a mistake by thinking it was elective. So in the course of the same year I received another report. We said that they have postponed this campaign because they realised this was not an elective conference. So we kept quiet but the ANC of course had that conference and one of the resolutions of the
10 ANC was that during 1991 it will have its first elective conference – in December 1991 and therefore that was information out there.

In 1991 another intelligence information came that said that these three organisations have decided to change their plan slightly because having investigated further in the ANC they discovered that this Zuma had a very large support in the ANC and 100 percent support in the Province of Natal. It would not therefore be easy to remove Zuma in the conference that is coming.

The time is too short to character assassinate him to a point that you could remove him. What therefore they thought was important
20 for them was to - because they said you cannot remove him from the National Executive for example – the decision making structure. What therefore we should do which was a fall back plan that after the elective conference of 1991 Zuma must be removed from the position of Chief of Intelligence and again we looked at this and said there – there were worrying things.

For example the issue of the – the people we were about to negotiate with. What was the thinking that they may not know our thinking and we might not know also their own thinking but what does this mean? So as we were preparing for the conference it was clear that this first conference was of great interest not only to South Africa even for other countries out there but this information was – was worrying.

In fact I think there was one (indistinct) which was as a result of that but it ended because they realised there were no further things
10 they could do. I am saying this because there has been a process and particularly against Jacob Zuma a conspiracy. I am sitting there and I am told by other organisations that in my organisation as well as in the NEC there are people who are working for them whom they want to be in control of this country.

It was a worrying point. Leaving aside the information I had there would have been information I did not have and perhaps important to try to follow this very closely. Of course the conference came. In that conference I was elected Deputy Secretary General of the ANC and of course Tambo moved out and Tata Madiba came in as a
20 President.

There were two decisions taken by the organisation that President Mandela and Thomas Nkobi who was the Treasurer-General after the conference they would go to the United States to raise funds. Another decision that Thabo Mbeki and Jacob Zuma shortly after conference they will go to attend the conference in UK which was

discussed in constitutional matters and indeed after all of that when the NEC – when the NEC has been elected by conference then the NEC elects the working committee which runs the matters in between NEC – NEC meetings.

So we left to our tasks. One day as we finished a conference and going for supper I rushed to my room to listen to the BBC forecast on Africa. We were a little bit addicted to it because out there we did not listen to all the – the media from home. Among the reports that were given by the BBC was the report of the meeting of the working
10 committee of the ANC which had met for the first time and there were two decisions among many that were taken.

One was that Thabo Mbeki was removed as the Chief Negotiator of the ANC and Jacob Zuma has been removed as the Chief of Intelligence. When I – I was going down I met Comrade Thabo. I said man their decisions that they have taken you are no longer leading us on the negotiations and he was shocked but I said no that is not the only one.

I have also been removed as the Chief of Intelligence. He was even more shocked knowing how the ANC deal with things
20 particularly that you cannot take such a decision when the President of the organisation is not there. Why; but to me and I said to him you did not know. Me, I knew that I was going to be removed but I did not know how.

The question that I was asking myself I received information from intelligence sources that after the conference I would be not the

Chief of Intelligence. This is supposed to have been planned by these three organisations. Why is it implemented by my national – my national working committee? What does this mean? It therefore was confirming that there may be spies here because it means there were people when these intelligence organisations took the decision that they directed that they must make this happen.

Of course thereafter we – we wept and we did not even at that time take this matter as a general report in the ANC. We kept it as an intelligence issue but it is important to say this because the
10 character assassination that I faced over the years more than 20 years this is one of the clear sources that I know. There was a plan to deal with Zuma and Zuma has been dealt with all the time.

In other words foreign intelligence organisations and the local one of course under apartheid for a variety of reasons thought it was important to deal with this man. It is important for me to state that anything that happened since that time. I have been linking the dots all the times and I thought it is important to this Commission part of the reason is I will come to that this – the matter of this Commission is not different from or the plan not the Commission as yet.

20 Those who – who initiated that there must be a Commission. You recall that when I was not at the national level I was in the province suddenly I had to be charged. Before charged – before being charged I was removed as a Deputy President of the country – 2005 – because I was implicated in the arms deal. Bear in mind that I was not in the national.

I was not part of the processes. I was in the province and it did not make sense to me. Of all the people who dealt with the arms deal not a single one was ever or there were ever allegations against but the allegations against me. I had to be investigated. In a very strange way even that investigation I had to be investigated by the Scorpions.

At a given time the Head of the NPA and the Minister had a press conference wherein it was announced yes there is in our investigation there is a *prima facie* case against Zuma but it is
10 unwinnable in court. So that is why we are not charging him. Now there are investigations and investigations. I have never had that kind of level of investigation being reported in the media.

Why it was reported in the media for me? There are so many cases. Clearly that indicated the beginning of the implementation of this particular plan and the conspiracy. I had time at some point to ask Ngcuka why did you not tell me you are investigating me and what is that you are investigating. Ngcuka said no you were supposed to be told by the Ministers. Fine I think that was a fair point, but he says there is no case against you.

20 There are just a few letters written by Shabir where he mentions your name as people always drop names but the week thereafter I was called by two leading people in Government and in the ANC who said man there has been an investigation against you and it has come to a point where we must take a decision whether to continue investigating you or not but this matter needs to be discussed to find a

solution and I said what solution and at the end I said after whatever they said I do not understand because the man who is investigating just a week ago told me I have got no case.

You are telling me here that you have a case. I do not understand. I think that destabilised that meeting but of course around the same time there was information that I am going to be talked to so that I resign from the leadership and go to Nkandla and I will be looked after. Just resign. There was a rumour that I would be given something like 20 million and I will be maintained or if I resign this
10 case we will then have a way to solve this case and I was saying to myself hm that plan is now being implemented.

These people don't know that I know something about the plan because myself and John (indistinct) we did not report it to the entire nation, it remained in the corridors of Intelligence.

So the issue of Zuma must resign, Zuma must leave the leadership started way back, as part of this plan. Of course I did not resign because nobody, at that point said it out and out and there was in the corridors. That was followed by then, the decision to remove me as Deputy President by the President of the country and of course I did
20 move away, I made it very clear that as a (indistinct) of the ANC I'm not going to argue, I'm not going to – the President has the right to take etcetera, so I got out. I was also – but shortly thereafter in terms of the ANC activities, I was brought back by the membership of the ANC in a NGC that was in Pretoria, so we continued. Then we were also approaching another conference which was in Polokwane, where there

was, as usual, as normal contestations people having different preferences etcetera and I'm sure as a (indistinct) that is known by many people that's where I became the President but there were a lot of activities going on at the time and discussions about me in particular. Later on I got to know, that in fact, there was a determination to arrest me before the conference in order to avoid me being part of that conference. I think such facts have come to light particularly around the case that I'm placing in Court in what is called the Zuma tapes wherein police, politicians, leaders of the country were
10 talking about me, that I must be arrested. That information was feeding into this fundamental intelligence organisation's plan to deal with Zuma.

Of course, perhaps it's a long story to say what are the issues, why Zuma must be dealt with in this fashion, I'm sure it's obvious. We proceeded in our life and working in the Government and organisation when I was – when I was being dismissed in a statement in Parliament the President says Zuma must have his day in Court and I hadn't been charged by then. It was the first time I hear, I must have my day in Court but you will also remember this, I was investigated there was a
20 lot of hullabaloo those who were investigating finally felt they've reached a stage to charge, they've decided not to charge me but charge Shabir Shaik but the accusation was that we committed crime with him but not charged together charged separate. As I got to know later – because they wanted Shabir to be convicted in order to charge me and that's what happened. So in a sense prolonging the narrative

about Zuma is corrupt. You'll also recall that when Judge Squires convicted Shabir, thereafter there was a lot of talk about that people saying the Judge said between Shabir and Zuma there has been a generally corrupt relationship, that relationship was a corrupt relationship.

The media, politicians, academics will all talk about this, this Zuma where this generally corrupt relationship with Shabir. This was all over the world until the Judge thought this was unfair to him now because he had never said so and asked people to read his judgment
10 because he never said there was a generally corrupt relationship between these two individuals but everybody had been saying this, where did they get it from, why would they put a serious phrase against some individuals an allegation which was unfounded? This was done to enhance the narrative against Zuma, that Zuma is corrupt even if the Judge did not say that they must put the words in the mouth of the Judge. Fortunately, that one is a matter that many people know it was clear to me that this plan continues and that's why I would say, there are people who would not be happy if I was not, either in jail or I was not removed. Of course we continued, as I was supposed to be
20 charged or again, when I'd been charged already, rather, the investigations were going on, NPA was confronted by the tapes which indicated there'd been planning, conspiring to charge me with politicians and everybody else the tapes are now a public thing. To an extent that when the head of NPA at the time, came to know about these tapes decided to withdraw the charges and therefore I had no

case against me then.

Not because of anything because the plan to character assassinate Zuma, the plan to remove Zuma from leadership, the explanation was done by these three intelligence organisations that he should be out because if he's there he will use information he has to either expose or stop our people from going forward. It means, therefore, that plan which was made by intelligence organisations in a sense, had to be implemented among others by even people in my own organisation. You'll recall that when I was building my home at
10 Nkandla, problems arose there about corruption and again you'll recall that the media in this country mentioned the figure of the money I have squandered and everything. At that place there were two structures of Government that investigated, they found nothing on Zuma but I've been so much vilified in the world and everywhere that I'm the most corrupt person. Of course after the two institutions investigated, former Public Protector also came in to do her own investigation because people wanted to find something. She found nothing, that is in her report, then she decided to say the additional security matters in my homestead which were put in as a result of the police and the army
20 for security reasons as it is their duty to look after the President of the country. The Public Protector recommended that I should pay for those because I indirectly benefited. No-one - no other President has been made to do so but look at the heading of the report by the Public Protector, it said, "secured in comfort". Why in comfort, because I had built, with Government money an amphitheatre in Nkandla. Fortunately,

thereafter members of Parliament from all parties went to Nkandla to do inspection. They looked for this amphitheatre and asked where it is, it's not there, it was never there but an officer from a Board like the Public Protector who is supposed to protect us used the phrase – the phrases to enhance the narrative that Zuma is corrupt.

If you want to see why, for an example why I have a problem and reservations about how this Commission was established, firstly, the issue of the family, the Guptas came in and the ANC felt we need to look at this and I think the Secretary General of the ANC was given a
10 task by the NEC to investigate because there were these allegations. Somebody also said the Public Protector should investigate also in addition to whatever was done. Public Protector said there was no money but the Treasury found money to give the Public Protector so that they investigate this before she leaves, in a hurry and of course she left the work, tried to complete it but it was difficult but it was there. The report – there should be a State Capture report this was again to use this phrase, that's why I've had a problem with it, was the State Captured, why the report must say we are investigating the State Capture? Now I don't know because I never went to any school, I take
20 things, perhaps, literally. I thought that the State, in the main is composed of three arms, Parliament, the Judiciary and the Executive but the Commission is not meant to investigate these three whatever else but these three but it's called the State Capture. The matters that have been dealt with, for me are general corruption matters, why it was – because I was a king pin that we must get at, this Commission,

according to those who are implementing things must be the grave of Zuma, must be buried here and that's why, whoever knew the Gupta family or they were friends, then they don't matter but Zuma matters.

Because something must be found even if the money is not there, those in charge of Treasury to find the money to give to the Public Protector so that this must be done quickly. In other words, the plan continues to be implemented precisely because the opposition parties would want the ANC out of Government so they pick up the pieces, go to – we must re-instate the case etcetera, it's mad you don't
10 even know if these people are coordinating quietly. So I've had a problem that this has not said it's a Commission for corruption if you want to specify it with a particular family so why do you call it a State Capture, is that expression meaning that the Judges are captured? Is the Government captured, is the Parliament captured? I'm sure people have said I've got views particularly because one day when I was addressing the students in the Eastern Cape and these were students of law and I said to them, just check this for me, why would legal people accept this expression and work on it, what purpose does it serve?

