



EXHIBIT PP 3

**MZUVUKILE
MAQETUKA**



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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**THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE
CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING
ORGANS OF STATE ("THE COMMISSION")**

AFFIDAVIT

I, the undersigned,

MZUVUKILE MAQETUKA

do hereby state under oath that:

1. I am an adult male formerly employed as the Director-General of the State Security Agency (*the SSA*). I was appointed to that position by former President J.G. Zuma (*the former President*) on 2 October 2009. I retired from the SSA in 2012.
2. All the facts stated in this affidavit are, unless the context indicates otherwise, within my own personal knowledge. They are to the best of my knowledge and belief both true and correct.
3. On 13 December 2018, I signed a statement which I provided to the Commission (*my first statement*). Attached to my first statement are three annexures marked "A", "B" and "C" respectively. I confirm that the contents of my first statement and these annexures are true and correct. A copy thereof is attached as Annexure "MM1" hereto.
4. I have been requested to supplement my first statement to address additional matters that are of relevance to the terms of reference and investigations conducted by the Commission.



5. The broad topics which I have been requested to canvass are as follows:
- 5.1. The re-structuring of the State Security Agency (SSA) by Proclamation, as opposed to by legislation as required in terms of the Constitution of the Republic of South Africa, 1996 (“the Constitution”);
 - 5.2. The constitutional role of the President and the Minister of Intelligence in providing direction over the Intelligence Services;
 - 5.3. The meaning of the term, “*national security*” as provided for in the Constitution and the obligation on the Intelligence Services to investigate state capture as a matter of national security;
 - 5.4. The investigation conducted by the SSA into the influence of the Guptas and whether their alleged influence over the former President constituted a threat to national security;
 - 5.5. The interference by Minister Cwele and the former President in the Gupta investigation;
 - 5.6. Whether, had the SSA investigation into the Guptas not been stopped and/or interfered with, capture of the state by them could have been avoided?
 - 5.7. The politicization of state security with reference to the General Mdluli and PAN 1 investigations;
 - 5.8. The interference in the PAN1 investigation; and
 - 5.9. The breakdown of my, Ambassador Riaz (commonly known as “Moe”) Shaik’s and Mr Gibson Njenje’s relationship with Minister Cwele which ultimately led to our resignation.



MY BACKGROUND LEADING TO MY APPOINTMENT AS DIRECTOR-GENERAL OF THE SSA

6. I am a trained intelligence officer, having first received training in furtherance of the armed struggle waged by the African National Congress (ANC) in Mozambique during 1979. I left Maputo, Mozambique, for formal military training in Angola as a company commander. When my training there finished, I attended a six months specialised intelligence course in the German Democratic Republic during 1980.
7. After training in Germany in 1980, I went back to Mozambique and was attached to the Department of Intelligence and Security (DIS) of the ANC.
8. In 1982, I was deployed to Lesotho to head the DIS and to focus on building internal structures, mostly in the Eastern Cape and the Free State. I also served in a structure called the Political-Military Committee, which comprised of senior members of the political and military wing of the ANC, as well as the head of the South African Congress of Trade Unions. I was in Maseru when the infamous Maseru Massacre took place, during which more than thirty ANC and Umkhonto We Sizwe freedom fighters were killed. I left Lesotho after having been arrested and deported on several occasions by the Lesotho government.
9. From the years 1985 until 1989, I was deployed to Botswana in the same capacity as in Lesotho. I left Botswana under similar conditions as when I left Lesotho.
10. From Botswana, I went to Zambia where I worked at DIS headquarters until the year 1990, when I went to the United Kingdom to further my studies.
11. I completed my studies and returned to the Republic of South Africa in May 1994 to re-join DIS. I joined a team that was tasked with the amalgamation of the country's then existing six intelligence services into two intelligence services: the National Intelligence Agency (NIA), which dealt with domestic intelligence, and the South African Secret Service (SASS), which dealt with



foreign intelligence. At that time there were six Intelligence Services, namely the apartheid government's National Intelligence Service, the ANC's DIS, the PAC's Intelligence Service and the three Intelligence Services in the former homelands, Venda, Transkei and Bophutatswana. A decision was taken to incorporate all these intelligence agencies into a domestic and foreign branch of the Intelligence Service, to be called the National Intelligence Agency (NIA) and the South African Secret Service (SASS). To this end, a White Paper was prepared which set out the rationale for, and proposed manner in which, the aforementioned existing Intelligence Services could be integrated.

12. By December 1994, the Committees of the Heads of the six Intelligence Services listed above had still not finished their work, and were six months late in integrating their respective agencies. A decision was taken that senior management of each Intelligence Service would finish their work and that the new Heads of the NIA and the SASS would complete the integration.
13. In January 1995, the six organisations were integrated and persons to lead them were appointed retrospectively to June 1994, which was the date that had been set for their integration. In 1995, I was appointed Deputy Director-General of the NIA, in which capacity I served until 1997.
14. Hereafter, I served in various national government departments, including SASS, NICOC and Home Affairs until 2007, when I was appointed as the Republic of South Africa's Ambassador Plenipotentiary in the Democratic People's Republic of Algeria. I remained in this post until January or February 2010 when I was recalled to Pretoria for a consultation with the President, the Minister of State Security and the Director-General of DIRCO for discussions on the intention of the President to appoint me as DG of the new, to be created, State Security Agency (SSA).



MY APPOINTMENT AS HEAD OF THE STATE SECURITY AGENCY

15. Whilst I was serving in my post as Ambassador to Algeria, the former President issued Proclamation 59 of 11 September 2009 to integrate the domestic and foreign Intelligence Services.
16. Shortly hereafter, I received a call while in Algiers from the Director-General of the Department of Foreign Affairs, Dr Ayanda Ntsaluba. He told me that the former President had instructed him to arrange a consultation with me in Pretoria and that he may have to release me from my ambassadorial duties.
17. On return to Pretoria, I met with the Minister of Intelligence, Dr Siyabonga Cwele, who told me that the Civilian Intelligence Service was to be restructured. Minister Cwele said that he had been asked by the former President to get my views on his proposed plans to integrate the then existing Intelligence Services, the NIA and the SASS, into one service.
18. This in effect meant that the hitherto separate domestic and foreign Intelligence Services were to be amalgamated and centralised into a single Intelligence Service, together with their associated entities, including the National Communications Centre (NCC), the Office for Interception Centres (OIC), Electronic Communications Security (Pty) Ltd (COMSEC) and the South African National Academy of Intelligence (SANAI).
19. I had no objection accepting the position offered to me by the President. I was told that Ambassador Shaik and Mr Njenje, for whom I had great respect, would also be brought back to assist me, it being contemplated that Ambassador Shaik would lead the foreign branch of the Intelligence Services and Mr Njenje would be in charge of domestic Intelligence.



THE IMPLEMENTATION OF OUR MANDATE TO RESTRUCTURE THE INTELLIGENCE SERVICES

20. In order to implement our mandate to integrate the domestic and the foreign Intelligence Service and their related entities, we had to create a new structure and, thereafter, determine our designations.
21. It was decided that I would look at our designations in title, and Ambassador Shaik would look at the organisational structure. After much research, Ambassador Shaik, Mr Njenje and I elected to adopt the Canadian Model of Intelligence. This was accepted by the Minister.
22. In 1994, there had been a Director General (DG) for the foreign branch and a DG for the domestic branch of the Intelligence Services. There was, however, no thinking that could guide us on the designations of our positions in the new structure. Whereas in Canada, the Head of the Security Services is called a Director, with the deputy directors designated as Director Generals, we needed to create our own structure as the DG is the accounting officer in terms of the Public Service Act. It was, accordingly, decided that I would be appointed as the DG and accounting officer and that Ambassador Shaik would be appointed as the Director of the foreign branch and Mr Njenje would be appointed as the Director of the domestic branch of the SSA.
23. The Minister approved the structure proposed and our designations.
24. I dealt with the mechanism implemented to deal with the restructuring and the general management of the SSA in parts 4 and 5 of Annexure 'C' to my first statement and thus, do not repeat this here.

THE WHITE PAPER ON INTELLIGENCE

25. In the course of executing our mandate to amalgamate the two extant Intelligence Services, I perused several intelligence documents including, amongst others, the White Paper on Intelligence. The White Paper had been created to inform the intelligence provisions to be incorporated into the new



Constitution, which was to provide the basis and framework for our new democracy. A copy of the White Paper is attached as Annexure "MM2".

26. Section 1 of the White Paper sets out its objective, namely to serve as "a framework for the understanding of the philosophy, mission and role on intelligence in a democratic South Africa". This 'Philosophy on Intelligence' is dealt with in Section 3, sub-paragraph 3.1, where it is explained that:

"Reshaping and transforming intelligence in South Africa is not only a matter of organisational restructuring. It should start with clarifying the philosophy, and redefining the mission, focus and priorities of intelligence in order to establish a new culture of intelligence."

27. When Ambassador Shaik and Mr Njenje and I were called and appointed, there was no clarification of the philosophy, mission or intelligence focus intended for the to be formed SSA, which could have guided us; we were left to devise, for ourselves, a new intelligence culture, which we believed to be in line with the fundamental principles of Intelligence outlined in the White Paper and in the Constitution.

THE LEGALITY OF THE RE-STRUCTURING OF THE SSA BY PROCLAMATION, AS OPPOSED TO BY LEGISLATION AS REQUIRED IN TERMS OF THE CONSTITUTION

28. Ambassador Shaik and I shared a concern about the amalgamation of the SSA through proclamation rather than national legislation, as required by section 209(1) of the Constitution of the Republic of South Africa Act 108 of 1996 (*"the Constitution"*). Indeed, I raised my concerns about the Proclamation with my colleagues, Ambassador Shaik and Mr Njenje, on the day of the announcement of our appointment during October 2009.
29. Soon after my appointment, I established an Executive Committee comprising senior management, including myself, the Director of the Domestic Branch, Mr Njenje, and the Director of the Foreign Branch, Ambassador Shaik. The



extended Executive Committee also included the Head of the National Communications Centre, the Deputy Directors of the domestic and foreign branches, the Deputy Director General of Corporate Services and the Principal of the Intelligence Academy. The institutions I refer to had all been amalgamated under the new structure.

30. During the beginning of 2010, the Executive Committee, in consultation with Legal Services, discussed the Proclamation and the then draft State Security Bill. Our aim was to bring to the attention of the Minister issues that could be corrected in both the Proclamation and the Bill, which we felt fell foul of the Constitution, as well as other matters which had been directed by the Minister which were in conflict with the Proclamation and the Bill. These concerns were embodied in a document submitted to the Minister on 28 April 2010 entitled, *"The State Security Agency Legislative Framework"*. This document is marked, *"Confidential"*, and will need to be declassified before I can provide a copy to the Commission. I am advised that steps will be taken to obtain such declassification.
31. I tried to explain to Minister Cwele that the proposed restructuring went against the philosophy outlined in the White Paper as aforementioned. In my view, what the former President proposed was to revert to the single, centralised national Intelligence Service that had existed during the apartheid era, which the framers of the Constitution had sought to prevent.
32. This is explained in Section 5, (unmarked) paragraph 6 of the White Paper, which states that:

"The most significant departure from the old dispensation is that instead of one centralised national civilian intelligence organisation, there will be two. This arrangement will not only ensure that the new intelligence dispensation in South Africa corresponds with general international trends, but will promote greater focusing, effectiveness, professionalism, and expertise in the specialised fields of domestic and foreign intelligence."