20 In other words, you are saying to the international community South African Judges are captured all political parties in Parliament are captured, the Executive is captured by this family. It's an exaggeration, it is meant to enhance this narrative against Zuma. Perhaps it's important to just firm up one point that I made in passing that I was supposed to talk to, to resign, long after Polokwane. I've got

a comrade that I've know that I recruited into the struggle who's a businessman now, we had a common friend in Angola. Because of Polokwane this friend felt that, well my relations with this comrade was never good he wanted us to talk, can you talk, so I said fine and this is comrade Mzi Khumalo so we met with the – three of us two of us and this friend, we said there is no fight among us when I got a conference of the ANC there's a contestation it doesn't mean there's a fight. So we discussed that fine, of course Mzi said I'm a cadre we were elected there – in fact he said I did not even support him back I was supporting
10 (indistinct) but once that happens we are one but he said something interesting, that he was approached before Polokwane conference by two comrades he knew and one official they were going with, this was Bululani Ngcuka, Penuall Meduna, they were accompanied by a Scorpion official which he did not know. They presented the matter to him to say, we've come to you, to make a request, this comrade, comrade Zuma we've done investigation, it is at a stage where we need to go further and this comrade the case will be very serious, you know this comrade sacrificed, fought a lot. Now we don't think he should go to prison, we think that we should find a way to make him leave the
20 work that he's doing and retire, go to Nkandla and we'd want to look after him. So we wanted to come talk to you as a comrade, as a business, can you help give us some money to do so? This is said by these two comrades to Mzi Khumalo who now relates this to me and he says, I said to them, how much I am fine I can do it but how much? They said we'll come back to you but he says they never came back but

again, the rumour and the rumour that was going in the corridors that Zuma must be made to resign and go to Nkandla becomes a reality, confirmed by the discussion between Mzi Khumalo and them.

So as I said earlier it was a rumour but this was confirmed very firmly. No-one has ever come to me to say could you go home and stay but it moves around, people try to find something that can make Zuma disappear and therefore many other things including the coming into being of this Commission influenced by this and people who are participating – people are participating are not aware of that and my
10 concern, the Public Protector leaving aside the name of the Commission, in my view, prescribes how this Commission is going to be. All Commissions are appointed by Presidents and there is no question about it, the Public Protector says in the process of making the proposal, the Chief Justice must be the one to identify the Judge who must then be the Chair of the Commission and I find that very odd because in my view the Public Protector is taking the powers, executive powers of the President, is asking the Chief Justice to do the job that must be done by the President but of course I was the President then, and this was basically centred around me, I thought I should not raise
20 these issues, it's going to be against Zuma's making tactics of delaying tactics, whatever, so I said fine and hoping of course, hoping that legal people will say, but what is this but of course this Commission was established. I don't have a problem with it, I have a problem with the Public Protector taking the powers of the President in order to fulfil some agenda, I don't know, unless I'm told otherwise Chair, that in fact

there is a provision in the Constitution I will be very happy that there was nothing wrong that the Public Protector was saying. Why would the Public Protector go to the extent of influencing how this and who must do the identification of the leader of the Commission.

All these things put together tell me there is a huge plan which is being made and it has been made and it has been implemented. You'll recall that the issue of Zuma must resign, the issue of the attempts in Parliament of the vote of no confidence, which is fine because that is within the framework in fact even people remembered
 10 that we don't even have the way how to impinge the President it's not – let us do it because we must take this fellow out, we must find a way and here's a Commission, this fellow he is a friend of this family, we are going to find something. He tells – he's been told by this family who to appoint who not to appoint etcetera, etcetera and there is nothing of that kind. I still – I am still waiting for somebody to come and tell me I said yes you were told here that elect or appoint this one and you did in this way and that way. Because I have been waiting so that I can really ask the kind of a person 'where did you get this from?' But it has been made to be included in the narrative 'get rid of Zuma'.

20 The whole country at one point there was a demonstration that we have never seen before when the white community came out in great numbers Zuma must go. What has he done? Nobody can tell. He is corrupt. What has he done? Nothing.

Of all the presidents who have been before me there is not a single one who has been brought and even brought to commissions

etcetera. But to Zuma we must do it.

I am giving this background because whatever – whatever we do I have listened to some of the people who have been accusing me coming here. One of them said that – it was Ngoako Ramathlodi when we sing he must resign we ask, he ask what have I done? We know he has auctioned the country. What an exaggeration from a lawyer. He cannot tell you auction what – what did I auction Table Mountain? Or auction Johannesburg I do not know. The man is sitting – he was sitting where I am sitting now. Zuma has auctioned the country that is
10 why we said he must go. But it is a lie. There is nothing of that nature.

Finally because I am here I am about to finish my third – my second term. Those people perhaps who were part of the decision taken that Zuma must not be Chief Intelligence within my organisation feel the – fail to do the task. Those who are tasked to ensure that Zuma goes. They create a situation as we are about to go for the State of the Nation. Zuma must not give this one, he must resign. Including the NEC meets to take that decision, why? He must be out. Is part of the implementation of the plan by the intelligence organisations that Zuma must go. And of course finally he must come before the commission
20 and answer questions. And I am here to answer questions but Chair I thought it is important for me to give you this background in whatever conclusions the commission would come to or whatever or whatever questions you are going to be asking me you must bear in mind that I have got this background that is a worry to me.

The fact that I was a President some people forgot it. And of

course clearly if there are such activities particularly from our own organisation I need perhaps to go back and say these three intelligence organisations who said there are people here. Are there people here, do I know whether there are people here or not? Even from my intelligence work.

Now I do not want to discuss intelligence but certainly the actions, the behaviour has indicated that it looks like there are. Who are they? Should we reach that point because for a number of reasons we have been very careful not to play to this ground – to that ground
10 because it is sensitive? But I have been provoked and provoked to the last degree. By people at times I know what they are doing because I have been wanting to save the organisation and to save the country. They make stories. They do everything. My own family suffers out of this. Leaving me perhaps I am a soldier I can take everything. People forget that I have got a family which would not want to hear lies being told about me. But not just that. You have some of my children who have suffered as a result of me. One of my sons Saady was working in a company I think it is Marce Fire Fighting Company. He was working there given a responsibility to look for – I mean to concentrate on the
20 continent and there was a time put that at the end of this time he will become one of the directors. A company which had Nugo and others wanted to have a deal with this company and indeed they talked to this company. When it came to the papers they saw a name Zuma. Sum Saady Zuma. They asked who is this. Poor fellow he thought that this is a child of a president this guy is an ANC they will be very happy. He

says no this is the son of the president. They said sorry we cannot have a deal with this name. If this man remains on our papers there is no deal. It is either us or him. He was asked very politely by the employers to leave the company. He tried to look for a job in Johannesburg because he was Zuma's son he could not find it. He tried to start business he could not. He came to me to say I have a got a problem. I said, my son go to Durban and look for a job. That is where he went to start his own business.

The young man who comes after that one Duduzane. They
10 started knowing this family when they used to come to me, when I was still a Deputy President. When he finished his studies he has done IT he went to work in the Intelligence, National Intelligence of the country. When these attacks on me started he was ill-treated there. He finally came to me to say I wanted to work for government but I cannot because – because I am your son. I am not even – what you call – accepted there. He looked for an employment. Now that he knew his family that they running an IT company he looked for a job in that company and he was employed and worked there as an employer – as an employee rather. When I was taken to court he was quite agitated.
20 Left the job. He wanted to take videos of my appearance in court and set up with his friend. I said you cannot leave a job. He said no I am leaving this job. Of course the case disappeared at some point. He came back to me to say Daddy you were right I am not finding a job. I have been looking for a job in Gauteng. Nobody can take me because I am your son. I have been looking for partners, nobody can take me. I

said to him – you know what I said to your brother, you must go to Durban. Go to Durban. He went to Durban. Started some business with some partners. But later he discovered something that he did not like in the company.

On his own he went to talk to the Gupta's that he would like to come back but not as an employee this time he wants to be part of the company. They discussed and finished. I did not even know. I was only informed afterwards. And he has been there working. Because he is my son he has suffered a great deal. Of course people will not feel
10 good if I am still there but I am just giving the Chair the impact of this.

As we moved towards the end as I said the NEC itself was influenced to take a decision that there has been calling Zuma must go now, he must go indeed. In other words that plan I am talking about finally succeeded. I had to resign from the ANC in order to leave the ANC intact because I love it. It is my organisation. It meant nothing if I resigned the ANC remains. But it is clear to me something which came from the answer of the three intelligence organisations that there are people infiltrated their spies. They were at work. I asked the – my organisation what have I done and I got no answer. Maybe Chair
20 having said what I have said let me deal with my relationship with the Gupta family so that you do not suffer try to ask questions. Because...

CHAIRPERSON: Well sorry Mr Zuma maybe this might be the convenient time to take the tea break. We were going to take – we normally take it at quarter past eleven but I did not want to interrupt – to interrupt you. So we are at nine minutes to twelve – we will take the

tea break and resume at ten past twelve. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES:

CHAIRPERSON: I am just – I am just waiting for everybody to sit down at the back. Yes, thank you. You – Mr Zuma you were about to begin to tell me about your relationship with the Gupta family. You may proceed.

MR JACOB GEDLEYIHLEKISA ZUMA: Thank you very much Chair. I will come back to other points here. I just thought it is important for
10 me to deal with that matter.

CHAIRPERSON: Yes.

MR JACOB GEDLEYIHLEKISA ZUMA: Particularly because many people have criticised me even in my own organisation. I have explained in proper sittings of the organisation. Some people just do not want to take it but I think it is important to explain this because it also has elements that are funny. Members of this family were brought to my residence in Oliver Tambo when I was a Deputy President where I saw them for the first time.

They were coming from (indistinct) from President Mbeki.
20 The person who introduced them was Essop Pahad. They were introduced as good business people but they were also comrades members of the ANC and – and that is how some of my family members got to know them. The young men were still very young at the time was there, saw them and introduced them.

That is why when he wanted a job he remembered that they

had said they run this kind of a company – of IT company. They were also introduced for the second time by some comrades in Gauteng who were present then in their company. They take workers from their places in the morning to work and they cook lunch for them and they take them back at sunset.

That is how I got to know them and I with time because I had now known them I got to know even some of the things they do. For example one of them was a member of the international council that was advising the President on economic things and I found them to be
10 a very - a very friendly family. With time I got to know quite a number of them if not all of them and they were indeed - they knew a lot of comrades and I got to know that in fact when Mandela was President they started being very close and were friends of Mandela and – and when Mandela was gone they were friends with Thabo whilst I was there as I say they saw me coming from his – his home.

I never did anything with them unlawfully or whatever. They just remained friends as they were friends to everybody else. I have explained how my son got onto them when he looked for a different kind of business people to work with and I have wondered why I am accused
20 why people think that my relationship with them is not right when they had a relationship with other people.

Two other Presidents have had relations with them. In fact stronger with Comrade Thabo Mbeki. He himself has appeared talking about – talking with them at times addressing them in – in the social media. Why should people think that this was one thing to get Zuma

and they did not know what was happening. Everything that happens is sort of associated with me.

I am sure you have listened here to and I have been you know given names and names that I allowed these people to land in the National Point in South Africa. No one has ever asked me did you do so or is there any information to that effect because it never happened. I did not know where they were going to land nor whether there was a landing to happen on a particular day but it has been Zuma again and that is what Ngoako Ramatlhodi said as he was giving evidence here.

10 He allowed his friends to – to land in a highly sensitive area. Comrade Ngoako has never asked me whether I talked to them and I allowed them to come there and I am sure you have it now in your – in your records. Perhaps not the matter to dwell so much but the point I am making I never did any other thing out of or breaking the law with this family never.

They were business people and successful business people. They knew a lot of business people who are also in the ANC and I think some might have worked with them. I am not a business person. I know nothing about business. I am a politician. I know something
20 about politics; because of the fact that they are comrades they are accepted and I realise that they seem to be not just a little business here quite substantial.

There had been a problem that worried us – all us that in this country the media is very biased. At all material times it is just critical. It criticises the country etcetera. There is no alternative voice and if

people could complain and say I abused them that one I could plead guilty because I then one day having known that we have been trying to have business who are progressive to establish a media sort of or candid voice of what is happening.

I think even people who are ANC members had tried even to partner with other people. It had never worked. At that time I was the President of the ANC. I then said to them man and making a suggestion. Can you try a business – a media business - because you are comrades? We need an alternative voice. There are many
10 attempts that have been made before by progressive people but they have never worked.

Is it possible that you could establish a newspaper? They have never thought of the idea and we discussed this. They finally said I think it is a good idea because it is business as well. I said fine. So they said no we will do something about it. They came back to say now they have decided they want to establish a newspaper. As soon as - they agreed because this was me as an individual talking about what we had seen as a problem that the media in this country is very negative.

20 In fact a number of things that are done which they supposed to be reported about at times they do not see the light of day only negativity. Once they agreed I then thought it would be important for me to make one person aware of this. One leader who was the Secretary-General of the ANC, Gwede Mantashe. I said Gwede I have talked to these comrades for them to do their business and they seem

to be warm to the idea and then after that I also informed the Deputy Secretary-General about this to say this is an initiative of these – of these comrades but it is an important one.

We as politicians pay a lot of attention to media. Also running in countries because we would want for example fair reporting. At times the reporting in our country is not fair. So I think they were happy as well. So I said man so that you know I am not just talking. One day I would be happy if you could see them and hear how they thinking of it. They have been thinking about it.

10 So the two comrades and I listened to them at one time when they wanted to say how they want to go about this – this thing. So I agreed. When they were about to – to – when they were moving forward they then said can you help asking me. Give us a name. We do not know how to call this newspaper. So I said to them there used to be struggle publications we used to have called Speak, Fighting Talk, New Age etcetera. So I gave all those names.

 They loved this name New Age and that is how the paper was named. So they established a newspaper and started work. We were very happy. They even discussed that they were going to report about
20 provinces in this paper. So there is no problem that is not reported to as always they are not in the national newspapers except if there is a big thing. Let us do something different as they were saying.

 When this paper was operating and really being appreciated in the country to bring about a – an alternative voice. I then sat and said man the newspaper, fine we have succeeded. I did – I do not

know and I was thinking whether I could push them further. So I said to them this is very successful. What about a TV channel? I suggested the paper to them.

I suggested the channel. Somebody can then say we are abusing this – this friendship. It was never the other way around. It was me who put them into trouble because I said your paper is so successful. I am sure your TV thing can be successful and they agreed. They said it is a good idea and they moved on it. I know that people who had problems had a lot to say about this.

10 I thought it was a very good thing that they did. There was no law broken there. There was no wrong things done. I discussed with business people many things when I was still in the – in the Government. Even suggest certain things can you not do in your business. This was a normal kind of interaction. So they established this and indeed the ANN7 brought fresh air in the country in terms of reporting, in terms of putting across progressive ideas.

It was never a bad thing or that there is corruption about it nothing. A clear suggestion about business and business people took it. They then fetched their people wherever it was. I am making this
20 point because that relationship ended up insofar as we are concerned who wants media that is progressive helping to have this media that was able to report differently.

That is an extent of the kind of friendship we had. I think they invite always many people for – for their functions – yearly functions and people go there. Somehow because I was – this was me

people thought that we found something to implement that plan because Zuma is friends to this. Let us say his relationship with Guptas is corrupt and I do not know where it is corrupt.

A few comrades raised the matter with me. I asked what the wrong thing is. What is wrong? They could not tell me. In fact one time it was raised in the National Executive Committee. I made an explanation how I came to know this and nobody said it is wrong. There was nothing wrong but some people are irritated. I do not know why.

10 Besides this I even explained this in the National Executive Committee that we just talked with them. One comrade Essop Pahad is actually working with them in a publication called The Thinker. He was editor. I think at the end that business ended up with him. Nobody says anything about that. Nobody says anything about the relationship between them and Mandela, between them and Mbeki but because there is a narrative to be done with Zuma – Zuma there is something wrong and nobody is telling me what is wrong with me.

20 What is not wrong with other people including other comrades but some people thought this is what we are going get Zuma. That is why they influenced the process to establish this Commission to fund Zuma. They have been friends and they were friends – and they worked with my son and there was absolutely no problem. In fact I was waiting to hear what it is that they did wrong.

 There is nothing more that I can say these are the things we did. I am mentioning this because to me these were important the

media thing. The newspaper and the channel. We talked to them. Once they – the idea was ripe they then went to brief the top six officials about the initiative we were undertaking. They also briefed the alliance.

They also briefed provinces and they also I think like all newspapers talked to people in Government for advertisements or whatever. What is wrong with that? No it is because they happen to know Zuma. They have become friends to Zuma. Then there is something wrong. I could not take people who raising issues on this
10 matter when they have no complaint just to say no, no you do not like them.

Never, never did I discuss anything that does not belong to them. I am told that there were appointing Ministers. Where do they come in? Why should they do so? Was I not capable of doing my work that I needed other people? There is a lot of consultation with the leadership when it comes to placing people or forming Cabinet whatever.

I have never done it alone. What is the problem? Of course unfortunately those who came never said this is what has happened.
20 They just say wrong things blah, blah, blah. It is important for us to – to clarify that point. Some people are so irritated but I did not know how to – to explain that one. These were comrades. These were business people.

I was introduced to them even at a very high level of the ANC and that is how I got to know them and that is why my son felt if – he

went to them and joined them and became a partner to them. These are people he can work with and succeed and I thought there was no problem but he has been crucified for that. Well in – in terms of the Guptas unless there was anything which when the time comes I will come to let me come back to the issue of the plan – the unfolding of the plan. The people who come deal with the issues.

I have been attacked even when I am coming here. Part of the reason I have more visitors today than any other time because I am here. Some people I know for a fact might know that I know things
10 about them and therefore they are not going to like me but I have behaved for decades. I have not played around with intelligence information.

I have lived with people who do not know I know about them because that was not what I was trained for to use intelligence wrongly or carelessly but these comrades have provoked me and other people. Not only them. Some other people had said things for example one day Comrade Mbalula attend - attended an activity in the farm or home of Mr Rupert and then Rupert saw him he said Minister Mbalula - when that happened he was the Minister of Sports.

20 If Zuma takes out – removes Pravin Gordhan it will shut down the economy of this country. You must go and tell him and indeed Mbalula came to tell me. I said but what has he to do with us. I – I did not know that he is a member of the ANC to decide how the ANC must deal with its matters. What is his problem? I said that he – go back to him to say that is his problem but he said we will shut down.

We will make the Rand flat on the ground. Well fine indeed they did interfere with the land – with the Rand. I think there is one person who confessed not long – this year that they did so and I knew even at that time it was a deliberate move part of the agenda. I never thought I would be nasty to people and I think I can be nasty. I have been over provoked.

People coming saying things about me because I am not going to revenge. Perhaps some people that the plan I at the beginning talked about they have reached the point. Where they say they wanted
10 them to reach I do not know. I have survived attempts to kill me. People looking to poison me or being instructed by their handlers to do so finally poisoned the very dangerous poison.

All emanates from those people who made the plan at the beginning. At some point they felt I am not disappearing and therefore they must deal with me. Many attempts were made. Firstly the court issue for an example was a way to get me out. I do not think there is a case in this country that finished 15 years going in and out even if the Judges say there is no case here.

Those who remember Judge Msimang – the late – said there
20 was no case and he took it out of court and those who remember Judge Nicholson said there is no case there. This is just politics and indeed the tapes confirm what Nicholson was saying but no newspaper will write that because the narrative is deal with Zuma. I am still having the case.

I have made an application that the case must go. They do

everything to ensure that this case is there because it feeds to the narrative Zuma must go. Everything I do nothing. That is why even the nine years that I was in Government some people will say it was a wasted time. Even if they were party to implementing decisions they were party taking those decisions but when they talk about it they are out of it – Zuma must account.

It is absolutely important that we accept the fact that there is something we need to deal with as a country. The very fact that intelligence organisations which today are key instruments to run countries the war today is fought at intelligence level. No longer at the hard guns etcetera. A worrying point is that one of our intelligence, which was still under the hands of the apartheid regime conspired with two other intelligence organisations to do things in our country, and it means those who were negotiating with us (speaking isiZulu) because we also know that at the time a decision was taken that some of the agents who had been operating, getting pay from the apartheid regime that the apartheid regime thought that they were not known by the ANC, there was an agreement between the intelligence organisation here and the United States that those should be taken with their files to them, but they will remain with us and they remained with us and they are among us.

And therefore they have their bosses, they're handled to do things here, and that's why some of them were rushing to come here because they found a platform to deal with Zuma.

When, and I must say this, when we were in the – in exile at

some point having done a number of things, the organisation gave me the task of – to be Chief of Intelligence, and there's a particular spy that I would say something about, he was Kozvaf[?] but he had given himself the name Fear, who infiltrated the ANC and caused a lot of damage and when because I had had problems with him when I was doing other work, when I was here I made it a point that we are coming to grips with this.

Some people have written a book with some information, distorted information on this particular character, as they were trying to
 10 give the scenes of Zuma in some books. He operated in Swaziland and caused people to die. We suddenly arrested him and indeed he confessed he was a spy, well trained, before he was a student in the Western Cape but he did not finish because there was a strike, they were chased out, he went to Durban to his sister, and during that time he was recruited by the Regime, was taken to training for six months how to be a spy, and trained through the ANC literature, so that when he comes to exile he must look like a bright student who catches so quickly and yet he has been taught and the material he has been taught here by the Apartheid Regime.

20 He came with his wife, there is a long story about him, and the wife herself was sent so they had a marriage that was authorised by the police, at the right time, part of the cover. And he was finally arrested and confessed.

CHAIRPERSON: I'm sorry, I didn't hear the words, the wife herself was – is it sacked?

MR JACOB GEDLEYIHLEKISA ZUMA: Sorry?

CHAIRPERSON: I didn't hear what you said about the wife, did you say his wife was sacked.

MR JACOB GEDLEYIHLEKISA ZUMA: I said, ja was sent by the police by the Special Branch.

CHAIRPERSON: Oh was sent by the police.

MR JACOB GEDLEYIHLEKISA ZUMA: Ja, from home to join him.

CHAIRPERSON: Yes, okay thank you. Yes?

MR JACOB GEDLEYIHLEKISA ZUMA: When he was detained he asked
10 to see me, and I saw him with the Comrades (indistinct) where he was saying I have written my confession, here it is, but I just wanted to come and talk to you. I saw hatred, if I found you sleeping when there was no one I would cut your throat. He said it took me time to confess because I have been more loyal to the Regime of Government regarding the ANC, but I thought it is important for me to tell the truth now.

That agent knew a number of others who are in the movement, because he was one of highly regarded spies of the regime. As soon as he did confession he as poisoned and died, but he had given the list of others because he knew them, and many comrades lost their lives
20 because of the work of that person. He even made comrades inside the country to lose their lives if he was instructed to give CADAS instructions to kill people inside.

One of the comrades was in KZN, that he did so, sent innocent comrades to that comrade to say he is a spy when he was not a spy. Much as I have a view about spies and everything but we had a code to

operate that we handle this with care, but I think other spies who have been sitting around (speaking isiZulu).

You know just recently there was a function in Durban where the Maskandies[?] wanted to feel the stadium. Some of those people one thing you know they planned to murder me inside the stadium, and I know them, they planned to murder me.

CHAIRPERSON: Is this a reference to some of those people who may have appeared in the list that was left behind by the spy who was poisoned?

10 **MR JACOB GEDLEYIHLEKISA ZUMA:** Some of them.

CHAIRPERSON: Okay, alright.

MR JACOB GEDLEYIHLEKISA ZUMA: What saved my life is because I did not go there. This is an attempt on my life, there have been people sent from outside the country to come and kill me, but I have been patient, not saying a thing, but I have been provoked to the last degree.

Yes I have got the list and another list as well, but that's not the business of me to deal with those matters here, but it is important, it is important for me so that you can see the behaviour of people.

20 What made Comrade Ngoako to behave the way he did here, saying that I have auctioned the country, in the ANC I just do what I like, he is carrying out an instruction. He was recruited when he was a student in Lesotho to be a spy.

CHAIRPERSON: Please let's not clap, thank you.

MR JACOB GEDLEYIHLEKISA ZUMA: And he finds it very comfortable

to come here and say this Zuma he was a good man, and I have known him for years, what he is, but I have never shown it, because I thought he will change. Some other people have made themselves very nice, join something called One Hundred and One and said a lot of things about me, some of them that I commanded, and some of them who commanded the other comrades but they are not known and perhaps people will realise why there seem to be some problems, somehow, somewhere.

I think it is important for people to behave correctly, so that
10 they don't cause problems. Some of the people I have loved, I have worked with them, trusted them, even when I got to know, because I thought maybe they have left the wrong ways. The critical point is that the plan made way back has been working and our enemies in fact have recruited more even than during the struggle.

That is why you will see things when people are doing things in the manner in which doesn't look like ANC, it is some of them who influences this Commission to bury Zuma, and I am sure in the discussions as we go I will be looking at things and saying what else.

I want peace, I want harmony and that is why even those who
20 have done things to me I am not feeling pitiable, but some – some of them had even collected information, gave it to the writers who write books about me. Maybe at some point in the discussions here I might come back to this issue in the Commission, whilst the Commission still continues, but I thought I should deal with one who has said to me I have auctioned the country to the Guptas. Others have said things out

there but the time is there to deal with matters, all I am saying it is important for you Chair to realise that some of the things you are dealing with are very big and very deep and it is important to know there is a plan that is being implemented against Zuma, and it gets in, in many ways.

I must come here and answer questions about people of who perhaps – I don't know what questions are there, but the ones I have heard so far I thought that somebody is going to say Zuma is hiding something with the Guptas, or something, something, so that leaves me
10 with what is it that I have done wrong, but it is important to bring Zuma here, so that the narrative grows, here is Zuma being questioned about his relationship with the Guptas etcetera, what is wrong with the relationship? Nothing wrong, and then but many other people have friends to these comrades, they are not the issue, the issue is Zuma.