33. I pointed out to the Minister that even the proposed name of the new Agency, "*The State Security Agency*," went against the philosophy of having a national security agency, as opposed to a state security agency (that had existed during the apartheid years). I tried to explain that the idea of Intelligence being a state instrument went completely against the founding principles on Intelligence enshrined in the Constitution. Ambassador Shaik, who was part of the Intelligence sub-committee that drafted the Intelligence provisions in the Constitution, testified about this and dealt with the anomaly posed by the Proclamation fully during his evidence before the Commission. I defer to Ambassador Shaik's expertise in this regard, and agree with the views expressed by him during his evidence.
34. These difficulties, however, were neither appreciated, nor attended to by the Minister. With respect, Minister Cwele was not sufficiently qualified to run the organisation; he could not even argue with me about the Constitutionality of the proposed restructuring, or any of the other issues addressed. I pointed this out in my letter of resignation which I addressed to the former President dated November 2011, a copy of which, excluding the annexures, which are marked "*confidential*", is annexed hereto as Annexure "MM2A".
35. I point out, however, that in reality, there was very little that we could do to remedy the situation as, by the time that Minister Cwele approached us to lead the new Intelligence Services, the Proclamation by the former President restructuring the Intelligence Services had already been gazetted.

THE CONSTITUTIONAL ROLE OF THE PRESIDENT AND THE MINISTER IN PROVIDING DIRECTION OVER THE INTELLIGENCE SERVICES

36. The President's Constitutional role is to guide the Intelligence Service. These functions and powers of the President were then delegated to the Minister by the President.



37. This delegation raises the broader philosophical question which has been raised by me and others consistently and that is whether there is any need for a Minister of Intelligence.
38. Before the appointment of a designated Minister of Intelligence, the President had retained his role to guide the Intelligence Services, only delegating the administration of the Intelligence services to an extant Minister, traditionally the Minister of Justice. I am of the view that the Constitution did not contemplate that the President would delegate his duties to guide the Intelligence Services to another Minister. I agree with Ambassador Shaik that there is and was no need for there to be a Minister of Intelligence. Furthermore, it is my view that the concept of having a Minister of Intelligence is in direct conflict with the basic principles of Intelligence set out in the White Paper.
39. Section 4 of the White Paper recognises that, as a basic principle of Intelligence, there should be "*the separation of intelligence from policy making*". The notion of having a Minister of Intelligence is in direct breach of this fundamental principle: How do you separate the Intelligence Service itself from the executive when the Minister of Intelligence is a member of the Executive? This raises further difficulties as, where the Minister of Intelligence is part of the Executive, this will inevitably lead to breaches of the Code of Conduct set out in the White Paper requiring his/her impartiality.
40. Section 4 requires, amongst other things:
- "*adherence to the principle of political neutrality,*
 - *a commitment to the highest degree of integrity, objectivity and unbiased evaluation of information*"
- and of importance:
- "*a commitment to the promotion of mutual trust between policy-makers and intelligence professionals.*"



41. As I discuss later in this affidavit, this fundamental trust between us, as the three senior intelligence officers of the SSA and the Minister, as the person to whom policymaking had been delegated by the President, did not exist. This, together with the Minister's interference in operational matters and his abuse of state resources led to the irretrievable breakdown in the relationship between us and the Minister and ultimately, all of our departure from the newly formed SSA.

THE PURPOSE BEHIND THE RESTRUCTURING

42. Under my leadership, we tried to get clarity on the rationale for the amalgamation of the then extant Intelligence Services.
43. I initially believed that there were genuine reasons why the former President wanted the three of us brought back to lead the new agency. Other people had also been brought back, like Mr Vusi Mavimbela, who was brought back from Egypt to be the Director-General in the office of the Presidency, and the Ambassador in Washington, Mr Welile Nhlapo, who was recalled by the former President to be his National Security Advisor.
44. It was my view that the reason for the restructuring of the Intelligence Service was that post Polokwane ANC elections, the faction in support of the former President (*"the Zuma faction"*) wanted to assert their control and make their mark by effecting change to the existing Intelligence Services. I did not believe that they applied their mind to the rationale for doing so.
45. However, in retrospect, and having regard to the events that followed after our departure from the Intelligence Service - and in particular the parallel, covert intelligence operations conducted by Arthur Fraser - it may be that more sinister objectives were at play in the restructuring of the Intelligence Services.
46. It may thus be that, whilst the former President believed that we would all serve his broader agenda to perhaps, capture the Intelligence Services, when it was apparent that we were not as compliant as expected, we were replaced so that he could pursue his agenda unhindered.



47. Our experience when raising the national security risk posed by the activities of the Guptas and the parallel security structure established by Arthur Fraser in PAN 1, dealt with by me below, are testimony to this.

THE MEANING OF "NATIONAL SECURITY" AS PROVIDED FOR IN THE CONSTITUTION AND THE OBLIGATION TO INVESTIGATE STATE CAPTURE AS A MATTER OF NATIONAL SECURITY

48. National security, in context of the White Paper, is defined as "*the maintenance and promotion of peace, stability, development and progress*" and this should be the primary objective of any government.
49. An important Constitutional principle that governs national security is found in section 198 of the Constitution which stipulates that:

"National security must reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life".

50. The catastrophic effect of state capture is, in itself, evidence that it is a matter of national security that it be prevented. State capture has not only led to both systematic and systemic corruption, but has also been the proximate cause of the collapse of state-owned enterprises, which were formed to provide essential services to the people of South Africa, huge rates of unemployment and the virtual collapse of the economy of the country.
51. It is easy, thus, in retrospect, to see how state capture constitutes a fundamental breach of national security, which it was incumbent on the SSA to prevent.

REASONS FOR INITIATING THE INVESTIGATION INTO 'THE GUPTAS'

52. Initially, the Gupta family were of interest to the SSA as they had been flagged by the Americans, who were concerned about the Gupta's interest in the Shiva



Uranium mine which the Americans believed was financed by Iran. This was dealt with in the evidence of Ambassador Shaik before the Commission.

53. Shortly hereafter, and sometime during 2011, there was a press report issued which dealt with the NEC meeting of the ANC at which Minister Fikile Mbalula informed the NEC that one of the Gupta brothers had told him about his ministerial appointment as Minister of Sport, before he had been informed thereof by the President (*"the Mbalula incident"*).
54. Ambassador Shaik, Mr Njenje and I discussed the matter and had two fundamental concerns with the Mbalula incident: First, it constituted a fundamental breach of national security for a private person or family to be involved in and/or interfere with the discretion conferred on the former President to appoint Ministers to his Cabinet. Second, it had the effect of seriously tarnishing of the name and respect for the former President, and ultimately the nation.
55. This was further discussed during one of our routine Monday morning meetings, at which we all agreed that Mr Njenje, as Head of the Domestic branch, should investigate the matter further.

INTERFERENCE BY MINISTER CWELE AND THE FORMER PRESIDENT IN THE GUPTA INVESTIGATION

The Meeting with Minister Cwele about the Gupta investigation

56. We all believe that someone present at our Monday morning meeting informed the Minister that we had resolved to investigate the undue influence that the Gupta brothers wielded over the former President as, shortly thereafter, we were all summonsed to attend a meeting with him at his offices in Cape Town. I do not remember the date but, I think it was on a Wednesday.
57. At the start of the meeting, Minister Cwele arrived with his staff, Mr Kau Mavhungo who was the Head of Ministerial Service, together with Mr Dennis



Nkosi, who had returned from a posting in Ethiopia, Addis Ababa where he had been the head of the Committee for Intelligence and Security Services of Africa (CISSA), an African Union Security structure.

58. Minister Cwele stated that he had called us to the meeting because he had been told that Mr Njenje was conducting an investigation into the relationship between the Gupta family and the former President, which he believed to be irregular. He paused there and looked around at us to, I believe, gauge our reaction.
59. At that stage, I lifted my hand in order to get Minister Cwele's attention. When he granted me the opportunity to speak, I objected to the presence of Mr Mavhungo and told the Minister that we could not discuss operational matters in his presence. I am not sure, but I think Ambassador Shaik then also protested about the presence of Mr Nkosi. After much debate, it was finally agreed that Mr Mavhungo would leave the meeting, but Mr Dennis Nkosi could stay, with the proviso that he could not participate in the meeting and only take minutes for the Minister.
60. After the presence of the Minister's officials had been sorted out, Minister Cwele stated that he objected to the Gupta investigation because, in his view, it was not being pursued *bona fide*, but was rather being pursued by Mr Njenje in order to protect his own business interests, which were in conflict with those of the Guptas. I objected to this accusation against Mr Njenje, making it plain that the investigation had not been initiated by Mr Njenje, but that he had been tasked with the investigation by us, as it was a domestic investigation and he was the Head of the Domestic branch. I further challenged the Minister to substantiate his allegation about Mr Njenje's motives for pursuing the investigation, but he failed to do so. I told the Minister that if he could provide me with evidence in substantiation of his allegations against Mr Njenje, then Mr Njenje could be taken off the investigation. This, however, I explained, was not a reason to stop the investigation, which I insisted was a legitimate and perfectly justified, official SSA investigation.

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61. Minister Cwele never responded to this and it was clear that we would not be able to resolve this issue with the Minister. I, therefore, told Minister Cwele that there were no purposes in debating the issue any further and that it was our intention to take the matter up with the former President directly.
62. I do not remember the Minister categorically and directly instructing us to stop the investigation. However, he made it quite clear by his attitude to the investigation that it should be stopped; he was not interested in the merits of the investigation and sought only to question Mr Njenje's motives for pursuing it.
63. I must reiterate, however, that had he given us a direct instruction to stop the investigation, we would have not accepted it, without confirmation from the former President. This was particularly so as the Minister was not supposed to interfere with operational issues, ought not properly to have summonsed us to justify the investigation we were conducting into the Guptas at all, and had no authority to stop the investigation.

The Subsequent Meeting with the Former President

64. The only thing with which I differ in Ambassador Shaik' testimony before the Commission is in regard to the place where he averred our subsequent meeting with the former President took place. Whereas Ambassador Shaik testified that this took place in Cape Town, I firmly believe that it took place the day after our meeting with Minister Cwele, on a Thursday, on the 18th Floor at the former President's offices in Plein St in Pretoria.
65. The reception from the former President was not very warm and it was clear at the outset of the meeting that he had already been briefed by Minister Cwele as to the purpose of the meeting. The former President sat quietly as we went through the detail of our preliminary report about the influence of the Guptas and our view that this relationship would tarnish his reputation and that of the country.

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66. Although the meeting was a long one and lasted between one to two hours, the President said virtually nothing during our briefing. After the briefing, the former President was very defensive and explained at length his relationship with the Gupta family; he told us that they were his friends and that when his children could not get work, it was the Guptas who helped them. At the end of the meeting, the former President simply said, "[t]hank you," and asked for a copy of the report we had referred to. I told the former President that I could not give him a copy as he was the subject of the report.
67. I wish to stress that at this stage, the report which had been compiled was merely a scoping report and not an Intelligence report. By this I mean that it had been based on open source intelligence and was simply the result of a desktop investigation. It had, however, been resolved at our Monday meeting that this be escalated to an in-depth Intelligence investigation.
68. Although the former President did not, like Minister Cwele, expressly instruct us to stop the investigation, his body language and demeanour during the meeting made it abundantly clear to us that this is what he intended.
69. After this meeting, we had difficulty trying to meet with the former President; in fact, I think that this meeting was the last time that I physically engaged with the former President. It soon became clear to us that the trust between us and the former President, which I have said was cardinal to the proper functioning of the Intelligence Services, had irreparably broke down; we all knew that this was primarily as a result of our intention to investigate the Guptas. This, and the continued deterioration of our relationship with the Minister hereafter, ultimately led to all or our resignations and departure from the Intelligence Services.
70. I was not aware that the investigation into the Guptas was pursued hereafter. Notwithstanding the clear indications that both the Minister and the former President had given that they wished us not to pursue our investigations, a final report was ultimately prepared.

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71. Regrettably, no further action appears to have been taken. It is my view that had the Minister and the former President given their support to the investigation, and had proper action been taken when the influence of the Guptas first became apparent, State Capture, at least at their hands, could have been avoided.
72. In this respect, I stress that the Constitution, and the South African Intelligence legislation governing the function and purpose of national security, makes no exception as to who and what should and can legitimately be the target of an intelligence investigation; an intelligence investigation should be pursued when it is in the national interest, without regard to partisan relationships and political objectives. If this is the mantra of national intelligence, it will serve the nation and prevent the abuse of its powers by politicians.
73. This notwithstanding, it soon became readily apparent to us that there was a concerted attempt by the former President to politicize the SSA and its investigations.