Now as you call it the information and you walk towards making conclusions I thought that this is important that I say partly because some people are part of the plot to kill me, perhaps it is important that before I die I tell the story. I am telling you if I can tell you the details of the plan to kill me in Durban was detailed, detailed.
20 It involved people brought from outside of the country. (Speaking isiZulu) were supposed to do to me, and perhaps that will make you realise that for me the matter is bigger than it meets the eye, and I have been respectful to comrades, and to people I know, maybe I have reached a point where that must now take another backseat. They concoct everything just to deal with Zuma.

As part of this narrative there is a book – or sorry the book is – there is a film which is being made about the case that took place, and I was found not guilty, rape case. There is a journalist in South Africa who is doing that one, Radier Kable[?], it's being done outside, to say Zuma is a rapist, it fits in this narrative, she has been doing it in the media where she works, Radier, because this narrative must be done. The question I ask them these people who do – who participate in it where do they get the idea that Zuma must be put down? Who instructs them?

10 Perhaps it is important to look into this matter many times, and say what can we do? We have a country to save, but there are people who do not care, who want to give negativity in terms of what we do in this country.

I have resigned as asked by my National Executive Committee, and I am staying there, far away, but even when I am staying there there is a plot to kill me. When I am no longer in any activity, except attending the National Executive Committee meetings of the ANC, as a member of the ANC.

20 Well as the Commission goes I might come back with other matters but I thought it is just important at this point to take the matter up to here.

Thank you very much Chair.

CHAIRPERSON: Thank you very much Mr Zuma. I think it is good that you decided to tell the Commission what you have told it, because as your counsel indicated the Commission had indicated that part of what

it would like to hear is your side of the story and that then there would be also questions, so it was important that you be given that opportunity.

We are at five past one, we will take the lunch break now, and we will resume at quarter past two.

We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

MR JACOB GEDLEYIHLEKISA ZUMA: Sorry Chair.

10 **CHAIRPERSON**: Yes, yes Mr Zuma yes.

MR JACOB GEDLEYIHLEKISA ZUMA: I just two points I just wanted to make.

CHAIRPERSON: To make. Yes.

MR JACOB GEDLEYIHLEKISA ZUMA: Yes. I forgot mention the name of the movie that is being done by Redi in the United States.

CHAIRPERSON: Yes.

MR JACOB GEDLEYIHLEKISA ZUMA: Because I think it is important to have the name of the movie – crossing with my – the name of the movie is Raped by Power.

20 **CHAIRPERSON**: Raped by Power.

MR JACOB GEDLEYIHLEKISA ZUMA: Raped by Power.

CHAIRPERSON: Okay. Thank you. Yes I thought there is a second point.

MR JACOB GEDLEYIHLEKISA ZUMA: The second point.

CHAIRPERSON: Yes.

MR JACOB GEDLEYIHLEKISA ZUMA: When I talked about Ralph who had organised an attack when he was to be confronted because the reason why you had that attack he had been arrested by the Swazi police and leaked information about the work they are doing in Swaziland. And then his commander the commander of the group and other members of the group were very agitated about this. Why did he give information to the Swasi's? So they...

CHAIRPERSON: That would be to the Swazi government?

MR JACOB GEDLEYIHLEKISA ZUMA: Swazi government ja.

10 **CHAIRPERSON:** Yes.

MR JACOB GEDLEYIHLEKISA ZUMA: When he was arrested.

CHAIRPERSON: Okay.

MR JACOB GEDLEYIHLEKISA ZUMA: He then – the commander said, let us go to Maputo so that we can discuss this matter. Knowing that he was going to Maputo he then phoned his handler in South Africa to say he must be rescued. He is being taken to Maputo they might perhaps never see him again. So he needed them to undertake an operation against his colleagues. So he gave them description of where they were sleeping. They would have woken up at about four-ish
20 to walk while it is dark to cross to Mozambique and he told them where he was sleeping and where everybody was sleeping. So the attack happened to his window with a canister...

CHAIRPERSON: Through his window?

MR JACOB GEDLEYIHLEKISA ZUMA: Ja. Through his window.

CHAIRPERSON: Yes.

MR JACOB GEDLEYIHLEKISA ZUMA: But he went out through that window and nothing happened to him and even the bed was never – the bed showed that nobody had ever opened the blankets who come he was sleeping on top of it which means he was waiting for these people. Then in the morning he was detained by the Swazi's once again. Then few day after the detention conniving both Swazi's and the security police from here wanted to release him because he was very important. But they wanted to test the waters as to is he being suspected of this or what?

10 And they – they did something and ask somebody when he comes out after arrest – somebody to hug him as they greet. That hug was important because it will be saying he is innocent. In other words nobody is angry for him that he might be responsible for this.

 The information was – so that hug was arranged by the police and somebody who hugged him had been given instructions to do so. And that was General Sipiwe Nyanda.

CHAIRPERSON: Yes.

MR JACOB GEDLEYIHLEKISA ZUMA: Ja.

CHAIRPERSON: Those are the two points. Okay thank you. You will
20 be asked questions by Mr Pretorius. I will also ask questions from time to time. If there is anything you – any question you do not understand say so and it will be repeated or clarified. Thank you. Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: Yes. Thank you Chair. Mr Zuma – Chair before asking questions and before making a few remarks.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: I believe it is important for the legal team itself to place certain matters on record.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Given what has been said this morning and what might be said in future.

CHAIRPERSON: Yes

ADV PAUL JOSEPH PRETORIUS SC: It may be that some of the matters that I want to raise now or place on record now have already been placed on record by yourself but I do believe it is important that
10 the legal team too place its position on record.

The first point is that this commission is at this stage at least investigating matters covered by the terms of reference. It is an investigation. That means it is not a trial where we seek to prove a predetermined or pleaded or charged case and for that reason too there is no cross-examination. Cross-examination can only take place by prior permission granted by your Chair and it is not likely that we will ask for such.

Our terms of reference mandate us to investigate various matters under the broad heading State Capture, Fraud and Corruption
20 and it is pursuant to that mandate that you Chair have invited Mr Zuma to attend.

Firstly to assist the commission by presenting to the commission his version. The facts as he sees them and his understanding of those facts as well as relevant matters connected with those issues.

And in particular the correspondence preceding and at the time of the invitation to Mr Zuma specifies matters raised in the evidence of a list of specified witnesses and I will list those in due course.

And the second point is that you – your invitation invited Mr Zuma to attend – to answer questions in relation to those matters and the wording of the invitation is specific. It is matters raised by the witnesses which have mentioned Mr Zuma or are related to him in one way or another. Ultimately it is Mr Zuma's knowledge, experience and owner ledged involvement in matters raised before this commission that
10 we seek to investigate further.

The witnesses specified in the correspondence in relation to whom or in relation to whose evidence questions will be asked are Mr Maseko, Ms Mentor, Minister Nene or former Minister Nene rather, Minister Gordhan, Ms Hogan, Mr Ramathlodi, Mr Muofhe, Mr Mbalula and Minister Mbulula and Mr Agrizzi. Those are the witnesses to whom questions will be limited. Perhaps at another occasion Mr Zuma questions will be asked in relation to the evidence of other witnesses but it has been stated specifically in correspondence to the former President that questions related to the evidence of those witnesses and
20 matters raised by such witnesses to which Mr Zuma may be related in one way or another may be asked.

Then Mr Zuma and it I...

CHAIRPERSON: Oh you are done. Before you ask any questions

ADV PAUL JOSEPH PRETORIUS SC: Yes.

CHAIRPERSON: Maybe I must just also make this point clear that now

that you have referred to the fact that Mr Zuma was invited here. Let me make it clear the decision to ask Mr Zuma to appear here was mine and mine alone. And I believed it was the right thing. I want to hear his side of the story but also I want an opportunity for the commission to put questions to him.

The correspondence that was exchanged can be taken as from me as well. So if there is any criticism it can be directed to me. Thank you.

ADV PAUL JOSEPH PRETORIUS SC: Mr Zuma to begin we have heard
10 the narrative and the evidence that you have given this morning and we would appreciate time to consider it in its full detail but from the legal teams' point of view we can assure you that insofar as the issues you have raised fall within our terms of reference as they appear at first glance to fall within our terms of reference we will investigate further and we trust with your assistance.

But as I understand it you say that in the early 90's a conspiracy or plan and you have used both words was hatched and you have used the words to get rid of you and you have also told the Chair that that conspiracy or plan was hatched by two foreign intelligence
20 agencies in conjunction with a South African Intelligence Agency, is that correct?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Yes. What happened to you as narrated by you between the early 90's and now some 29 years has largely been part of the execution of this plan or conspiracy as I

understand you evidence. If you would say yes because your nod will not be picked up.

MR JACOB GEDLEYIHLEKISA ZUMA: Yes. Okay, okay.

ADV PAUL JOSEPH PRETORIUS SC: Thank you Mr Zuma.

MR JACOB GEDLEYIHLEKISA ZUMA: Okay yes.

ADV PAUL JOSEPH PRETORIUS SC: And do I understand you correctly to say and this is what – is what might bring your evidence squarely within the terms of reference of this commission that this commission itself is the culmination of that conspiracy?

10 **MR JACOB GEDLEYIHLEKISA ZUMA**: Yes I said so.

ADV PAUL JOSEPH PRETORIUS SC: Yes. The evidence of the 9 witnesses that I have mentioned I am happy to repeat them if you wish. You may want me to do so has that evidence formed part of this conspiracy generally speaking. We can get to the detail in a moment?

MR JACOB GEDLEYIHLEKISA ZUMA: No I did not necessarily say it forms part from them as individuals and I am not saying it also it does not. Because they came here on specific details. I think my contention is that the manner in which the Public Protector was asked to investigate this specific matter and when she had no money she was
20 given money to do so. And I think carefully crafted how to name it so I am saying the commission. I am not saying whoever comes here to give evidence is therefore part of that one except when I was talking about one individual.

CHAIRPERSON: Yes.

MR JACOB GEDLEYIHLEKISA ZUMA: Who said I have auctioned the

country.

ADV PAUL JOSEPH PRETORIUS SC: Well that question perhaps can be more fully answered when we talk about the evidence in more detail.

MR JACOB GEDLEYIHLEKISA ZUMA: Hm.

ADV PAUL JOSEPH PRETORIUS SC: Thank you. The first witness on the list is Mr Maseko who gave evidence before this commission. In recent days a set of documents was handed to your legal representatives. There were two bundles – Chair you have the two bundles. It is bundle GGA and bundle GGB.

10 **CHAIRPERSON:** Yes I do have but I see that Mr Zuma does not have anything.

ADV PAUL JOSEPH PRETORIUS SC: Yes that is why...

CHAIRPERSON: I think his counsel ...

ADV PAUL JOSEPH PRETORIUS SC: I am introducing them now Chair.

CHAIRPERSON: I think let us – let me hear his counsel. I think he indicates he wants to say something about it.

ADV MUZI SIKHAKHANE: Chair

CHAIRPERSON: Yes.

20 **ADV MUZI SIKHAKHANE:** I do not have the documents and he does not.

CHAIRPERSON: Oh. Do – do you – my understanding Mr Sikhakhane my understanding is that two lever arch files were served on your instructing attorney about two weeks ago if I am not mistaken. You – I do not know if you – you...

ADV MUZI SIKHAKHANE: I do not know – well his – he is here

because I do not have them and I have asked them. I will ask him to deal with the question.

CHAIRPERSON: Yes.

ADV MUZI SIKHAKHANE: I do not have them and I do not know whether Mr [indistinct] [not speaking into microphone].

CHAIRPERSON: Yes.

ADV MUZI SIKHAKHANE: I do not know. Mr Mantsha is here.

CHAIRPERSON: Okay. No that is fine. Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: They were delivered on the 1
10 July to the offices of Mr Mantsha the attorneys of record of the former President.

CHAIRPERSON: Do we have any proof of receipt?

ADV PAUL JOSEPH PRETORIUS SC: Well we can obtain. Just get it. We will obtain it now Chair.

CHAIRPERSON: Yes Mr Sihakkhane.

ADV MUZI SIKHAKHANE: Chair maybe let me raise this because it has been – it is the problem I was trying to avoid.

CHAIRPERSON: Yes.

ADV MUZI SIKHAKHANE: It is truly the problem. Until the 24th June
20 and I saw the acrimonious correspondence. I am not – I was not a party to that is that I think when that – when that broke down – that relationship we were trying when it broke down I believe that when we asked the commission about details even these files that are delivered only you have undertaken to come if they were delivered. These files could have been given to us earlier. Really, really I do not see – unless

they have stuff that only came then. I am just raising this because I think it is important that this process is not run like an ambush tool so that it must assist you Chairperson.

CHAIRPERSON: Yes.

ADV MUZI SIKHAKHANE: And the fact that these documents unless you are told by Mr Pretorius that they contain things they obtained later there is absolutely no reason why they could not have been given earlier and the problem we were complaining about could have been averted. And I do not have them and I – that is why I keep saying...

10 **CHAIRPERSON**: Yes.

ADV MUZI SIKHAKHANE: Mr Mantsha may deal with them.

CHAIRPERSON: Yes.

ADV MUZI SIKHAKHANE: But this is how the commission wants to deal with it.

CHAIRPERSON: My understanding is that they were prepared as a matter of caution because there was an understanding that your instructing attorney had indicated that not all the witness statements had been received by him and they were prepared to include all witness statements and annexures and that were deemed relevant so that
20 whichever ones he might not have received would be there. My understanding is that from the commission's side apparently maybe one had not been sent otherwise the rest had been sent but Mr Pretorius can talk more. But we will have to find a way of how to make sure there is fairness.

ADV MUZI SIKHAKHANE: I think so Chair and I think the

correspondence...

CHAIRPERSON: Yes.

ADV MUZI SIKHAKHANE: Between the two attorneys ja I think it can improve because it is beginning to affect ...

CHAIRPERSON: Yes.

ADV MUZI SIKHAKHANE: An innocent witness.

CHAIRPERSON: Yes. No thank you. Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: Well Chair to answer the later question first. There is an acknowledgement on the 1st July 2019 of
10 receipt of the two files. I can hand that up if you wish. But also a – an electronic copy of the evidence bundle was sent on the 1st July as well. But I do not understand that to be disputed now rather the timing of the delivery.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Appears to be an issue.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: May I just say that I can go through all the witnesses of the nine in detail but perhaps only in relation to Mr Maseko a Rule 3.3 Notice was sent on the 2 August 2018
20 to the attorneys of the former President. Delivery confirmation was received on the 3 August 2018 and attached to the delivery were the two statements of Mr Maseko. A full evidence bundle in relation to annexures was sent on the 17 August 2018. Right. So all this documentation in relation to Mr Maseko was sent last year in August and was responded to in the sense that there is written confirmation of

the fact that the documentation and the statements were considered and it was felt that Mr Zuma was not implicated thereby. But be that as it may it leaves us in the position now when for some reason or another and I do not think the fault can be laid at the door of the commission at all the witness is unprepared. There are two ways of dealing with that. I can deal with the questions more slowly and in relation to each document or piece of the witness's evidence allow the – Mr Zuma time to consider it. But other than that I am not sure that there is any reason to delay these proceedings any further.

10 **CHAIRPERSON**: Maybe what we should do is I should adjourn maybe for a few minutes to allow you and counsel for Mr Zuma to look at whether there are any documents in these two files that they have never received. Because obviously those that they had received and since it was specified which witnesses we would be dealing with they would have had those and therefore whatever preparation they might have needed to do they would have been in possession of those. But just in case there may be some witness statements or other documents that they never received even or before the two lever arch files were sent because if it is maybe one or two – one or two statements that can
20 – we can see whether those can be dealt with much later in the week or not. So that is what I am...

ADV PAUL JOSEPH PRETORIUS SC: Well just one qualification Chair.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: This afternoon we will deal hopefully with Mr Maseko.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: There two statements were given with the bundle and the bundle GG two statements were given.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: So that is a fairly easy equation to deal with.

CHAIRPERSON: Yes. Yes.

ADV PAUL JOSEPH PRETORIUS SC: To go through each and every document will take quite a ...

10 **CHAIRPERSON**: Time.

ADV PAUL JOSEPH PRETORIUS SC: Some time to complete.

CHAIRPERSON: So your suggestion is that you restrict your questions for this afternoon to Mr Maseko.

ADV PAUL JOSEPH PRETORIUS SC: Yes.

CHAIRPERSON: And then we adjourn and that gives opportunity for documents that the legal team for Mr Zuma might not have received to be identified.

20 **ADV PAUL JOSEPH PRETORIUS SC**: Yes. In fact in relation to Mr Maseko more documents were sent last year than were given on the 1 July.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: But I am told that ...

CHAIRPERSON: Mr Mantsha wants to say something.

ADV PAUL JOSEPH PRETORIUS SC: Mr Mantsha wants to address you.

CHAIRPERSON: Yes Mr Mantsha.

ADVOCATE DANIEL MANTSHA: Thank you Chairperson. You made mention that you have directed the correspondences specifically the invite to the former President. If I were to take you back a little bit during the engagements we had in chambers wherein I actually raised complaints that the former President who was in office when the commission was appointed was not even asked or to be consulted of anything on the matter. But coming to the point after I have requested the commission to actually give us the parameters of what the
10 President – former President is going to be asked upon. My last letter dated the 24th June 2019 at the bottom of that letter after we made all attempts to actually try to find the best way to prepare the former President in terms of the areas where the commission is going to ask. And why did you do that Chair? We did that because we were part of the proceedings of this commissions. And when you then said to me the former President is here or he will be asked as my learned colleague read the list Mr Masseko, Mentor and so forth. We asked the questions. What are the questions that you are going to ask? And the reason why we asked the questions is simply because say for example
20 Mr Mentor before you she told you she could not – the commission could not confirm that she has left Cape Town to Johannesburg. The commission could not confirm that she has left Johannesburg for Cape Town. The commission - the recollection of the Gupta's residence, the expert witness of the commission contradicted her recollection that she apparently does not seem to have appeared into the place. So I am

saying because it is important we were asking these questions to say are you really calling him to answer things that it was proved before the commission and proved before everybody who is following this proceeding that that witness has – there is no proof.

CHAIRPERSON: Well Mr Mantsha right now the question is relates to documents that may – that the legal team says...

ADVOCATE DANIEL MANTSHA: Indeed Chair I am getting there.

CHAIRPERSON: Yes.

ADVOCATE DANIEL MANTSHA: I am getting there because as I have
10 mentioned to you my letter of the 24th I then said to the commission we
trying to facilitate that these proceedings will be conducted in a spirit
of the true people who were pursuing the truth. Not the people who are
pursuing some of what the former President has been saying. And
when that was rebuffed by this commission the last sentence on the
letter was we are out of these engagements. Which meant whatever
the commission attempted to bring to my office the commission was
doing so in its own peril. Because I have formally informed the
commission that since my attempts to try to have the smooth running of
this – the appearance of the former President. You are not interested.
20 Therefore I washed my hands out of it. So whatever you can bring to
my office was done at the commission peril and then the commission
has to deal with. But what I can say to you in terms of the notices
which have been sent to my offices in terms of Maseko and others we
confirm those notices. But what is important is as I was saying to you
when you get a notice that you are implicated surely you expect that

there is a content that implicates you in legal sense of the word. So even though what I am saying is say we are only concerned with the documents. It is more than documents because we wanted to say, do you want to ask us about Booyens? He never implicated us. You want to ask us about Sindane? You give us the notice they have never implicated us.

CHAIRPERSON: No, no, no Mr Mantsha. Let us – let us stick to what is at issue. It is true that your – the last sentence of your letter said the Commission was not going to receive any further correspondence
10 from you but it did not say you were withdrawing as Mr Zuma's attorneys.

MR DANIEL MANTSHA: Indeed Chair but the point we are making we disengaged as far as the appearance of the former President was concerned because we have attempted to discuss the documentation to discuss the questions and all of that was rebuffed. So when the President – former President comes here and talks to you of a grand narrative these are some of the things that when we look from where we sit as reflected on the correspondence to say but why should people who are looking for truth would ask a person to come ...

20 **CHAIRPERSON:** No, no Mr Mantsha. We – you have made the point you wanted to make about the documents that you had notified the Commission that it would not receive any further correspondence from you. You have conceded that you had not withdrawn as his attorney of record and I understand that the Commission Secretariat then made sure that the documents were served on you on your offices because

from the point of view of the Commission you remained his attorney of record and they could not liaise directly with him.

MR DANIEL MANTSHA: But – but with respect Chairperson ...

CHAIRPERSON: Hm.

MR DANIEL MANTSHA: The Commission has got no licence to do whatever it wishes. The Commission was informed in writing that as far as this aspect is concerned we disengaged because the Commission was not cooperating with us. I think I have made my point.

CHAIRPERSON: Yes you have.

10 **MR DANIEL MANTSHA:** As – as the former President stated this matter runs very deep. So there are deeper things we would want to submit to you.

CHAIRPERSON: Thank you.

MR DANIEL MANTSHA: In due course.

CHAIRPERSON: Thank you Mr Mantsha. Thank you. Mr Sikhakane.

MR MUZI SIKHAKANE: Chair, I – I think in the interest of this process and time I would – I would allow I think Mr - Mr Paul Pretorius must – must proceed ...

CHAIRPERSON: Yes.

20 **MR MUZI SIKHAKANE:** And to take it where he wants to take it.

CHAIRPERSON: Yes. He suggested that maybe we deal with the evidence relating to Mr Maseko only and then after that then discussions can be looked at.

MR MUZI SIKHAKANE: Chair I – I ...

CHAIRPERSON: Would that be fine?

MR MUZI SIKHAKANE: I have no problem. As I said I have not seen the documents ...

CHAIRPERSON: Yes, yes.

MR MUZI SIKHAKANE: But I take it from him it is statements that (intervenes).

CHAIRPERSON: Yes.

MR MUZI SIKHAKANE: I – I think – I think it is important that ...

CHAIRPERSON: Yes.

MR MUZI SIKHAKANE: That (intervenes).

10 **CHAIRPERSON**: Yes. No that – I – I think that would be fair to – to do. We – we will keep on trying to be as fair as possible.

MR MUZI SIKHAKANE: Yes.

CHAIRPERSON: We might not always get it right but we will continue ...

MR MUZI SIKHAKANE: Absolutely.

CHAIRPERSON: To try and do our best.

MR MUZI SIKHAKANE: Absolutely Chair.

CHAIRPERSON: Thank – thank you.

MR MUZI SIKHAKANE: Thank you.

20 **CHAIRPERSON**: Mr Zuma I am sure you have been following? So there were certain documents that the Secretariat of the Commission sent to your attorneys but you – you have heard what the instructing attorney has done but there seems to be an acceptance that at least in regard to Mr Maseko's statement that was sent off last year and Mr Pretorius has suggested that he will not deal with other witnesses

this afternoon.

He will just deal with Mr Maseko so that after that the lawyers can talk to each other to see how to sort out the issue of the other documents. Thank you. Mr Pretorius.

ADV PAUL JOSEPH PRETORIUS SC: Yes just for clarity to close of this part of the debate Chair. The letter from Mr Mantsha dated 24 June said in the last paragraph:

10 “Accordingly you will receive no further
correspondence from us in this regard and we wish
the Commission well.”

Unless Mr Mantsha revoked his mandate and withdrew as attorney of record in the interim without informing us and leaving us under the impression through the delivery of documents to him that he remained on record without reply and then he will suddenly come on record. One can draw the conclusion that he has been attorney of record throughout.

20 Mr Zuma may I beg leave to hand up to you the two bundles of documents and I undertake to deal with the questions insofar as they are matters within your own knowledge slowly and in a manner in which you are hopefully not taken by surprise but please if there is any document you wish to read or there is any time you need to consider matters we will do our best to make sure that the proceedings are fair.

MR JACOB GEDLEYIHLEKISA ZUMA: Thank you.

ADV PAUL JOSEPH PRETORIUS SC: So that is – you have before you two files.

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Bundle GGA and on the spine it is marked former President and your name follows. Do you see? Bundle AA.

MR JACOB GEDLEYIHLEKISA ZUMA: GGA, yes it is this one.

ADV PAUL JOSEPH PRETORIUS SC: Okay. So you can put GGB aside for the moment.

MR JACOB GEDLEYIHLEKISA ZUMA: Okay.

ADV PAUL JOSEPH PRETORIUS SC: We will deal with just the few
10 pages in divider one in GGA.

MR JACOB GEDLEYIHLEKISA ZUMA: Okay.

ADV PAUL JOSEPH PRETORIUS SC: If you look at paragraph – page 2 and when we refer to pages we will be referring to the pages in red in the top right hand corner. Do you see that?

MR JACOB GEDLEYIHLEKISA ZUMA: Ja.

ADV PAUL JOSEPH PRETORIUS SC: So page 2 is the affidavit of Mr Maseko. You have that?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

ADV PAUL JOSEPH PRETORIUS SC: In paragraph 2 he says:
20 “I have been requested to provide an affidavit relating to the report that I submitted to the Public Protector in relation to the so called State Capture investigation.”