THE MEMORANDUM ADDRESSED TO THE TOP SIX OF THE AFRICAN NATIONAL CONGRESS

74. In 2016, we formed a structure to raise our concerns about the state of affairs within the ANC. This was composed of former commanders and commissars of the former Umkhonto We Sizwe, represented by General Nyanda, Jabu Moleketi, Ambassador Shaik and myself, with the leadership of the ANC's top six represented by the then Secretary-General Gwede Mantashe, Deputy Secretary-General Jessie Duarte, Treasurer General, Zweli Mkhize and the then ANC Chief Whip in the general assembly, Jackson Mthembu.
75. In view of our concerns about the direction in which the ANC seemed to be moving, General Nyanda prepared a memorandum, which was circulated amongst the members of this grouping of about 100 members and presented to the top six of the ANC. The memorandum warned the ANC veterans and the

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top six of, amongst other things, state capture and in particular the influence of the Gupta family.

76. I was one of the signatories to the memorandum, which I attach as Annexure "MM3" hereto.

77. The memorandum states, amongst other things, that:

"8. *In light of these revelations, we demand to know what role, if any, the Gupta family play in influencing the appointment of Ministers and to what end? Which other Ministers have been approached by them in this manner? What private arrangements, if any, have been made with the Gupta family? What is their role in the appointment of Board members of State Owned Enterprises? Is the leadership of the ANC aware of these arrangements? On whose authority does the Gupta Family act?*

9. *In the absence of any coherent explanation to all of the above we are forced to speculate that important decisions of the State are subject to outside influence and unilateralism without any regard to the well-being of the country or our people.*

13. *Whilst the challenges that face the ANC are many and complex, we are most concerned about the increasing tendency of state capture. We can no longer remain silent in the face of this most undemocratic and dangerous of developments.*

14. *There are many, many accounts of undue influence on the decisions of the State. We need to establish the veracity and the validity of all of these claims.*

16. *Accordingly, we call on the leadership of the ANC to establish an independent commission of enquiry composed of eminent persons within the ANC and civil society to investigate all claims of undue influence, especially by the Gupta family on the ANC and on the State.*



17. *In light of the many challenges facing the ANC and the State we further call on the leadership of the ANC to urgently convene a special National Conference to assess these challenges and chart a way forward to restore the prestige of our glorious movement and the State...."*
78. It is my firm belief that had the top 6 of the ANC acted on the concerns raised by us in the memorandum, a Commission of the nature now established to investigate State Capture could have been instituted as early as 2016 and perhaps, the further collapse of our state-owned enterprises could have been avoided.

THE POLITICIZATION OF STATE SECURITY AND THE ALLEGED CONSPIRACY AGAINST GENERAL MDLULI

79. Minister Cwele provided me with a report commissioned by General Mdluli and prepared by Crime Intelligence, averring that there was a conspiracy waged by senior generals in the SAPS to secure his removal from Crime Intelligence, which he indicated the former President wished the SSA to analyse and report on.
80. A crime report of this nature should not have been sent to the SSA directly, but should properly have been sent to the Coordinator for Intelligence for the attention of the analysts at the National Intelligence Coordinating Committee (NICOCC) to evaluate. Section 2 of the National Strategic Intelligence Act of 1994 describes the functions of the SSA to be "*to gather, correlate, evaluate and analyse domestic and foreign intelligence (excluding foreign military intelligence),*" in order to, amongst other things, "*identify any threat or potential threat to the security of the Republic or its people.*"
81. But be it as it may, I nevertheless referred the report to Mr Njenje for the domestic branch to investigate. This was done and, when completed, the domestic branch found that the report had no substance and was full of unverified information. However, our SSA report, despite careful analysis, was



not accepted by the former President who chose rather to believe the commissioned by Richard Mdluli. This had the effect of stifling the murder, rape and kidnapping investigation against General Mdluli, as well as the investigation into his involvement in the irregular appointment of members to Crime Intelligence and his abuse of the Secret Services Account, vehicles and safehouse for his own purposes.

THE PAN 1 INVESTIGATION

82. By the time that I arrived at the SSA, the investigation into the PAN1 project was about 70 percent complete and all expenditure relating thereto had been suspended. I cannot recall when exactly the investigation started, but I think it was during early 2009. I participated in briefings that took place at the Ministry about this project. Mr Njenje was also present at the meetings. I remember that there was damning information about the abuse of agency resources, buying of cars, renting houses and the recruitment of former SSA members, who are supposed to have taken packages from the agency, but were then recruited back into the PAN project.
83. The SSA set up the PAN 1 project, which was authorised by Minister Ronnie Kasrils. Although there was nothing untoward in the establishment of the project itself, it was the implementation of the project by Mr Arthur Fraser, in a manner that was neither controlled by nor accountable to the SSA, that was problematic.
84. The utilisation of covert funds by Mr Fraser for the project was also irregular. Once Minister Kasrils approved the project, he would have also approved the budget for it. The DG at the time, Mr Manala Manzini, as the accounting officer who reported to Minister Kasrils, signed off on the budget for the project. It is of some significance that Mr Fraser and Mr Manzini are to this day, business partners and there can be little doubt that Mr Manzini facilitated the wholesale looting of the SSA's covert account at the hands of Mr Fraser.
85. Mr Manzini was also found wanting in his management of the project as Mr Fraser was supposed to report to him, in alignment with the new Constitutional

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dispensation, but did not. In addition, Mr Fraser was obliged to report to the Operations Division of the SSA but did not. It was thus clear that the PAN1 project was pursued for objectives not aligned with those of the SSA, for which the operatives were not accountable and in respect of which the spending incurred was unchecked.

86. Apart from this blatant corruption and lack of accountability, there was a flagrant breach of the basic principles of national security by the PAN 1 project. Glaring irregularities are the fact that:
- 86.1. the database of the PAN1 project, which was 'the nerve centre', was not located at the national office of the SSA, but was located, in breach of all security protocols, at Mr Fraser's home;
 - 86.2. the database was not linked or integrated into the database at the Head Office, which meant that it operated completely outside of the SSA;
 - 86.3. there were no reporting lines to Head Office, which gave Mr Fraser a dangerous amount of unbridled power; and
 - 86.4. there was no oversight or accountability for the projects pursued or expenditure incurred.
87. The three main problems with the PAN1 project were, in my view, therefore, the centralisation of power; the ability to draw large amounts of money, and the absence of accountability. Absent this, it could have legitimately have been conducted within the national intelligence service structures, with restricted levels of access and knowledge.
88. The difficulties with the project came to the fore when the expenditure relating to all PAN 1 projects was stopped. After the PAN1 project had been exposed, a number of the members of the SSA who had purported to have resigned and taken packages sought to return to the SSA, on the basis that they were under the impression that they were still working for the SSA when they entered the



PAN program. Another casualty was Mr "Itumeleng" Tsemani, who came to see me once the funding had stopped and explained that his house had been demolished, as it had been decided that a guest house should be built on it for PAN projects, which was then going to be bought by PAN 1. After the flow of funds stopped, this did not happen and he found himself without a house.

89. I wish to stress that by time we were brought in to amalgamate the Intelligence Services, the expenditure on all PAN projects had already been suspended, the investigation had virtually been completed and criminality had been established. The matter was then referred by Mr Njenje to Peter Bishop at the Special Investigating Unit (SIU).
90. In fact, Minister Cwele had himself taken the view that the investigators, and the legal team headed by Mr Willem Hanekom, had exhausted all avenues of investigation and that it was now up to the law enforcement agencies to act against those implicated. I was unaware until I heard Mr Njenje's evidence before the Commission that after my departure from the SSA, he was instructed by Minister Cwele to withdraw the PAN 1 report from the SSA, and was given an instruction to stop the PAN 1 investigation.
91. It is inexplicable to me that after we had left the SSA, Mr Fraser was brought back by the Minister as the DG of the domestic branch of the SSA, notwithstanding the damaging averments against him in the PAN1 report.
92. I have read Jacques Pauw's book, *The President's Keepers*, and from my knowledge of the PAN1 investigation, I can confirm that it is an accurate account thereof. I can provide more detail in this regard if requested.
93. I have no knowledge of the PAN 2 project embarked upon by Mr Fraser when he returned to the Intelligence Services, as this happened long after I had left the SSA.
94. I believe that Mr Fraser is currently the National Commissioner of Correctional Services.



MY RESIGNATION AS THE HEAD OF THE INTELLIGENCE SERVICES

95. After our meeting with the President concerning the investigation into the Guptas, our relationship with Minister Cwele continued to deteriorate, and soon became intolerable. The detail of this is documented in Annexure 'C' to my first statement.
96. One of the reasons for the breakdown in our relationship with Minister Cwele arose after I took the Minister to task about his abuse of the resources of the SSA to provide protection services for his wife when attending court on charges that she had been involved in drug smuggling. Soon after this, Minister Cwele began undermining my role and duties as the Head of the Intelligence Service; he gave direct instructions to members below me and precluded me from properly performing my duties under my Performance Agreement. This I set out fully in my letter of resignation addressed to the former President, annexed hereto marked Annexure "MM2A."
97. I am not able to annex all the attachments to this letter as they are classified. Although Ambassador Shaik, Mr Njenje and I addressed a letter to the SSA requesting declassification of certain documents for the purpose of our submissions to the Commission, my resignation letter was not provided. I was called by Mr Bob Mhlanga during May 2019, who indicated that he was in receipt of our letter and had been instructed to provide all of the documents requested to us. However, he stated that he could not find my letter of resignation, which was inexplicable to me. In a meeting with the Inspector General, Advocate Setlhomamamru Dintwe at the end of last year, he confirmed that he had given instructions to the SSA to provide us with all of the documents requested by us and I can see no reason why my letter of resignation was not provided and/or declassified.
98. Ambassador Shaik felt very strongly that we should fight to the end against what he perceived as our constructive dismissal by the Minister. I felt that the Minister had the backing of the former President and told Ambassador Shaik that we could not win the war, as the former President would ultimately get rid of us.



We thus all agreed that our time in Government was over. Mr Njenje left in October 2011. I left on 28 January 2012 and I think Ambassador Shaik ultimately left during February 2012. I was somewhat surprised when Ambassador Shaik confirmed in his evidence that which I had heard via the grapevine, that golden handshakes had been given to Mr Njenje and him.

99. Be that as it may, I believe, in retrospect, that we were all pushed out because we were not compliant and were replaced with those who can all be viewed as henchmen of the former President.

STATE CAPTURE

100. I believe that there was an organized project of state capture in the sense that there was a plan to undermine the constitutional integrity of the state-owned enterprises, which has resulted in the collapse of South African economy.
101. In my view, the Intelligence Services should have investigated this long before the Commission was tasked to do so, following upon the report of the former Public Protector. Had it, or the top six done so, the unbridled theft of state resources could have been avoided or at least substantially limited.


DEPONENT

I certify that the Deponent who acknowledges that he knows and understands the contents of this affidavit; that it is the truth to the best of his knowledge and belief and that he has no objection to taking the prescribed oath and regards same as binding on his conscience; and the administration of the oath complies with the Regulations published under Government Notice R1258 in Government Gazette 3619 of 21 July 1972, as amended. This affidavit is signed and sworn to before me at FARMINGTON on this 09 day of JULY 2020.



Handwritten signature

COMMISSIONER OF OATHS

EX OFFICIO: *SSA*

FULL NAMES: *N M MURPHY*

PHYSICAL ADDRESS:

71 Dunstable Ave

Perkins

DESIGNATION:

Secretary

Handwritten initials

ANNEXURE "MM1"

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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE
CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR
INCLUDING ORGANS OF STATE**

STATEMENT OF MZUVUKILE MAQETUKA TO THE COMMISSION

Introduction


- 1 I am a former Director General of the State Security Agency (SSA), having been appointed to that position by former President JG Zuma in 2009. I retired from the SSA in 2012.
- 2 This statement is presented to the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State ("the Commission) as a consequence of a meeting held with the legal and investigation team on 16 October 2018.
- 3 The team took me through the Terms of Reference of the Judicial Commission of Inquiry into State Capture, Corruption and Fraud in the Public Sector Including Organs of State.
- 4 Thereafter my attention was drawn to a copy of an article written on 2 September 2018 [<https://www.timeslive.co.za/Sunday-times/news/2018-09-01-cla-alert-sa-to-gupta-nuclear-dangr-in-2009/#>] by Ranjeni Munusamy (Ms. Munusamy), which I annex hereto marked "Annexure "A". I indicated to the team that I was not interviewed by Ms. Munusamy and that I have never spoken to Ms. Munusamy at any stage.



- 5 In regard to the content of the article by Ms. Munusamy, I confirmed that the content of the article was correct and that issues raised therein were correct. As a matter of emphasis, within Ms. Munusamy's article as it related to former President JG Zuma having been warned by the SSA bosses, I have to repeat to this Commission that it is true that the SSA, led by the Domestic Branch Director (Mr Lizo Gibson Njenje), investigated the relationship between the Guptas and President JG Zuma. This investigation emanated from information in the public domain of such relationship, and also, we got to know that even within Cabinet this matter was once debated and there were some in Cabinet who were not happy.
- 6 I informed the team that while the investigation was still ongoing, the then Minister for Intelligence Services, Siyabonga Cwele, apparently got wind of the investigation and summoned us (that is myself as Director-General of the SSA, Director for the Domestic Branch and Mr Moe Shaik, Director for the Foreign Branch) to a meeting in Cape Town. The meeting started in the early evening and went on until about midnight. The Minister introduced the reason why he had called us as the fact that Njenje was undertaking an investigation of the relationship between President JG Zuma and the Guptas, and that Njenje was conducting this investigation for his own business interest.
- 7 I insisted to the Minister that this was not Njenje's investigation but that of the SSA in terms of its mandate. This the Minister ignored and he

Handwritten signatures in black ink, appearing to be initials or names, located at the bottom right of the page.

continued with his line of addressing the issues on Njenje. The meeting ended without resolving the matter. Later we learnt from the media that the Minister had instructed us to stop the investigation. I have to say that I do not recall him having given such an instruction, let alone that a Minister for Intelligence would have had no mandate to stop an investigation where the organisation had assessed the need to so investigate.

- 8 After this meeting, we arranged for a meeting with President JG Zuma shortly wherein, again, myself, Njenje and Shaik met the President in his offices in Pretoria to brief him on the investigation that we conducted, the meeting with the Minister, and our disagreements with the Minister. I introduced the intention of the meeting and thereafter handed over to Njenje to deal with the substance of the investigation on the President's relations with the Guptas. The President was listening all the way for the duration of the report and at the end asked for a copy of the report.
- 9 I informed the President that it would be against practice to give him such a report more so that he was cited in it, to which the President did not insist. I told the legal team that this is the only time that I can recall discussing the matter with the President. We (and I) personally had a number of meetings with the President dealing with other intelligence matters, more so our souring relationship with the Minister for Intelligence Services, Siyabonga Cwele.
- 

Internal tensions

- 10 I state for the record that there had been no good relationship with the said Minister soon after our appointment, and i can cite this as a result of the following:
- 10.1 We disagreed on the strategic way forward for the intelligence services;
- 10.2 The Minister had no clue on the portfolio that he was superintending;
- 10.3 He had a bad social or business relationship with his senior team;
- 10.4 He had a negative attitude towards both Njenje and Moe Shaik;
- 10.5 The drug related case of the wife of Minister Cwele and her subsequent sentence to a 12-year term exacerbated the situation and became another tricky issue. The use of state resources to transport the Minister's wife to and from court became a sore point when the Domestic Service Head refused to sign payment for this transportation;

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- 10.6 Perhaps this is why the media reported that the Minister was never supportive of our appointments and that he would have wanted his own team.
- 11 Again, these differences were constantly brought to the attention of the President many times and at times by myself personally and at times with the two colleagues. By the middle of 2010, relationships had completely broken down. The SSA became a playing ground of the media, with reports on it on a daily basis. I annex hereto marked "Annexure B" news clippings on how the media was reporting on the state of the relationship between the President, the Minister and the senior controllers of the SSA.
- 12 The state of affairs at the SSA was time and again raised with the Chairman of the Joint Standing Committee on Intelligence ("JSCI"), Mr Cecil Burgess, which culminated in a two-day meeting with the whole compliment of the Parliamentary Committee but this did not help the situation. I do not know what the Committee did with the report that we gave. I point out that this was not a written report but a verbal one.
- 13 As Rome was burning, the ruling party, the African National Congress ("ANC") which is supposed to have 'deployed' us, was nowhere to be seen. Newspaper report(s) made by Jackson Mithembu, Chief Whip, was that the matter had not come up for discussion but (to our surprise), it was in the public domain. President Zuma's spokesman, Mac Maharaj,

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referred the matter to the office of the Minister for Intelligence (Sunday Times, September 18 2011). Only one member of the National Executive Committee of the ANC, Billy Masetlha, commented on the matter saying that:

"It seems as though there is an unfortunate and serious crisis within the agency, this is not good for the SSA, this is not good for the country, this is tragic, this is unfortunate. This crisis has to be resolved speedily otherwise it will have disastrous consequences for the country." (City Press, 11 September 2011)

- 14 It is interesting to see the almost contradictory responses by two members of the ANC's National Executive, Billy Masetlha and Jackson Mthembu. I personally had a meeting with senior Minister Nkosazana Dlamini-Zuma to discuss with her the situation at the intelligence and advised her that this had been brought to the attention of the President. After a long briefing, her question was *"What is the President doing about it?"*
- 15 It became clear to us that we were on our own and had to take decisions. Njenje left the Agency. This gave rise to wide speculation from the media that myself and Moe were to follow. In middle of November 2011, I took a decision that I would be leaving. I wrote a dossier to President JG Zuma, copied the Deputy President, Kgalema Motlanthe, Chairman of the JSCI, Cecil Burgess, and Minister for State Security, SC Cwele, citing problems I

Two handwritten signatures in black ink are located at the bottom right of the page. The first signature is a stylized, cursive name, and the second is a more abstract, scribbled signature.

encountered with the Minister in the execution of my duties as the Director-General and giving the President fourteen [14] days to respond otherwise, I would tender my resignation.

Conclusion

- 16 In conclusion, I annex hereto marked "Annexure C" my recollection of the content of the dossier.
- 17 Looking back to the events from 2009 – 2011 at the SSA and subsequent developments that I have been following through the public domain, this institution (and to a large extent the broader security sector) of the country is in turmoil. Question[s] therefore that should be answered and that, to an extent, are perhaps within the ambit of this Commission include:
- 17.1 How this precipice started and who were the culprits – as my statement has tried to show, within the Civilian Intelligence Sector, President JG Zuma failed to administer and shape the services, rather he participated in their demise.
- 17.2 Former Minister of State Security, Dr SC Cwele participated, implemented this malice, and I am convinced that he did not act alone and had no authority and capacity to act on any material matter without his superior, the President.

Two handwritten signatures in black ink, one larger and more prominent than the other, located in the bottom right corner of the page.

- 17.3 The President owes it to the likes of Njenje, Shaik, myself to give light as to why he acted in the manner in which he did when in fact he is the one who brought all of us back into the intelligence service when we were already outside it. This would also apply to people such as Ambassador Welife Nhlapho, who during the same period was appointed National Security Advisor, located in the office of the President who left that office without having even started doing the work that he was appointed to do. Ambassador Vusi Mavimbela who at the same period was appointed DG in the Presidency also had to leave the office and now it has become public information [according to his latest book] the reasons why he left the office.
- 17.4 The then Deputy President, Kgalema Motlanthe should shed light on what his role was during this period as part of his task was dealing with government issues and reporting to Parliament. The SSA as one of those government departments were his responsibility.
- 17.5 Former Chairman of the Joint Standing Committee for Intelligence, Cecil Burgess who has received a number of briefings as highlighted should give account as to what he did with all the reports and briefings that he received.



17.6 The ruling party as so-called deployer of us and others has to account.

17.7 Various functionaries in government [intelligence] who have played a role in implementing Cwele's dirty work should come forward, functionaries such as Kau Mavhungu [former Head of Ministerial Service] still at the SSA, Brian Dube, Spokesperson, Doctor Tshwale and Lukhaimane Muvhango now at the FSB.

18 Unless everybody comes clean, the work of this Commission will still have gaps that will leave a wound in our nation.

Dated and signed at Johannesburg on this 13 day of December
2018


MZUVUKILE MAQETUKA




10/16/2018

CIA alerted SA to Gupta nuclear danger in 2009



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News

CIA alerted SA to Gupta nuclear danger in 2009

SA spies tracked the Guptas, warned their grip on Jacob Zuma was a national security risk

02 September 2018 - 00:07 By RANJINI MUNISAMY



Former spy bosses Gibson Njenje and Moe Shaik say they had several meetings with former president Jacob Zuma about the Guptas, but quit when they realised he would not act on their warnings.
 Image: Alister Russell/The Sunday Times

US intelligence flagged the Guptas' dubious activities as far back as 2009, resulting in an investigation by South African intelligence agencies that concluded that the family was a threat to national security.

As the full extent of the state capture project unfolds at the Zondo commission of inquiry, new details have emerged about how the heads of SA's intelligence agencies tried to caution former president Jacob Zuma that his relationship with the Guptas was undermining national security.

Former spy bosses Gibson Njenje, Moe Shaik and Mzuvukile Jeff Magesuka were alarmed to learn in the course of their investigation about the scale of the Guptas' involvement in Zuma's very first cabinet reshuffle in October 2010.

Now, for the first time, Njenje and Shaik have broken their silence, giving the Sunday Times a blow-by-blow account of their investigation of the Guptas.

They were forced out of the public service in 2011 after a breakdown in relations with then state security minister Siyabonga Cwele, who called their Gupta probe "irregular".

Njenje and Shaik said they had several meetings with Zuma, but quit when they realised he would not act on their warnings. ✓

The Sunday Times has also learnt that former communications minister Siphiso Nyanda was fired to give the Guptas access to the communications sector, particularly the SABC.

Nyanda has for the first time revealed that after he rebuffed attempts by the Guptas to meet him, Zuma removed him as communications minister and appointed Roy Padayatchie, a close ally of the family. During Padayatchie's tenure, Anul Gupta and Saham Computers were given special recognition by the ministry as tech industry leaders.

Under Padayatchie, Hlaxi Mokoamele began his ascent at the SABC and signed the broadcast agreement for the New Age business break fasts - at no cost to the Guptas.

Njenje, the former head of the National Intelligence Agency, told the Sunday Times he received a request from his US counterparts in 2009 wanting to know about the Guptas' interest in uranium mining. This was as the Guptas' Oakbay Resources was acquiring Uranium One's Dominion mine, which they renamed Shiva Uranium.

Enriched uranium is a critical component for both nuclear power generation and military nuclear weapons.

"The Americans wanted to know why the Guptas are interested in mining uranium and where they intend sending their product. Naturally we were interested as well," said Njenje.

Shaik, the former head of the South African Secret Service, confirmed the request from the US's Central Intelligence Agency. An acting spokesperson at the US embassy in Pretoria, Carrie Schneider, said: "As a policy, we never comment on intelligence matters."

The investigation by the South African intelligence agencies, based on open source information and interviews, threw up alarming information about the family's activities and relationship with Zuma.

10/16/2018

CIA alerted SA to Gupta nuclear danger in 2009

11

The president [Zuma] was visiting the Gupta compound at least once a week

Gibson Njenje

Njenje said: "In 2010 they started flexing their muscle and their links with the president.