Then in paragraphs 3 and four he continues. He says:

 “I first submitted the statement in response to the

call by the Secretary-General of the South African National Congress Mr Gwede Mantashe which statement was subsequently submitted to the Public Protector's Office. This statement ...”

And he refers to the statement in paragraph 3.

“...provides details of my experience with the Gupta family during my tenure as Accounting Officer and the Chief Executive Officer of the Government Communication and Information System - GCIS.”

10 The process that is referred to in paragraph 3 that is the submission of the statement in response to the call by the Secretary-General of the African National Congress. Do you know what process that was?

MR JACOB GEDLEYIHLEKISA ZUMA: I am not sure. At some point I do not know whether this refers to the ANC taking a decision that the Secretary-General should investigate this matter.

ADV PAUL JOSEPH PRETORIUS SC: Yes. That – that is our understanding of the matter.

MR JACOB GEDLEYIHLEKISA ZUMA: Okay, okay.

20 **ADV PAUL JOSEPH PRETORIUS SC:** We would like to find out from you Mr Zuma what you know about that process. Firstly what was the mandate given to Mr Mantashe and who gave him that mandate?

MR JACOB GEDLEYIHLEKISA ZUMA: Well I – I cannot be very certain about it but I thought that it was the meeting of the ANC NEC. I would imagine that it had taken the kind of decision and I was not in that

meeting.

ADV PAUL JOSEPH PRETORIUS SC: And what decision did they take?

MR JACOB GEDLEYIHLEKISA ZUMA: That Mantashe must do some investigation about the Gupta things that people were complaining about.

ADV PAUL JOSEPH PRETORIUS SC: Right and that complaint was that the complaint that arose in the petition submitted to the then Minister Gordhan and copied to yourself from the 27 Directors General?

MR JACOB GEDLEYIHLEKISA ZUMA: From?

10 **ADV PAUL JOSEPH PRETORIUS SC:** The Directors General who submitted a petition to the former Minister of Finance Mr Pravin Gordhan. I can show you the document if you want to see it.

MR JACOB GEDLEYIHLEKISA ZUMA: *Ja*, okay.

ADV PAUL JOSEPH PRETORIUS SC: So you can refresh your memory.

CHAIRPERSON: Maybe let me also just ask. Have you had a chance recently to read Mr Maseko's statement to refresh your memory?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes. That I (intervenes).

CHAIRPERSON: You have, okay.

MR JACOB GEDLEYIHLEKISA ZUMA: *Ja*.

20 **ADV PAUL JOSEPH PRETORIUS SC:** This may assist you before we take matters any further and if you want to take a few moments ...

MR JACOB GEDLEYIHLEKISA ZUMA: You must ...

ADV PAUL JOSEPH PRETORIUS SC: To read it please ...

MR JACOB GEDLEYIHLEKISA ZUMA: Take it.

ADV PAUL JOSEPH PRETORIUS SC: Request same and we will

arrange that through the Chair. This document was included in the bundle Chair that was given last year.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Do you want to take a minute to read that document?

MR JACOB GEDLEYIHLEKISA ZUMA: Huh-uh.

ADV PAUL JOSEPH PRETORIUS SC: The document is headed:

“Statement by Former Directors General.”

We will give it an exhibit number.

10 **CHAIRPERSON**: It is – it is already – it was already given an exhibit number previously. Is it not?

ADV PAUL JOSEPH PRETORIUS SC: Yes.

CHAIRPERSON: Yes. So we should stick to that exhibit number.

ADV PAUL JOSEPH PRETORIUS SC: Right. We will refer to it.

CHAIRPERSON: *Ja*. Otherwise there will be confusion.

ADV PAUL JOSEPH PRETORIUS SC: Page 75 in another bundle. I am just check. I think it is ...

CHAIRPERSON: Hm.

20 **ADV PAUL JOSEPH PRETORIUS SC**: E1. So it can be referred to as EXHIBIT E1?

CHAIRPERSON: Was it given as EXHIBIT E1.

ADV PAUL JOSEPH PRETORIUS SC: Page 75. So it is Bundle E1 pages 75 to 81.

CHAIRPERSON: Is it one document?

ADV PAUL JOSEPH PRETORIUS SC: Yes Chair.

CHAIRPERSON: Okay. You asked him whether he wanted to have – to read it and have a look. I see it is quite an extensive – it is about what – four or five pages?

ADV PAUL JOSEPH PRETORIUS SC: Yes Chair.

CHAIRPERSON: Do you not want to highlight certain things in it that could refresh his memory?

ADV PAUL JOSEPH PRETORIUS SC: Mr Zuma shall we do that?

MR JACOB GEDLEYIHLEKISA ZUMA: Okay.

ADV PAUL JOSEPH PRETORIUS SC: If you look at paragraph 1 it
10 reads:

“A group of former Directors General felt compelled to address the recent developments that are having a negative impact on the capacity of the state to provide quality services and eroding public confidence in public institutions.”

And this is a statement that is made during May 20 ... – it was embargoed for publication until May 2016. I think it says. It is not clear from the top but ...

CHAIRPERSON: It is written embargoed for publication on Sunday
20 15 May 20 ...

ADV PAUL JOSEPH PRETORIUS SC: 16 I am told.

CHAIRPERSON: 16, *ja*.

ADV PAUL JOSEPH PRETORIUS SC: The second paragraph reads and this is by way of introduction Mr Zuma:

“We had the rare honour in history to not only work

administratively to dismantle apartheid but also in crafting a new legal framework passed by our Parliament and entrenched in our constitutional framework. Through these measures democratic institutions were established. Our initiative to speak as former Accounting Officers today is driven by our shared commitment to our constitutional democracy. This is not a party political initiative and we do not consider the matters we are raising to be party political in nature.”

The third paragraph in the introduction reads:

“As former Directors General we brought a collective commitment to serve and dismantle the apartheid state machinery and replaced it with democratic institutions that were informed by democratic values, social justice, fundamental human rights and a deep desire to improve the quality of life of all South Africans.”

And then under the heading:

“Our Concerns”

On the second page of the document that is page 76 of E1

Mr Zuma it reads:

“As former Director Generals we are concerned about reports that public officials including Heads of State Owned Entities are being pressurised by

private interests to wilfully break procurement rules and the rules pertaining to transparent fair and competency based appointments. In particular we express concern at recent revelations of alleged “State Capture” by the Gupta family, their apparent influence over political and administrative appointments and their alleged involvement in the irregular facilitation securing and issuing of Government tenders and contracts.”

- 10 It then goes on in the second paragraph Mr Zuma on page 76:
“A number of alleged corrupt practices that have been brought to the public’s attention that are tantamount to breaking laws such as the Constitution, the PFMA ...”

That is the Public Finance Management Act.

“...Preferential Procurement Policy Framework and Public Service Regulations.”

The next heading is:

“A Call for Action”

- 20 And they call for:

“The establishment of an independent public inquiry in terms of Section 41(a) of the Promotion of Administrative Justice Act.”

And they suggest how that should be achieved and then in –
on the third page Mr Zuma page 77 it reads in the second paragraph:

“This inquiry should investigate all senior political and administrative officials who may in their dealings with the Guptas and associated companies have contravened the Constitution, the PFMA and the Public Service Act as Amended. We recommend that this Commission be established within three months to give a public progress report within six months.”

Then there are a number of other statements made calling
10 upon various officials to do various things. They say in the penultimate
paragraph on page 78:

“We have initiated a consultative process with key stakeholders that we believe can help to ensure that the inquiry is assisted to achieve the goal of uncovering incidents of corruption and other forms of illegal activities.”

Then the final paragraph on page 79 reads:

“Unless these challenges are attended to urgently
our country maybe plunged into a crisis of
20 governance and lead to the collapse of public
services in general at the expense of delivering
quality services to our community.”

Annexed to that document dated 22 April 2016 is the statement of the former Directors General. Do you see that on page 80 Mr Zuma?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

ADV PAUL JOSEPH PRETORIUS SC: It is dated 22 April 2016. It is addressed to the Minister of Finance Minister Pravin Gordhan, the Minister of Public Service and Administration Minister Ramatlhodi and copied to yourself the President of the Republic of South Africa and the Deputy President of the Republic of South Africa. Firstly do you recall receiving this document? Do you want a chance to look at it as well? It is in small print but it is two pages.

MR JACOB GEDLEYIHLEKISA ZUMA: Yes I know. I – I do not recall.

10 **ADV PAUL JOSEPH PRETORIUS SC:** You do not recall?

MR JACOB GEDLEYIHLEKISA ZUMA: I received so many documents.

ADV PAUL JOSEPH PRETORIUS SC: I understand.

MR JACOB GEDLEYIHLEKISA ZUMA: Hm.

ADV PAUL JOSEPH PRETORIUS SC: Perhaps we should start by going to the fourth paragraph on page 80.

“We submit this memorandum ...”

They say and we will get to the signatories in a moment.

20 “...to express our collective concern at recent revelations of State Capture by the Gupta family. Their apparent influence over political and administrative appointments and their involvement in the irregular facilitation securing and issuing of Government tenders and contracts. We also express our concern at the effect of the recent Constitutional Court judgment in the Nkandla

matter.”

That is not directly relevant to what we are doing at the moment. Then in the next paragraph they say:

“Whilst noting the initiative undertaken by the ANC to conduct an internal inquiry we as former accounting officers believe that to the extent that the issues raised are of an administrative nature there are adequate provisions within the PFMA and the PSA ...”

10 The Public Service Act.

“...that make it obligatory for these allegations to be addressed.”

And what follows in the next paragraph is the same call for an independent public inquiry in terms of Section 4 of the Promotion of Administrative Justice Act and many of the allegations or the statements on page 81 follow what we have already put on record Mr Zuma. If I may then point out at the bottom of page 81 is the list of signatories and that list has been confirmed by at least two witnesses or at least one witness, Mr Maseko and if I may place them on record.

20 It is Frank Chikane, Barry Gilder, Ketso Gordhan, Thozì Gwanya, Roger Jardine, Themba Maseko, Mzuvukile Maqetuka, Mogopodi Mokoena ...

CHAIRPERSON: Mzuvukile Maqetuka.

ADV PAUL JOSEPH PRETORIUS SC: Maqetuka.

CHAIRPERSON: Hm.

ADV PAUL JOSEPH PRETORIUS SC: Itumeleng Mosala, Mpumi Mpofo, Mavuso Msimang, Andile Ngcaba, Gibson Njenje, Bongiwe Njobe, Ayanda Ntsaluba, Siphwe Nyanda, Dipak Patel, Mallele Pitje, Vusi Pikoli, Siphon Pityana, Allistair Ruiters, Siphon Shabalala, Xoliswa Sibeko, Moe Shaik, Lyndall Shope-Mafole, Vincent Zwelibanzi Mntambo and Pam Yako.

Are there any names in that list who fall into the category of persons who you referred to this morning as being part of a plan to “get rid of you” Mr Zuma?

- 10 **MR JACOB GEDLEYIHLEKISA ZUMA:** Sorry. Can you just repeat? I was still reading?

ADV PAUL JOSEPH PRETORIUS SC: Are there any persons on this list who would fall into the category of persons you referred to this morning as persons being part of a plan or conspiracy to and I use your words “to get rid of you”?

MR JACOB GEDLEYIHLEKISA ZUMA: I think Chair through you.

CHAIRPERSON: Yes.

- MR JACOB GEDLEYIHLEKISA ZUMA:** The plan I said it was done by three intelligence organisations who did what they did. I – I said
20 activities undertaken and I did not say those people who took the undertaking were part of the plan or they planned it. I said the plan was made. There were people to implement it. I did not give the list of those people.

I – I dealt with instances where things happened and this was part of the plan. I did not say the people doing it were part of the plan.

I did not say so.

ADV PAUL JOSEPH PRETORIUS SC: Well can we just understand then what your view of this request for a public inquiry was in fact? Was it a genuine concern expressed by former Directors General in order to ask certain officials within Government to institute an inquiry? Can we accept that?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes. I am accepting it. To me that is what they did.

ADV PAUL JOSEPH PRETORIUS SC: Right and that appears to be the
10 background or at least circumstances associated with the evidence of Mr Maseko on page 2 where he says he submitted a statement in response to a call by the Secretary-General of the African National Congress. That I understand as your evidence was the internal inquiry commissioned by the ANC itself?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Right. Are you able to tell us more about that inquiry - again to revert to an earlier question - its mandate and whether you received any reports as to how the inquiry went? What happened as a result of the inquiry?

20 **MR JACOB GEDLEYIHLEKISA ZUMA:** No. In fact I cannot recall what – what happened to that inquiry. I cannot recall right now.