"They were talking to ministers, directors-general and senior officials. From a state security point of view, we were trying to find out why this audacity. They were making an open show that they have a relationship with the president.

"We got to know the president was visiting the Gupta compound [in Saxowold, Johannesburg] at least once a week. Every Monday, on his way from meetings at Luthuli House, he would stop there for dinner."

Njenje said they also learnt that the Guptas were in charge of arrangements during Zuma's state visits. This was particularly the case during the June 2010 state visit to India, and to China two months later.

In her testimony at the state capture inquiry this week, former ANC MP Vyfje Mentor mentioned the Guptas' unusual role in protocol arrangements for the China visit.

Njenje said one of the major issues of concern to them was the interference of the Guptas in Zuma's first cabinet reshuffle in October 2010.

Zuma replaced seven ministers in the reshuffle, axing Nyanda as communications minister, Barbara Hogan as public enterprises minister and Makhankosi Stoffie as sports & recreation minister.

Mentor testified that Ajay Gupta told her Hogan would be fired and offered her the public enterprises ministry if she copped the SAA route to Mumbai. Mentor said she became "agitated" and declined the offer and that Zuma walked into the room and tried to pacify her. Malusi Gigaba, now home affairs minister, was appointed in Hogan's place.

Shank said they were alarmed when they found out that people were being "summoned" by the Guptas in connection with the reshuffle. He said they were also disturbed when Zuma appointed people who were perceived to be close to the Guptas in the cabinet.

Nyanda told the Sunday Times he was "taken by surprise" by his axing.

"In retrospect it all makes sense. We were the first victims of these series of Gupta purges," he said.

Zuma reshuffled his cabinet 11 times.

Nyanda is a former chief of the South African National Defence Force and was the chief of staff of the ANC's military wing, Umkhonto weSizwe.

He said during his tenure as communications minister, he received a visit at his office from Duduzane Zuma, accompanied by the Gupta brothers.

"They said they were just introducing themselves as they were doing business in the communications space. I paid no heed at the time as I met many people in the industry."

He said he was subsequently told by people working in state-owned entities under the department of communications that the Guptas wanted a meeting with him.

"They were going via other people who were trying to arrange for those guys to see us, but I did not respond," said Nyanda.

Nyanda said that during a weekend at the end of October 2010, he was in Durban when he received a call from the presidency asking him to come to a meeting with Zuma. Nyanda said he would only be back that Monday.



Former communications minister Sipiwe Nyanda.
Image: Trevor Samuel

He then received a call from Zuma, who informed him that he was being removed as minister. Zuma offered to appoint him ambassador to Germany. Nyanda declined.

10/10/2016

CIA alerted SA to Gupta nuclear danger in 2009

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He said he insisted on meeting Zuma to find out the reasons for his exile.

"At the time, there was a story that I was running a security company and monitoring his affairs. I asked the president if he believed I was a threat to national security and intercepting communications because I should face criminal prosecution if I was," said Nyanda.

"He said no and told me something about the SABC. I asked what about it ... To be honest I found very little joy in that interaction," said Nyanda. He said he only realised later that Zuma wanted the SABC "under the control of his cronies".

Nyanda said he declined an offer by Zuma to become his economic adviser and remained as an ANC MP. "My enthusiasm for anything ANC and government really died. I was just going through the motions."

Nyanda, Njenje and Shaik were signatories to a public statement in May 2016 by 27 former directors-general calling for an independent public inquiry into state capture.

All three say they are willing to testify at the Zondo commission if called.

Nyanda said he would be willing to give evidence that he was at an ANC national executive committee meeting when Filipe Mbalula made an emotional declaration that the Guptas had told him he would replace Stoffie as sports minister. "[Zuma] didn't say anything after such a serious allegation by Mbalula. He didn't address it at all," said Nyanda.

Njenje said he, Shaik and Mqhekez had gone to see Zuma several times about their concerns about the Guptas.

"The president gave us a story about Duduzane and Duduzile and the Guptas that we never really understood. It was clear he was not going to do anything," said Njenje.

Shaik said Zuma's response to their various warnings made them despair.

"He said the Guptas were the only people willing to help his son," said Shaik.

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CIA alerted SA to Gupta nuclear danger in 2009

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02 September 2018 - 00:07 BY RANJENI MUNUSAMY



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"The Americans wanted to know why the Guptas are interested in mining uranium and where they intend sending their product. Naturally we were interested as well," said Njenje.

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The investigation by the South African intelligence agencies, based on open source information and interviews, threw up alarming information about the family's activities and relationship with Zuma.

Njenje said: "In 2010 they started flexing their muscle and their links with the president. They were talking to ministers, directors-general and senior officials. From a state security point of view, we were trying to find out why this audacity. They were making an open show that they have a relationship with the president.

"We got to know the president was visiting the Gupta compound [in Saxonwold, Johannesburg] at least once a week. Every Monday, on his way from meetings at Luthuli House, he would stop there for dinner."

Njenje said they also learnt that the Guptas were in charge of arrangements during Zuma's state visits. This was particularly the case during the June 2010 state visit to India, and to China two months later.

In her testimony at the state capture inquiry this week, former ANC MP Vytjie Mentor mentioned the Guptas' unusual role in protocol arrangements for the China visit.

Njenje said one of the major issues of concern to them was the interference of the Guptas in Zuma's first cabinet reshuffle in October 2010.

Zuma replaced seven ministers in the reshuffle, axing Nyanda as communications minister, Barbara Hogan as public enterprises minister and Makhenkesi Stofile as sports & recreation minister.



Mentor testified that Ajay Gupta told her Hogan would be fired and offered her the public enterprises ministry if she canned the SAA route to Mumbai. Mentor said she became "agitated" and declined the offer and that Zuma walked into the room and tried to pacify her. Malusi Gigaba, now home affairs minister, was appointed in Hogan's place.

Shaik said they were alarmed when they found out that people were being "summoned" by the Guptas in connection with the reshuffle. He said they were also disturbed when Zuma appointed people who were perceived to be close to the Guptas in the cabinet.

Nyanda told the Sunday Times he was "taken by surprise" by his axing.

"In retrospect it all makes sense. We were the first victims of these series of Gupta purges," he said.

Zuma reshuffled his cabinet 11 times.

Nyanda is a former chief of the South African National Defence Force and was the chief of staff of the ANC's military wing, Umkhonto weSizwe.

He said during his tenure as communications minister, he received a visit at his office from Duduzane Zuma, accompanied by the Gupta brothers.

"They said they were just introducing themselves as they were doing business in the communications space. I paid no heed at the time as I met many people in the industry."

He said he was subsequently told by people working in state-owned entities under the department of communications that the Guptas wanted a meeting with him.

"They were going via other people who were trying to arrange for those guys to see us, but I did not respond," said Nyanda.

Nyanda said that during a weekend at the end of October 2010, he was in Durban when he received a call from the presidency asking him to come to a meeting with Zuma. Nyanda said he would only be back that Monday.

He then received a call from Zuma, who informed him that he was being removed as minister. Zuma offered to appoint him ambassador to Germany. Nyanda declined.

He said he insisted on meeting Zuma to find out the reasons for his axing.

"At the time, there was a story that I was running a security company and monitoring his affairs. I asked the president if he believed I was a threat to national security and intercepting communications because I should face criminal prosecution if I was," said Nyanda.

"He said no and told me something about the SABC. I asked what about it ... To be honest I found very little joy in that interaction," said Nyanda. He said he only realised later that Zuma wanted the SABC "under the control of his cronies".

Nyanda said he declined an offer by Zuma to become his economic adviser and remained as an ANC MP. "My enthusiasm for anything ANC and government really died. I was just going through the motions."

Nyanda, Njenje and Shaik were signatories to a public statement in May 2016 by 27 former directors-general calling for an independent public inquiry into state capture.

All three say they are willing to testify at the Zondo commission if called.

Nyanda said he would be willing to give evidence that he was at an ANC national executive committee meeting when Fikile Mbalula made an emotional declaration that the Guptas had told him he would replace Stofile as sports minister. "[Zuma] didn't say anything after such a serious allegation by Mbalula. He didn't address it at all," said Nyanda.

Njenje said he, Shaik and Maqetuka had gone to see Zuma several times about their concerns about the Guptas.

"The president gave us a story about Duduzane and Duduzile and the Guptas that we never really understood. It was clear he was not going to do anything," said Njenje.

Shaik said Zuma's response to their serious warnings made them despair.

"He said the Guptas were the only people willing to help his son," said Shaik.



MOER HULLE BOKKE!

SIMPHIWE DA STOKVEL FOR SCHOOLS

See Sport

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CWELE'S SPY WAR

Minister orders top 3 spy bosses to quit

The minister

The smuggler

The spy bosses



Siyabonga Cwele



Sheryl Cwele



Jeff Masetlha



Gibson Njenje



Moe Shaik

JACQUES PAUW

www.jacquespauw.com

State Security Minister Siyabonga Cwele has ordered his top three intelligence chiefs to quit.

This follows a row over official protection provided for the minister's wife during her trial on drug-trafficking charges, City Press has learnt.

This is the third scandal to hit South Africa's intelligence establishment in the past six years.

State Security Minister Siyabonga Cwele has ordered his top three intelligence chiefs to quit. This follows a row over official protection provided for the minister's wife during her trial on drug-trafficking charges, City Press has learnt.

Njenje's resignation and his acceptance "with immediate effect" was announced within the agency, which is responsible for domestic and international intelligence, on Friday.

Njenje declined to comment, but City Press understands that there is confusion in the agency as to whether Njenje actually resigned or was forced to do so. "News of his resignation came out of the blue... he never formally resigned. He is prepared to fight on," said an intelligence source.

Cwele also asked director-general Jeff Masetlha and the head of the South African Secret Service - now known as

the agency's foreign branch - Moe Shaik, to leave the agency. They have allegedly refused to quit and have sought legal advice in the past week.

A showdown between the minister and his intelligence chiefs has loomed for some time, but came to a head in the past two weeks when he called them in and asked them to leave.

Insiders in the SSA say that the breakdown in trust between the minister and his intelligence chiefs are, among others, as a result of his wife Sheryl Cwele's drug-trafficking conviction in May this year.

City Press understands that the intelligence chiefs are also unhappy with the minister's management style and felt that he did not properly understand the intelligence environment.

The catalyst for the showdown was a deep unhappiness within the agency after Cwele allegedly ordered that his wife be afforded intelligence protection for the duration of her trial. She was, insiders claim, transported to and from her trial in official vehicles and protected by intelligence-agency officers.

Sheryl Cwele was afforded full protection for the duration of her trial, even though the agency does not have a VIP protection unit and any protection would have had to be authorised by Njenje himself.

The SSA only provides security for foreign heads of state and other very important visitors to the country. Ordinary VIP protection is provided to Cabinet ministers by the police.

City Press understands that Njenje recently confronted the minister with the costs, leading to a showdown with Cwele.

Who is Siyabonga Cwele?

Apart from his wife's headline-grabbing drugs trial, State Security Minister Siyabonga Cwele has dominated headlines as the hawkish champion of the newly drafted Protection of State Information Bill.

Cwele and his department have been enthusiastic supporters of the bill, which critics regard as a body blow for whistleblowers and investigative journalism. Cwele has spoken out against the need for a public interest defence in the bill.

A former ANC underground activist in the mid-80s with roots in NewZulu-Natal, Cwele rose to prominence in the intelligence community following Ronnie Kasrils' departure as intelligence minister. Cwele was appointed in May 2008.

He witnessed a radical restructuring of the country's intelligence structures, which resulted in the State Security Agency, with a R3 billion budget, being established. A veteran ANC MP with a seat in

Parliament since 1994, Cwele also served as chairperson of the Joint Standing Committee on Intelligence - an odd position for a medical doctor who also holds a masters degree in economic policy from Stellenbosch University.

In this position Cwele strongly argued for the disbandment of the Scorpions during the Thampoko hearings in 2006.