ADV PAUL JOSEPH PRETORIUS SC: Do you know whether statements other than that of Mr Maseko were made to the inquiry?

MR JACOB GEDLEYIHLEKISA ZUMA: No. I do not remember any other.

ADV PAUL JOSEPH PRETORIUS SC: Did you know of the existence of the inquiry?

MR JACOB GEDLEYIHLEKISA ZUMA: Sorry.

ADV PAUL JOSEPH PRETORIUS SC: Did you know of the existence of the inquiry?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes. I was aware of it.

ADV PAUL JOSEPH PRETORIUS SC: And did you take any note of its outcome?

MR JACOB GEDLEYIHLEKISA ZUMA: I cannot remember what the
10 outcome was. I cannot remember.

ADV PAUL JOSEPH PRETORIUS SC: Presumably in his capacity as the Chair of the inquiry Mr Mantashe would have reported to you. Do you recall any such report?

MR JACOB GEDLEYIHLEKISA ZUMA: There might have been a report but I do not remember right now. I know that Mr Mantashe was given that. I cannot remember whether there was a report back or not.

ADV PAUL JOSEPH PRETORIUS SC: Just from your own experience would such a report have been in writing?

MR JACOB GEDLEYIHLEKISA ZUMA: By – by ...?

20 **ADV PAUL JOSEPH PRETORIUS SC:** By Mr Mantashe.

MR JACOB GEDLEYIHLEKISA ZUMA: Yes. As a Secretary-General he always presented reports that were written.

ADV PAUL JOSEPH PRETORIUS SC: So we may be able to see that at some stage?

MR JACOB GEDLEYIHLEKISA ZUMA: I do not know.

ADV PAUL JOSEPH PRETORIUS SC: Mr Mantashe may yet be asked about that inquiry because it is relevant as background to the development of the narrative in relation to investigations and the like and what were the concerns of various people both within Government and outside of Government but we can leave that aside for the moment.

Can we go to page 3 of the statement where Mr Maseko deals with his role at the Government Communication and Information Service – the GCIS? The GCIS as I understand it is the Communication Service ...

10 **MR JACOB GEDLEYIHLEKISA ZUMA:** Yes.

ADV PAUL JOSEPH PRETORIUS SC: Under Government Rubric and Control ...

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

ADV PAUL JOSEPH PRETORIUS SC: And that department resides within the Presidency?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

ADV PAUL JOSEPH PRETORIUS SC: So in your term as President you would have been directly responsible and accountable for the activities of GCIS. I understand.

20 **MR JACOB GEDLEYIHLEKISA ZUMA:** It is a Minister who is directly responsible for its activities.

ADV PAUL JOSEPH PRETORIUS SC: Yes you have the Minister in your ...

MR JACOB GEDLEYIHLEKISA ZUMA: Ja, reports to.

ADV PAUL JOSEPH PRETORIUS SC: Department.

MR JACOB GEDLEYIHLEKISA ZUMA: Minister.

ADV PAUL JOSEPH PRETORIUS SC: And that Minister was the late Collins Chabane at the time I understand?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Right and I understand that GCIS had a responsibility for media buying. So where media wished to publish advertisements they would be sourced through GCIS as I understand.

CHAIRPERSON: I think you mean Government departments. You said
10 when media wanted. I think you mean Government departments of GCIS.

ADV PAUL JOSEPH PRETORIUS SC: Well when Government departments wanted to place adverts and media right ...

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

ADV PAUL JOSEPH PRETORIUS SC: And when media would negotiate with various Government departments that was all done through GCIS. As I understand it?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes, yes.

ADV PAUL JOSEPH PRETORIUS SC: So GCIS was as I understand
20 the evidence of Mr Maseko responsible for the function of placing advertisements in the media although the advertisements were paid for by the various departments.

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

ADV PAUL JOSEPH PRETORIUS SC: Do I understand it correctly?

MR JACOB GEDLEYIHLEKISA ZUMA: Hm.

ADV PAUL JOSEPH PRETORIUS SC: And as far as you know is it correct that the total Government expenditure on advertising was valued at around R600 million per annum?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes. I think so.

ADV PAUL JOSEPH PRETORIUS SC: So the advertising spend for which GCIS was at least partially responsible, a considerable amount of money R600million?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes correct.

ADV PAUL JOSEPH PRETORIUS SC: And what Mr Maseko says in
10 paragraph 9, if you could have a look at it, the media buying function mentioned in paragraph 7 above was performed on a contingency basis on behalf of other departments...(intervention).

CHAIRPERSON: I'm sorry Mr Pretorius, Mr Zuma is still trying to find the paragraph, it's still on page 3 paragraph 9.

ADV PAUL JOSEPH PRETORIUS SC: Sorry Mr Zuma.

CHAIRPERSONS: Page 3 of Mr Maseko's statement paragraph 9, have you found it?

ADV PAUL JOSEPH PRETORIUS SC: Yes and its page 3, the red numbering in the top right-hand corner.

20 **MR JACOB GEDLEYIHLEKISA ZUMA:** Yes red numbering, if it's page 3 is it 77?

CHAIRPERSON: You will see at the top there would be letter JGZ and then 003 when Mr Pretorius refers to a page he won't mention double zero he will just say 3, so – but it's the red numbers at the top.

MR JACOB GEDLEYIHLEKISA ZUMA: Oh which is 3?

CHAIRPERSON: Ja, ja so what might be confusing you is that it's double zero three, so he will just say 3 but he means the last number ja.

ADV PAUL JOSEPH PRETORIUS SC: And just as a matter of politeness Mr Zuma FP is Former President.

MR JACOB GEDLEYIHLEKISA ZUMA: FP, okay.

CHAIRPERSON: Ja the page numbers is written letters FP-JGZ-003 but he will just say page 3, he won't mention the others – the letters and the double zero.

10 **ADV PAUL JOSEPH PRETORIUS SC:** If we may go then, on that page to paragraph 9, it says,

“The media buying function mentioned in paragraph 7 above was performed on an agency basis on behalf of other departments. The budget for this function was allocated to the various line departments and not the GCIS budget's votes”,

Is that a correct understanding of the picture?

MR JACOB GEDLEYIHLEKISA ZUMA: I think so.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Okay, and as I understand from what you said this morning Mr Zuma, you would have known that towards the end of 2010, that the Gupta brothers were intent, at your instance, as I understand it now, on setting up the New Age Newspaper, is that correct?

MR JACOB GEDLEYIHLEKISA ZUMA: Ja.

ADV PAUL JOSEPH PRETORIUS SC: Then also on page 3 at paragraph 10 Mr Maseko says, that around September/October 2010 I

received a call from Mr Ajay Gupta on my mobile number 083 645 0810 requesting a meeting to discuss what he said was a new project which he and his company were launching which he indicated required Government support, he says over the page, that he knew Mr Ajay Gupta but that he was reluctant to accede to the request, he finally decided to accede to the request. Now may I ask did you have anything to do with arranging for Mr Gupta to speak to Mr Maseko?

MR JACOB GEDLEYIHLEKISA ZUMA: No I didn't.

ADV PAUL JOSEPH PRETORIUS SC: In any event a meeting took
10 place and on the date of the meeting, and that was during 2010 – sorry during September/October 2010 he says he received a call from the President's official residence, he says in paragraph 15 at the bottom of page 4,

“I identified the incoming number as I had, had dealings with the residents previously, a female caller said the President wanted to speak to me”,

And then on page 5 paragraph 16 Mr Maseko refers to the content of the call, will you take a moment to read that please?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes.

20 **UNIDENTIFIED SPEAKER:** (Inaudible mic off)

CHAIRPERSON: Yes okay thank you.

ADV PAUL JOSEPH PRETORIUS SC: Maybe I should ask you to read it, my accent not being what it should.

CHAIRPERSON: Okay, let me read paragraph 16 of Mr Maseko's affidavit at page 5, he says,

“The call was then transferred to the President, after the pleasantries, the President then said the following, and he quotes “(speaking isiZulu)”,

The English translation is, that is Mr Maseko continuing (my brother there are these Gupta guys who need to meet with you and who need your help, please help them), that is paragraph 16, your question then Mr Pretorius?

ADV PAUL JOSEPH PRETORIUS SC: Well that is the version of Mr Maseko and it’s an opportunity for you, Mr Zuma to respond to that, I
10 can ask you individual questions or you can respond in general, however, is more convenient, perhaps I should ask, do you recall that happening?

MR JACOB GEDLEYIHLEKISA ZUMA: Well I’m not sure, I don’t remember because I normally called the DG’s particularly this one to discuss a number of issues. I can’t remember making this call, also in the Zulu word I normally say (isiZulu word), I’m not fond of (isiZulu word) it looks like somebody was trying to remember my common one in Zulu because I always say (isiZulu word). I wouldn’t know but the issue of this new paper of the owners wanting to talk to the department but
20 more importantly the department of Maseko because it was centre point in terms of advertisement whatever, all the other departments, so it is natural they would want to talk to him. So I don’t think there was anything out of the ordinary whether there was a call or no call but I don’t remember making the call and saying (isiZulu word) because I made a number of calls and really I can’t say, this one, I remember

making it for that day to say this must happen.

CHAIRPERSON: Is the position that you say it might have happened but you don't recall...(intervention).

MR JACOB GEDLEYIHLEKISA ZUMA: It might have happened.

CHAIRPERSON: Ja it might have happened but you can't recall?

MR JACOB GEDLEYIHLEKISA ZUMA: Absolutely.

CHAIRPERSON: Thank you.

ADV PAUL JOSEPH PRETORIUS SC: So you used the word, natural, would it be natural for the Gupta's to want to find support for their
10 project and you were in favour of the project, so it all fits in as it were, there's nothing extraordinary about that according to ...(intervention).

MR JACOB GEDLEYIHLEKISA ZUMA: That's what I'm saying because generally the media houses discuss with this department their relations and kind of operations they must undertake.

ADV PAUL JOSEPH PRETORIUS SC: Yes, I must say there – in fairness to you Mr Zuma, the precise words used are somewhat different from the words used by Mr Maseko to the Public Protector, maybe I could ask you, Chair to read these onto the record, I'm willing to give it a try?

20 **CHAIRPERSON:** Is that document...(intervention).

ADV PAUL JOSEPH PRETORIUS SC: They're different.

CHAIRPERSON: Okay sorry I think Mr Sikhakhane wants to say something. Please come through so I can hear.

ADV MUZI SIKHAKHANE: Chair I think we better give this witness time to look at these things, now another document from elsewhere,

he's got to read something else and try and remember whether it's this letter, whether it's this phrase or that phrase, I don't think it's fair, it's truly, truly unfair to the witness, while he's battling with something that he hasn't seen, that his lawyers haven't seen, some laptop comes with something else elsewhere, I think it – I think he needs to get a chance.

CHAIRPERSON: My understanding, although Mr Pretorius had not finished, I think my understanding was that since Mr Zuma had indicated that he doesn't normally use the word (isiZulu word) he normally uses (isiZulu word) I thought that Mr Pretorius wanted to be
10 fair to him to indicate that maybe Mr Maseko might have used different wording before the Public Protector, I'm not sure I don't think he meant to take that any further than just to say, you may be right because maybe elsewhere different words were used, I think that was my understanding of what he wanted to say, nothing more, thank you.

ADV PAUL JOSEPH PRETORIUS SC: Perhaps it wasn't an entirely elegant attempt but I was trying to be fair to Mr Zuma to say that other words were mentioned before the Public Protector.

CHAIRPERSON: Yes.

ADV PAUL JOSEPH PRETORIUS SC: But in any event what we can do
20 is get those put onto a piece of paper and give them to Mr Zuma to consider in his own time with advice, but nothing much turns on it because we are really dealing with the meaning and import of the communication rather than the particular words used. Mr Zuma if the – and this is a hypothetical question and I understand may be difficult for you to answer, but if you had and you do recall or did recall making

that telephone call in order to assist the New Age project, I understand that you would have expected Mr Maseko to take heed of your words, you're after all President, he's a DG?

MR JACOB GEDLEYIHLEKISA ZUMA: No not necessarily, I don't think so. DG's are the accounting officers they do what is right, what they think is necessary to be done, no matter what (indistinct) says, if it was somebody above them they will say, but the (indistinct) I do not accept this even if he accepts, it's not therefore a given that if you say, can you do this, that automatically they will, they're very – as
10 accounting officers, they're very particular.

ADV PAUL JOSEPH PRETORIUS SC: Yes, and in fact that's what occurred Mr Maseko didn't cooperate in terms of paragraph 16 and the communication in paragraph 16 but clearly if such a communication had been made, it would have had a purpose, am I correct?

MR JACOB GEDLEYIHLEKISA ZUMA: I though I just – I think I've just answered that one.