His wife's trials and subsequent drug trafficking conviction have seen him criticised by opposition parties, which have demanded his removal from office. His critics argued that it was inconceivable he was unaware of her activities.

The couple said at the time she committed the crime that they were separated, but evidence was later produced that showed they had holidayed together after that and were often seen together. They celebrated 25 years of marriage last year. - Jacques Pauw

The row deepened when agents came across further information associated with Sheryl Cwele's involvement in drug trafficking.

The KwaZulu-Natal High Court sentenced Sheryl Cwele to 11 years' imprisonment in May after she and her co-accused Nigerian Frank Nabolwa were found guilty of procuring two women to smuggle cocaine from South America to South Africa. She is appealing the sentence.

At the time of the crime and during the trial, she was the

head of health services in the Hibiscus municipality. She was fired from her job last month.

Shaik refused to comment and Masetlha could not be reached for comment. Sheryl Cwele did not answer calls to her cellphones yesterday.

The three intelligence bosses have drawn a line in the sand with their minister, apparently telling him that only President Jacob Zuma has the authority to dismiss them because he appointed them.

Cwele had apparently offered them redeployment, probably as

This crisis has to be resolved speedily otherwise it will have disastrous consequences for the country - BILEY MASETLHA

Signature of Biley Masetlha

ambassadors. Shaik was previously South Africa's ambassador to Algeria.

Shaik is a long-time confidant of Zuma. He was active in campaigning for Zuma's corruption charges to be dropped.

While this week saw tension in the agency reaching boiling point, intelligence sources say that conflict between the intelligence chiefs began back in October 2009, largely due to Cwele's management style.

Shaik, Njenje and Masetlha have vast previous experience in

intelligence, while Cwele was appointed as minister without any prior knowledge of the spy world.

Former intelligence minister Ronnie Kasrils said he could not comment on the latest developments, but added: "I wish government would refer and take heed of the shelved Matthews Report of 2008 that talks about the necessity of reforming the country's intelligence services. It has obviously not happened."

The Matthews Report was commissioned by Kasrils and recommended tightening control over the intelligence agency's involvement in domestic political affairs.

"There are inherent and systemic problems in intelligence that, unless corrected, will leave the institution in a problematic state."

"This is made worse by a culture of excessive secrecy and paranoia that prevails in the institution and will be made worse by measures contained in the Protection of Information Bill," he said.

Former intelligence chief DSI Masetlha told City Press: "It seems as though there is an unfortunate and serious crisis within the agency."

"This is not good for the SSA this is not good for the country if there is one state institution you want to run smoothly and efficiently, it is your intelligence service."

"This is fragile, this is unfortunate and should have been managed better."

"This crisis has to be resolved speedily otherwise it will have disastrous consequences for the country."

SPY VERSUS SPY:

Resigned? I never resigned!

**CAIPHUS KGOŠANA and
SIDUSISO NGALWA**

MINISTER of State Security Siyabonga Cwile is at war with two of his top officials in what looks like the beginning of a major shake-up of the intelligence hierarchy.

Cwile is attempting to push out National Intelligence Agency head Gibson Njenje and his Secret Service counterpart, Mo Shaik, but the two are refusing to leave without a fight.

On Friday, Cwile's office issued a statement announcing Njenje's resignation, saying the NIA boss was leaving to "pursue other interests".

"The minister has accepted the resignation and thanked Njenje for his services and contribution to the national project of securing the country, its people and the constitutional order," it said.

But a defiant Njenje yesterday denied that he had resigned.

"I am shocked to hear from you that I have resigned. I know nothing about that. I have not resigned. I have not had any discussion with the minister with regards to my resignation. There are issues we are talking about and he has promised to come back to me with a response," he said.

"There are some issues, but not to the extent that I have left my job. That's a total misrepresentation."

However, Cwile's spokesman, Brian Dube, said Njenje had submitted his resignation letter.

"When you resign, you resign in writing, and the resignation must be accepted. Yes, we have [the resignation letter]," he said.

But Njenje retorted: "Tell him to share the letter with you. I have not resigned."

Dube refused to comment further.

Insiders in the intelligence community say tensions between Cwile and Njenje have been simmering for months. While some attribute the breakdown in relations to personality clashes, others say Njenje's close ties to ANC heavyweight Tony Yengeni and his perceived closeness to the ANC Youth League caused mistrust.

The Sunday Times has been

told that there is unhappiness in the government about the youth league's alleged unfettered access to state security information, and fingers are being pointed at the NIA.

On Friday, youth league spokesman Floyd Shivambu issued a statement saying individuals who have been iden-



SHAKE-UP: Siyabonga Cwile

tified as NIA agents are interrogating members of his organisation in a number of provinces about the protest outside ANC headquarters.

"We understand that these people visit during the early hours of the morning to interrogate leaders and members about supporters of the ANC who gathered to support the charged (ANCYL) leadership in Johannesburg over the past two weeks," he said.

It is believed Njenje was offered an ambassadorial posting in return for his departure from the intelligence agency, but he declined.

"Look, he is willing to go, but not under these conditions. He has a three-year contract and wants to know how the two of them will walk away from that contract," said an intelligence official close to Njenje.

Njenje is no stranger to controversy. A previous NIA head of operations, he was suspended, along with former NIA boss Billy Masotha, in 2005 after an unauthorised and botched surveillance operation on businessman and former ANC NEC member Saki Macozoma's house.

Insiders say Cwile also wants Shaik out and accuses him of insubordination.

A source close to Shaik confirmed that there was bad blood between him and the minister and that he was under pressure to leave.

A number of meetings will be held this week at which Shaik's fate could be decided.

SUNDAY TIMES, 11/09/2011

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11/09/2011
Sunday Times

Debate on 'discord' in intelligence agencies

GAYE DAVIS

REPORTS suggesting that South Africa's intelligence agencies are in fresh turmoil are likely to be discussed by Parliament's joint standing committee on intelligence (JSCI) when it convenes on Wednesday.

The committee is supposed to act as a watchdog over the country's intelligence services. Its chairman, ANC MP Cecil Burgess, confirmed yesterday the matter would be raised.

An official silence reigned yesterday on allegations suggesting a major stand-off between State Security Minister Siyabonga Cwile and the country's three top intelligence bosses.

Both The Sunday Independent and City Press reported that ministry spokesman Brian Dube had on Friday confirmed that Gibson Njenje, the head of the State Security Agency (SSA) - previously known as the National Intelligence Agency (NIA) - had resigned "with immediate effect."

However, The Sunday Independent said Njenje had denied this categorically.

City Press, meanwhile, reported that Cwile had also given director-general Jeff Mqetuka and Mos Shaik, head of the SA Secret Service (which focuses on foreign intelligence), their marching orders.

The newspaper cited a breakdown in trust between the minister and his most senior officials, based on his relative lack of experience and understanding of the intelligence environment, and his management style.

However, it said the catalyst was unhappiness within the SSA after Cwile allegedly ordered intelligence protection for his wife Sheryl during the trial that culminated in her being convicted of drug-smuggling charges. Sheryl Cwile was sentenced to 12 years in jail, which she is appealing.

The Sunday Independent cited three intelligence sources as saying Njenje, Mqetuka and Shaik deemed

Cwile to be an "intelligence novice".

It also said speculation within the intelligence community was rife that Njenje had "resigned" in protest over political operations that included surveillance of unnamed ministers and others central to the ANC's succession battle ahead of its elective conference in December next year.

Former spy boss Billy Masetlha was axed by former president Thabo Mbeki in the run-up to the ANC's last elective conference in Polokwane in 2007.

A ministerial review commission ordered by former intelligence minister Ronnie Kasrils recommended in September 2008 a range of far-reaching reforms, including limiting the NIA's broad intelligence-gathering mandate. It is not clear, however, whether any or all of these were implemented.

The ministry's Dube did not respond to repeated calls and messages yesterday.

Government spokesman Jimmy Manyi said he understood that the issue was still "a department matter" and that

he expected a statement would be issued at some point.

ANC MP Cecil Burgess, who chairs the JSCI, would not comment further.

DA MP Dirk Stubbe, the party's spokesman on intelligence, and who is a member of the committee, said he had written to Cwile, asking him to fully explain what was going on in his department.

"In particular, I have asked the minister to furnish us with National Intelligence Agency head Gibson Njenje's resignation letter - a document that Njenje denies the existence of," Stubbe said.

Stubbe said he had sent a copy of his letter to Inspector-General of Intelligence advocate Fakh Radebe "to keep her abreast of developments and so that she can intervene if necessary".

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MONDAY SEPTEMBER 12 2011 The Star

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The Star

THURSDAY SEPTEMBER 15 2011 Established 1887
47 Sauer Street, Johannesburg

ANC, spies wreak havoc

LIKE A bad penny, scandals linking our spy agencies to the internal shenanigans of the ANC have turned up again. In 2007, top spies were removed after they were accused of conducting illegal surveillance related to the succession battle in the ANC. Four years later, the spy organisations are mired in yet another conflict - months before the same party goes to an elective conference.

And, as is the case in all conflicts, the truth has become the first casualty of this simmering war between State Security Minister Siyabonga Cwele and his top lieutenants. Cwele claimed that the head of the National Intelligence Agency, Gibson Njerje, had resigned.

The latter's denial of it has exposed disconcerting tensions in our most sensitive state institution. Cwele has reassured the nation that our intelligence agencies have not been compromised again by partisan infighting. But that is not enough.

Our concern is that the 2007 spy saga - in which the same Njerje, his predecessor Billy Masetha and the then operations manager Bob Mhlanga, were forced out - is likely to repeat itself. The implications are worrying. Clearly the introspective exercise conducted after the previous saga hasn't helped.

Former intelligence minister Ronnie Kasrils appointed a commission, headed by the late stalwart Joe Matthews. One of its key recommendations was the depoliticisation of the intelligence services. It placed an emphasis on intelligence-gathering based on the country's laws.

The office of the inspector-general was to be beefed up. But instead of focusing on the commission's recommendations, the new Jacob Zuma administration set about restructuring the agencies and its personnel - mostly purging those who served his predecessor, Thabo Mbeki.

At what cost? We have new people (and old comrades) in new structures with the same old problems. The consequences of politicised intelligence agencies are dire.

A recurrence of a spook scandal would pose a grave danger to our young and vulnerable democracy.

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September 12, 2011

POLITICS

Sunday Times 13

Three top spies on their way out

Tensions with minister of state security likely to lead to departure of Maqetuka, Njenje and Shaik

By **CALVIN KODUMU**

Tensions between the minister of state security and three top officials of the South African Security Information Council (SAC) are likely to lead to their departure from the country, it is believed.

The SAC officials in question are Maqetuka, Njenje and Shaik, who are currently serving as the SAC's director, deputy director and acting director respectively.

The SAC is a statutory body established to monitor and report on the activities of the South African Security Services (SASS). It is headed by the SAC director, who is appointed by the President on the advice of the Minister of State Security.

It is believed that the tensions between the minister and the SAC officials are the result of a disagreement over the SAC's role and mandate. The minister is reportedly pushing for a more active role for the SAC, while the SAC officials are reportedly advocating for a more passive role.

The tensions are also believed to be the result of a disagreement over the SAC's budget. The minister is reportedly pushing for a reduction in the SAC's budget, while the SAC officials are reportedly advocating for an increase.

It is believed that the tensions between the minister and the SAC officials are likely to lead to their departure from the country. The minister is reportedly considering the dismissal of the SAC officials, while the SAC officials are reportedly considering resignation.

REPORTERS' VIEWS



REPORTER'S NAME



REPORTER'S NAME



REPORTER'S NAME

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That they will be dismissed is a possibility, but it is not certain. The minister has the power to dismiss the SAC officials, but he is not obliged to do so.

The SAC officials are reportedly concerned about their future. They are reportedly considering resignation, but they are also considering staying in the country.