ADV PAUL JOSEPH PRETORIUS SC: But why – perhaps I should not try and put the question in particular words, but why would such a call be made?

20 **MR JACOB GEDLEYIHLEKISA ZUMA:** Well there could be reasons, there could be reasons particularly if, as it were, this is a DG who deals with matters of – relating to the media whether he knew or didn't know that perhaps since other – I'm just making it as you put is, since media are supported for advertisement you could make that point either emanating from your knowledge or whatever.

ADV PAUL JOSEPH PRETORIUS SC: So what we do have here is, as I understand what you're saying s the possibility of a call natural is the word you used, being made to Mr Maseko saying, these people need your help, please help them?

MR JACOB GEDLEYIHLEKISA ZUMA: Uh-hm.

ADV PAUL JOSEPH PRETORIUS SC: Okay the substance of that communication is fairly clear I don't want to debate that unnecessarily with you because we're debating a hypothetical situation.

MR JACOB GEDLEYIHLEKISA ZUMA: But if such, whether it's made
10 or not made, if such a call is made, would that call have moved away from the normal procedures, would it be trying to compel the DG to do a wrong thing or whatever, even if the call was made or not made?

ADV PAUL JOSEPH PRETORIUS SC: I understand what you're saying, you're saying nothing in the content of that call as alleged by Mr Maseko is an attempt to persuade anyone to do anything unlawful, it's merely a request to help, is that what you're saying?

MR JACOB GEDLEYIHLEKISA ZUMA: That is what I'm saying.

ADV PAUL JOSEPH PRETORIUS SC: I understand but lawful or
unlawful it is a request to help and the maker of that request might
20 have expected that request to be heeded, otherwise he wouldn't have made it, do I understand the position correctly?

MR JACOB GEDLEYIHLEKISA ZUMA: Absolutely there are many DG's not necessarily in this matter, some people see the President and say look, I've got a project or I can do this kind of thing but maybe it's difficult to get to some people and when I say to the person who's

talking to me, I hear you but I'm not dealing with this, I'll take the matter forward and then I phone the DG. I'm at this current – they might even give me numbers you deal with them, mine is to help facilitate the kind of meeting they'll be needing.

ADV PAUL JOSEPH PRETORIUS SC: And then in paragraphs 15 to 16, on pages 4 and 5 of Mr Gupta's statement – Mr Maseko's statement about the Gupta's...(intervention).

MR JACOB GEDLEYIHLEKISA ZUMA: Page?

ADV PAUL JOSEPH PRETORIUS SC: If you look at page 4, para 15
10 and page 5, which we've dealt with, paragraph 16 it seems that according to Mr Maseko that call was made to him on the very day of the meeting and the inference is, I think – which you may want to deal with is that the call being made on the very day of the meeting with the Gupta's by yourself, you would have known that the meeting was taking place, do you have any comment on that?

MR JACOB GEDLEYIHLEKISA ZUMA: Well whether the call was made or not, it could be a different day, it could be that day.

ADV PAUL JOSEPH PRETORIUS SC: Well may I ask you, did you know that the meeting was to take place, and you recall?

20 **MR JACOB GEDLEYIHLEKISA ZUMA:** No not at all.

ADV PAUL JOSEPH PRETORIUS SC: You don't think so?

MR JACOB GEDLEYIHLEKISA ZUMA: No I don't think so but as I know, as I knew they were meeting, generally people to discuss the matter that they were sitting with here and at some point they would have talked to him.

ADV PAUL JOSEPH PRETORIUS SC: Then at page 5, paragraph 23, Mr Maseko sets out the content of the conversation between himself and Mr Ajay Gupta, you may want to take a moment to read on page 6 paragraphs 24 to 29 and then over the page paragraph 30 to 31 before I ask you for your knowledge about that and any other comment that you may have in relation to what was discussed. Again it's in very small print are you wanting me to read that...(intervention).

CHAIRPERSON: I wonder whether, Mr Pretorius, you wouldn't tell him the points that Mr Maseko makes in those paragraphs and see whether,
10 with that, he is not enabled to answer your question but if he needs to read then we can take it from there.

ADV PAUL JOSEPH PRETORIUS SC: Alright let's deal with paragraph 24 and I'll try and deal with the matter point by point. Paragraph 24 says that Mr Ajay Gupta told Mr Maseko that the Gupta family were setting up a media company which needed Government support in the form of advertising spend, the company would have interests in print media and a TV station, there's nothing controversial about that I suppose, it's consistent as I understand it, with what you said this morning?

20 **MR JACOB GEDLEYIHLEKISA ZUMA:** Yes.

ADV PAUL JOSEPH PRETORIUS SC: And then paragraph 25 says, he, that is Mr Gupta, then went on to tell me that he was aware that Government was spending about R600million on advertising in media platforms and he wanted all that expenditure to be transferred to his company, the would be media company. In essence he wanted the total

budget to be utilised for advertising in the television and newspaper businesses the Gupta family was setting up. The essence of what Mr Maseko says he was told there, was that Mr Gupta said he wants the whole R600million budget to be utilised to support the television and newspaper business the Gupta family were setting up, do you have any knowledge of the extent of the request?

MR JACOB GEDLEYIHLEKISA ZUMA: No I have no knowledge of that.

ADV PAUL JOSEPH PRETORIUS SC: He then says in paragraph 26,

10 “I then proceeded to explain how the budget and procurement process worked and why it would not be possible to transfer the whole budget to is company. I told him that in any case the budget didn’t sit with us at GCI and that we were merely – and that we merely acted as an agency for the respective Government departments”,

What Mr Maseko said there, that is correct as I understand your previous answers that the budget was the – the expenditure of the budget on advertising was ultimately accountable to the departments, correct?

MR JACOB GEDLEYIHLEKISA ZUMA: Yes absolutely.

20 **ADV PAUL JOSEPH PRETORIUS SC:** Do you have any comment if such a request had been made that the whole R600million be allocated to the television and newspaper businesses the Gupta family were setting up, would that be proper, improper?

MR JACOB GEDLEYIHLEKISA ZUMA: I don’t think I should comment, I mean he was making his own point or taking his own chances that’s

he's own business I don't want to comment on that one.

ADV PAUL JOSEPH PRETORIUS SC: It does seem that it would be taking a chance.

MR JACOB GEDLEYIHLEKISA ZUMA: Absolutely.

ADV PAUL JOSEPH PRETORIUS SC: Thank you, he then says in paragraph 27,

10 “He dismissed my explanation and proceeded to tell me that my job is to go and identify, collect and allocate all the communication budget amounts in the various departments to is company”,

 Would the same comment apply?

MR JACOB GEDLEYIHLEKISA ZUMA: Absolutely.

ADV PAUL JOSEPH PRETORIUS SC: It seems to be taking a chance. Then he said something interesting at paragraph 28, he said,

20 “He then told me that I should let him know if any department or Minister gives me any problems and he would deal with them directly. I asked him to elaborate and he told me that he will personally summons and deal with any Minister who doesn't”,

 Apart from taking a chance it seems to be a fairly confident statement to put it at its least as related by Mr Maseko, if it had been said. If Mr Maseko is to be believed he was told that Mr Gupta could deal with any Minister he likes who doesn't follow his suggestion, do you have any comment on that?

MR JACOB GEDLEYIHLEKISA ZUMA: No.

ADV PAUL JOSEPH PRETORIUS SC: Would it be possible for Mr Gupta to have said that?

MR JACOB GEDLEYIHLEKISA ZUMA: No, no I don't have a comment because I don't know why Mr Gupta was saying that, I mean, you can ask him...(intervention).

ADV PAUL JOSEPH PRETORIUS SC: Well did he have that power, to your knowledge?

MR JACOB GEDLEYIHLEKISA ZUMA: Sorry?

ADV PAUL JOSEPH PRETORIUS SC: Did he have that power, to your
10 knowledge, to tell Ministers what to do?

MR JACOB GEDLEYIHLEKISA ZUMA: Why should he have the power to tell Ministers, he had nothing to do with the Ministers.

ADV PAUL JOSEPH PRETORIUS SC: That's simply the question I'm asking Mr Zuma. He then goes on in paragraph 29 to say,

“Matters such as the inappropriateness of what he is saying and the impropriety of trying to obtain Government business in this matter did not seem to matter to Mr Ajay Gupta”,

The comment Mr Maseko makes is a fairly clear comment about the conduct of Mr Gupta. Mr Gupta, if he did say it, and you've –
20 together with my questioning put it fairly succinctly as being confident or taking a chance, did you have any idea that Mr Gupta was going to these lengths if Mr Maseko's evidence is true?

MR JACOB GEDLEYIHLEKISA ZUMA: And idea of?

ADV PAUL JOSEPH PRETORIUS SC: The – well let's put it frankly the chances that Mr Gupta was taking as reflected on page 6, did you have

any idea that he was going to these lengths to secure the whole advertising budget of the departments for advertising?

MR JACOB GEDLEYIHLEKISA ZUMA: I had nothing to do with his discussion with Maseko, why should I have an idea, what is it going to say about...(intervention).

ADV PAUL JOSEPH PRETORIUS SC: Yes well that's precisely the question I'm asking because what is happening here is, that in a project initiated by yourself in cooperation with the Gupta family there is an attempt with not a little persuasion, forceful persuasion to solicit
10 the full R600million expenditure on advertising and media platforms that the Government is responsible for. It seems on the face of it, and Mr Maseko certainly thought so that this was an improper approach. Certainly backed, as it was by the threat in paragraph 28, would you agree with that?

MR JACOB GEDLEYIHLEKISA ZUMA: Absolutely because Maseko was doing his job, he couldn't, when somebody comes and make that kind of thing, as a DG not stick to a procedure.

ADV PAUL JOSEPH PRETORIUS SC: So if that had, happened the – we can agree that the Gupta's were acting entirely out of line and
20 improperly?

MR JACOB GEDLEYIHLEKISA ZUMA: I'm sure, to say I take the whole budget etcetera, I mean I don't want to enter that discussion because I don't know what was his intention but I can't just unpack it because I know nothing about the discussion that took place between those two, I'm sure Gupta can explain better.

ADV PAUL JOSEPH PRETORIUS SC: Yes I understand.

CHAIRPERSON: I'm sorry, of course, if after that meeting between Mr Maseko and Mr Gupta a report had been made to you that Mr Maseko had agreed to give the whole budget of R600million to one newspaper you would have found that quite strange to say the least?

ADV PAUL JOSEPH PRETORIUS SC: Then my DG will explain why he had to do so.

CHAIRPERSON: Yes.

MR JACOB GEDLEYIHLEKISA ZUMA: Why was he doing that?

10 **CHAIRPERSON:** Yes but it would be something unexpected?

MR JACOB GEDLEYIHLEKISA ZUMA: Unexpected yes.

ADV PAUL JOSEPH PRETORIUS SC: And indeed improper if it had happened as Mr Maseko said? Let's just place these questions in context, you're being given an opportunity, Mr Zuma to comment on Mr Maseko's version, the Chair has not made up his mind yet as to whether that version should be accepted or not, this is just part of our own investigation process, this questioning. So on the assumption that Mr Maseko was telling the truth here, as I understand your version it would, at the very least be unexpected and something that would call
20 for an explanation had he agreed to it?

MR JACOB GEDLEYIHLEKISA ZUMA: I think I've answered that question.

ADV PAUL JOSEPH PRETORIUS SC: He says in paragraph 31 that he reported the incident to Mr Frank Chikane who was a former Director General in the Presidency. Now in 2010, October, do you know where

Mr Chikane held a post?

MR JACOB GEDLEYIHLEKISA ZUMA: Sorry?

ADV PAUL JOSEPH PRETORIUS SC: In other words would Mr Chikane have reported to you in any capacity at that time, you see if I may take you to paragraph 31 on page 7 you will see that this incident was reported according to Mr Maseko by himself to Mr Frank Chikane a former Director General in the Presidency. Did you receive any report from Mr Frank Chikane?

MR JACOB GEDLEYIHLEKISA ZUMA: No these – actually these are
10 operational matters between the DG – the DG’s and people at that level, we don’t deal with those matters really they don’t have to be reported to the President. Chair whilst he’s reading, could I go...(intervention).

CHAIRPERSON: An adjournment?

MR JACOB GEDLEYIHLEKISA ZUMA: For a minute.

CHAIRPERSON: Well we are at ten to four, we normally stop at four, maybe we should stop now and then proceed tomorrow, I think that would be more convenient.

ADV PAUL JOSEPH PRETORIUS SC: Thank you Chair, yes.

20 **CHAIRPERSON**: We will adjourn now and resume tomorrow, thank you very much.

INQUIRY ADJOURNS TO 16 JULY 2019