The tensions between the minister and the SAC officials are a reflection of the broader tensions between the executive and the judiciary in South Africa. The SAC is a statutory body, but it is not a government department. This means that it is not subject to the same level of oversight as government departments.

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Three top spies on

Sunday Times 13

their way out

Tensions with minister of state security likely to lead to departure of Maqetuka, Njenje and Shaik

CAIPHUS KGOSANA

THREE intelligence chiefs at the centre of a battle with Minister of State Security Siyabonga Cwele are on their way out.

Intense negotiations that are likely to pave the way for the departure of state security Director-General Jeff Maqetuka, National Intelligence Agency head Gibson Njenje and secret service head Mo Shaik are taking place behind the scenes.

This follows a meltdown in the relationship between the minister and the three intelligence chiefs in what looks like a repeat of the internal battles that rocked the intelligence world prior to the ANC's Polokwane conference.

It emerged this week that the conflict between Cwele and the three intelligence bosses began as soon as they were appointed.

According to government officials, Cwele was unhappy with President Jacob Zuma's appointments as he wanted to choose his own men. Since then, the minister has been accused of undue interference — sometimes demanding briefings on intelligence issues he should not be privy to as a politician.

Njenje is believed to be negotiating an exit package.

Shaik has in the past approached Zuma about his differences with the minister, but it is understood that the president refused to be drawn into the fight.

Maqetuka took time off this week as speculation mounted about his future.

There was confusion when Cwele's office released a statement last Friday saying Njenje had resigned to pursue other interests. Njenje denied that he had resigned.

This week, state security spokesman Brian Dube would

MINISTER AT WAR



SIYABONGA CWELE

PERSONALITY CLASH



MO SHAIK

STAYING NEUTRAL



PRESIDENT JACOB ZUMA

that their relationship had irretrievably broken down and were now working out whether Njenje should be paid out for the remainder of his contract.

The Sunday Times has learnt staff morale at NIA headquarters is at an all-time low, with staff being kept in the dark about the goings-on.

Shaik's relationship with Cwele is also at a low, with the minister unhappy at what he perceives as Shaik disrespecting his command. Cwele wants to charge him with insubordination.

Insiders said Zuma had told Shaik to sort out his problems with Cwele.

"He was told, 'It's a problem between you and the minister. You go and sort it out,'" said an insider.

Zuma is believed to be sympathetic to Cwele and is convinced he is doing a good job.

Reports this week said Njenje and Maqetuka had differed sharply with Cwele, who wanted some ANC leaders to be spied on because he perceived them to be a security threat. The men are said to have defied the order.

Njenje's close relationship with ANC heavyweight Tony Yengeni and his perceived closeness to the ANC Youth League are other sources of tension.

Cwele could not be reached for comment. An aide who answered his phone on Friday said he was in a meeting.

Presidential spokesman Mac Maharaj referred all queries to the ministry.

Njenje was suspended with former NIA boss Billy Masetha in 2005 after unauthorised botched surveillance of businessman and former ANC NEC member Saki Macozoma.

He later reached a settlement with former intelligence minister Ronnie Kasrils and left the agency.

not say whether Njenje had finally left the service and whether the other two would be axed.

"We will be issuing a statement soon and put things into the public domain. But, right now, there is nothing we can say on the matter," Dube said.

Contacted for comment, Njenje said he was still employed by the department.

"No, I have not resigned, but I cannot comment any further on this matter," he said.

He told the Sunday Times last week that he had written a letter to Cwele to discuss how they could reach an amicable parting.

Those close to the negotiations said the two had accepted

Independent

SEPTEMBER 18 2011

WITH BUSINESS REPORT

ANGOLA'S LEIL
MOST BEAUTIF

ZUMA BACKS CWELE IN SPY WARS

Source says MIA boss felt betrayed when he saw president's inaction

COVER STORY BY
JOHN HOFMEYER

PRESIDENT Jacob Zuma was not even allowed to choose between his three top spies and their boss, Minister of State Security Siyabulela Cwele, says his close aide.

The Sunday Independent learnt that Zuma has decided to appoint the country's three most well-known officers, a move that has caused controversy within the security intelligence agencies. The appointment is being seen as a

major setback for the president's efforts to curb the power of the security agencies, which have long been a source of controversy. Zuma's decision to appoint the three officers is seen as a major setback for the president's efforts to curb the power of the security agencies, which have long been a source of controversy.

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the intelligence services, reported by sources who were not involved in the process. The Sunday Independent learnt that Zuma has decided to appoint the country's three most well-known officers, a move that has caused controversy within the security intelligence agencies.

The second source said: "The source of the information is that after talking to the three professional services and the two intelligence agencies, the president decided to appoint the three officers. It is a major setback for the president's efforts to curb the power of the security agencies, which have long been a source of controversy."

Zuma's spokesman, Makhubane, refused to comment on the matter in his office.

Buton Dube, the spokesman for Cwele, said: "We note the allegations and speculation that are in the media. We will not be drawn to a debate on these internal agency matters until they are put through the media and as we have indicated, the minister will issue a statement at the appropriate time."

ANC spokesman Jackson Mphahlele refused to comment because the matter had not come to any of the ruling party's offices.

"We have never discussed these issues in the ANC, I am not sure what we have discussed. How do I know if we are concerned or not when the matter has not come to any of the structures, that is, the national executive committee and the national executive committee?"

The Sunday Independent also

ANGOLA'S LEIL
MOST BEAUTIF

ZUMA BACKS CWELE IN SPY WARS

■ Source says NIA boss felt betrayed when he saw president's inaction

GEORGE MATLALA and
MOFFET MOFOKENG

PRESIDENT Jacob Zuma was given an ultimatum to choose between his three top spies and their boss, Minister of State Security Siyabonga Cwele - and he chose Cwele.

The Sunday Independent learnt this week that Zuma has decided to sever ties with the country's foremost intelligence officers - a move likely to unleash turbulence within the National Intelligence Agency (NIA) and the foreign wing Secret Service.

Two independent sources said this week that while Zuma had decided to cut ties with the spies, he had left it to Cwele to figure out how it should be managed. One of two independent sources claimed NIA boss Gibson Njenje threw in the towel this week when he realised that Zuma was "sitting the battle out".

The source said: "Chief (Njenje) left on Tuesday and returned to the Eastern Cape for a break. After he gave us hope that he would fight it to the end, he decided to throw in the towel when he realised Zuma was sitting out the battle. My view is that he feels betrayed that he was part of the top brass that went to see Zuma at the Union Buildings to complain about Cwele and now that matters are coming to a head, Zuma's inaction means he sides with Cwele..."

Njenje and his foreign counterpart Moe Shaik and State Security director-general Jett Mqagula visited Zuma to raise concerns about Cwele, including that there were political operations on senior ANC members that ran against instructions that Zuma gave them on their appointments.

Zuma, buoyed by his victory at the ANC elective conference in Polokwane in December 2007, said it was important that the credibility of

the intelligence services be restored by ensuring that they were not involved in intra-party politics. Cwele, on Zuma's instructions, restructured the intelligence services, creating one super-structure headed by Mqagula.

The second source said: "The source of confusion is this: after telling the DGs to run a professional service and the DGs complaining to you that there are tendencies being introduced that run counter to what you instructed them to do, they expect you as head of state to come to their defence. So Zuma's siding with Cwele, for them, is telling and very devastating. But they are not prepared to do the dirty tricks."

Njenje could not be reached for comment.

Zuma's spokesman Mac Maharaj referred all queries on the matter to Cwele's office.

Brian Dube, the spokesman for Cwele, said: "We note the distortions and speculation that are rife in the media. We will not be drawn to a debate on these internal agency matters which will not be run through the media and as we have indicated, the minister will issue a statement at the appropriate time."

ANC spokesman Jackson Mthembu declined to comment because the matter had not come to any of the ruling party's structures.

"We have never discussed those issues in the ANC. I speak on what we have discussed. How do I measure whether we are concerned or not when the matter has not come before the structures I sit in - the national working committee and the national executive committee?"

The Sunday Independent also understands suspended Crime Intelligence boss Richard Mkhululi appears to have contributed to the deterioration of the relationship between Cwele and his intelligence chiefs.

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SUNDAY
Independent
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R14.50 (INC VAT)

SEPTEMBER 18 2011

ANGOLA'S LEIL
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[Handwritten signature]

NIA 'spied' on Guptas

Spy boss probed family's 'political influence'

JACQUES F. W.
wfo@gejournal.com

Therapist among South Africa's top spies took a further twist this week after claims that the controversial Gupta family placed under high-level surveillance. Arul Gupta reacted with shock yesterday to the news that he and his family may have fallen victim to the possible abuse of state security services. He said the family had been unaware of any surveillance or intelligence conducted. Gibson Njeje, head of



Arul Gupta, shocked at the spying allegations || PHOTO: FILED/AGENCY

was sentenced to 12 years in prison earlier this year after she procured drug mules to smuggle cocaine. She's appealing the sentence. The Mail & Guardian reported on Friday that Cronje allegedly wanted Njeje to put several senior ANC leaders under surveillance and intercept their communication. Njeje is understood to have told people around him that he was uncomfortable with being badgered by his seniors to conduct surveillance for party political reasons. Njeje is no newcomer to controversy. He was previously the intelligence agency's head of operations, but was suspended in 2004

NIA 'spied' on Guptas

Spy loss probed family's 'political influence'

JACQUES P. W. 
investigations@me2.com

The fallout among South Africa's top spys took a further twist this week after claims that the controversial Gupta family was placed under high-level surveillance.

Atul Gupta reacted with shock yesterday to the news that he and his family may have fallen victim to the possible abuse of state security services. He said the family had been unaware of any surveillance or intelligence conducted.

Gibson Njenje, the head of the State Security Agency's domestic branch (previously known as the National Intelligence Agency, or NIA), allegedly ordered his agents to spy on the Guptas.

This, City Press was reliably told, contributed to his fallout with state security minister Siyabonga Cwele.

Cwele last week claimed Njenje had resigned, but the spy boss denied this, saying he was still in his job.

City Press has learnt from a highly placed intelligence source that Njenje ordered that the Gupta family, which is closely linked to President Jacob Zuma and his family, be investigated for, among other things, alleged influence on top government officials and politicians.

Cwele ordered Njenje to stop the investigation. This, according to the source, fuelled the bad relationship between Cwele and Njenje, which ultimately resulted in the minister asking him to leave. Sports minister Fikile



Atul Gupta: shocked at the spying allegations || PHOTO: FELIX DIANGAMANDLA

Mbalula reportedly told a recent meeting of the ANC's national executive committee that he was first told of his promotion to minister by the Guptas before Zuma informed him.

Atul Gupta rejected any notion that they may have asked Zuma to stop the surveillance.

Asked if he had ordered the surveillance of the Gupta family, Njenje said the issue was "not within my knowledge".

Intelligence spokesperson Brian Dube said he could not comment on any of the allegations.

City Press reported last week that Cwele had asked his three top intelligence bosses to leave the State Security Agency and be redeployed elsewhere in the civil service.

Cwele had announced Njenje's resignation last Friday "with immediate effect".

Njenje had been given until Friday to wrap up his office duties, City Press was told.

was sentenced to 12 years in prison earlier this year after she procured drug mules to smuggle cocaine. She's appealing the sentence.

The Mail & Guardian reported on Friday that Cwele allegedly wanted Njenje to put several senior ANC leaders under surveillance and intercept their communication.

Njenje is understood to have told people around him that he was uncomfortable with being badgered by his seniors to conduct surveillance for party political reasons.

Njenje is no newcomer to controversy. He was previously the intelligence agency's head of operations, but was suspended in 2005.

The inspector-general of intelligence found that he had acted inappropriately in the unauthorised surveillance of former ANC national executive committee member Saki Macozoma.

Njenje initially challenged the suspension, but resigned after a settlement with former intelligence minister Ronnie Kasrils in November 2005.

It was felt that Zuma repaid a political debt by appointing Njenje as intelligence boss in 2009. It caused a stir in some government and ANC quarters.

At the time of his appointment, there were concerns about Njenje's links to Bosasa, a facilities management company that, according to a Special Investigating Unit report, was corruptly awarded multimillion-rand tenders by the prisons department.

Atul Gupta reiterated this week that there is an "ongoing campaign" against his family and that they hold no political influence on government.

Njenje said this week he had not resigned and has indicated that he would be back at the office tomorrow.

He had told Cwele that he was willing to leave if the minister paid out the remainder of his contract, which expires in a year's time.

Cwele also asked director-general Jeff Masetuka and Moe Shaik, the head of the South African Secret Service - now known as the agency's foreign branch - to leave the agency. Both have refused.

Njenje apparently intends to refer the issue of unauthorised spending to protect Cwele's drug-dealing wife, Sheryl, to Parliament's Joint Standing Committee on Intelligence.

City Press reported last week that Njenje took issue with Cwele using intelligence operatives to protect his wife during her drug trial. Njenje said this issue was also "not within my knowledge".

Sheryl Cwele, who was formally divorced from Siyabonga Cwele last month,

October 2 2011



ON HIS WAY OUT: Gibson Njenje has accepted a settlement

Spy boss quits with a golden handshake

CAIPIHUS KGOSAMA

EMBATTLED intelligence boss Gibson Njenje has quietly left the agency after accepting a settlement that will result in him being paid out for the remaining three years of his contract.

Njenje, who headed the domestic branch of the State Security Agency, confirmed to the Sunday Times that he had left the department after accepting a settlement from Minister of State Security Siyabonga Cele.

"Yes, I am leaving. I am not happy about it, but I have to leave," he said.

Last month, Cwele's office announced that Njenje had resigned, but he denied it, saying he was still negotiating a proper settlement.

With Njenje out of the way, Cwele has won round one of his acrimonious battle with his intelligence chiefs. The ones who remain - State Security Agency head Jeff Mqutu and Mo Shaik, who heads the agency's foreign service, formerly known as the Secret Service - are likely to follow suit.

Cwele, who is said to have the backing of President Jacob Zuma, has made it clear that he wants them out. Intense behind-the-scenes negotiations are now taking place.

The shake-up was sparked by a breakdown in the minister's relationship with the three men.

There are fears that the latest tensions among the spooks could mirror the events that shook the spy world before the ANC's Polokwane conference when there were indications

Sunday Times

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that leaders were using intelligence agencies to advance their political careers.

Njenje, whose closeness to the ANC Youth League and ANC heavyweight Tony Yengeni caused unhappiness in senior government circles, said he was disappointed that he was being forced out.

"I had been working and putting all my energies into it, but it's not the same atmosphere as when we first arrived."

He said he was still bewildered by the effort that went into facilitating his departure and said there was no evidence that he had been negligent in his duties or had performed an act of gross misconduct.

"I still don't know, because there were no reasons given as to why I was asked to leave. I was not asked to leave because of some misdemeanour or ill-advised action on my part. I left because I didn't agree with the proposal made to me."

He refused to go into detail about the "proposal" made to him, but some reports have suggested that he had refused an order from Cwete to place a number of senior ANC leaders under surveillance.

He said the minister had not made it easy for any of the intelligence chiefs to do their work. "I doubt if any of the top executives had any meaningful relationship with him. This didn't aid the purpose of our being there, to develop an institution that we were asked to set up."

State security spokesman Brian Dube said he could not confirm or deny Njenje's departure.

Njenje said he would take a year off before deciding on his next move.

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WILL

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Sunday Times

*Sunday Times
17 Aug 2011
Oct 2 2011*

THURSDAY 4 OCTOBER 2011 Business Day

Familiar signs on Zuma's thorny path to Mangaung

THE road to Mangaung, site of the African National Congress's (ANC) leadership elections next year, may ultimately mirror the thorny path to Polokwane, where the party's watershed conference was held four years ago.

The players are different but the script is similar. President Jacob Zuma finds himself where the man he defeated to the party's top post, Thabo Mbeki, was in the buildup to 2007.

Mr Zuma's political life started to become difficult when he found himself losing control of the intelligence services. He had fallen out with top spy Billy Masuku.

The spooks were embroiled in the ANC's succession story at the time, and went as far as running unauthorised surveillance on Mr Mbeki's ally, Sali Mawema.

It emerged last month that State

Security Agency domestic unit head Gibson Mpeke, foreign branch boss Mfokwe Shabane and director-general Jeff Mngwenya were being pushed to quit. Mr Mngwenya has since left.

It appears that, once again, the intelligence services are caught up in the ANC's politics.

The ANC Youth League complained that some intelligence officials were interrogating its members over their support for its president.

Julius Malema, at the time that he was due to appear before a disciplinary hearing of the party. The spies have also been accused of running surveillance on the Gupta family, which is close to Mr Zuma.

By the time Mr Mbeki arrived in Polokwane, he no longer had the support of Mr Masuku, who was instrumental in his rise to the 1990s. Similarly, Mr Zuma seems set to be close to Mr Shabane and his family any more. The Shabane supported him in

the 2007 race. Just like Mr Mbeki, who had a problem with his top spy, Mr Zuma has been pressed to fire Mbeki Cele.

Gen Cele has been cited for maladministration by the public prosecutor, in conjunction with two big police office lease deals.

ANC secretary-general Gwede Mantsoe has recently complained of divisions in the ANC's top body - the national executive committee (NEC). In the buildup to Polokwane, Mr Mbeki controlled this committee. But his control of the ANC subsequently unravelled in the provinces and in subordinate structures.

Last month, the NEC instructed Parliament to hold off on the Protection of Information Bill, which was due to go to the assembly for debate. Members of the NEC effectively challenged the bill which, until then, seemed to have had the blessing of Mr Zuma.

A government source said Mr Zuma can also expect to be taken to

task for the Dalzi Luma sika liso at Cabinet and NEC meetings.

A member of the NEC says that senior party officials were also shocked when told that the ANC's top six had decided to charge Julius Malema and five other leaders of the youth league. "We were informed only after they had been charged. We didn't try to reverse the decision because we didn't want to embarrass the president."

A government official says the tensions have spilled over to administration, with ministers caught between their loyalty to Mr Zuma, or Kgalema Motlanthe - a potential challenger for the ANC presidency next year. The ANC has put a lid on the succession debate - a move that has sent campaigns underground.

The decisive moment in the Polokwane buildup was the open revolt against Mr Mbeki at the ANC's national general council in 2005. Mr Mbeki, having fired Mr Zuma as the country's deputy president, went for

the jugular and tried to strip him of his powers as the ANC's number two. The majority revolted and made sure Mr Zuma stayed put. That confirmed Mr Mbeki's status as a lame-duck leader, until the 2007 elections where he lost.

Mr Zuma's crossroads moment is yet to come. The youth league's disciplinary hearing may deliver a headache for him, or ensure that he gets a second term.

Mr Malema's backers are expected to revolt should the national disciplinary committee convict him and recommend that he gets kicked out of the party. If the revolt happens, Mr Zuma's road to Mangaung will be as rocky as Mr Mbeki's way to Polokwane. Fortunately for Mr Zuma, the NEC has taken a decision that the succession debate should remain closed until next year.

That suits him, while his opponents grumble that they are not allowed to campaign.

mbeki@admedia.co.za

NEWS Analysis

Sarn Mkokeli

THURSDAY 6 OCTOBER 2011 BusinessDay

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THE SUNDAY Independent

NOVEMBER 27 2011

WITH BUSINESS REPORT

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HELEN ZILLE ON THE INFO BILL/18

ZAHARA SCOOP AWARDS/3

SPY BOSS QU

The plan is to ensure that Macetuka does not return from December leave

MURPHY MAFORALE

DIRECTOR GENERAL of the State Security Agency, Jeff Macetuka, who has been criticised in several articles for his handling of the spy boss's return to work in the country.

The Sunday Independent has reported that Macetuka is expected to return to work in the country's intelligence headquarters by another day or two, but that the plan is to ensure that Macetuka does not return from December leave.

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Jeff Macetuka, right, and Siyabonga Cwele



HELEN ZILLE ON THE INFO BILL/18

ZAHARA SCOOPS AWARDS/3

SPY BOSS QU

The plan is to ensure that Maqetuka does not return from December leave

MOFFET MOFOKENG

DIRECTOR-GENERAL of the State Security Agency Jeff Maqetuka, who has been entangled in a never-ending war with minister Siyabonga Cwele, is expected to step down this week.

The Sunday Independent can reveal today that plans are afoot to expedite Maqetuka's departure from the country's intelligence infrastructure by placing him on sabbatical leave and then making sure he would not return to work in 2012.

Three independent sources told The Sunday Independent that Moe Shaik, head of the foreign arm of intelligence, the SA Secret Service, was also under pressure to bow out — though no formal deal was in place. This follows the departure recently of State Security boss Gibson Njenje over fundamental differences with Cwele.

The three sources said Maqetuka who, according to the restructuring introduced by President Jacob Zuma, was made a super DG, with Njenje in charge of local, Shaik of international and Maqetuka, as the super DG, was made to feel redundant because of the small-scale of restructuring that gave rise to the creation of his special post. "It's bad. Morele has never been lower. The restructuring in terms of which Maqetuka's post was created has all but ground to a halt. So a deal is being cooked up for him to leave quietly," said one

source. The source added that "the minister is interfering and he (Maqetuka) can't do much about it".

Another source said: "They're giving him leave at the beginning of December and the plan is that by January, he will have concluded a deal and the same applies with Moe Shaik's place is likely to be acting boss. The reasons for Maqetuka's departure are similar to the ones that led Njenje to go," one source said.

Brian Dubs, the spokesman for Cwele, initially said Maqetuka was "considering early retirement".

"The director-general of the State Security Agency ambassador Jeff Maqetuka, is considering early retirement in January 2012 and the government is looking into the matter," he said.

A few minutes later, he called The Sunday Independent to request that the word "early" be taken out of his statement. "I made a mistake. I put early retirement in the statement. It is retirement, not early retirement," he said, adding that Shaik "is at work".

The protracted fight between Cwele, Njenje, Maqetuka and Shaik took a dramatic twist in October after it emerged that the minister had asked his most senior adviser to resign — and also confirmed publicly that Njenje had left office.

Njenje denied this, lifting the lid on what has since been described as a crisis in the intelligence services, the most sensitive part of the

country's security.

Speaking in the National Assembly last month, Cwele dismissed reports that Shaik and Maqetuka may soon lose their jobs.

"It would be appreciated if political parties abstained from making unconfirmed statements as these might have a negative impact on the morale of management and members within the State Security Agency," he said.

Njenje recently left his post, reportedly after accepting a settlement that will see him paid out for the remainder of his three-year contract. It would have run until the end of September 2012.

Yesterday, Maqetuka refused to comment. "No comment, chief," he said before hanging up.

Should Maqetuka bow out, as appears likely, Shaik would be, as they say, the last man standing.

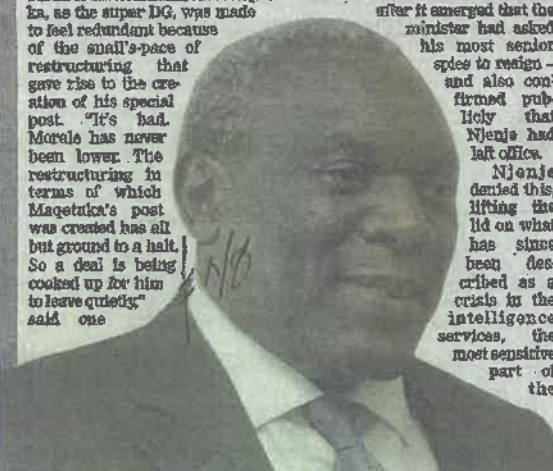
The Sunday Independent reported in May that in 2009, former National Intelligence Co-ordinating Committee co-ordinator Sibusiso Sokopa and a group of intelligence chiefs including former crime intelligence boss Mlanjeni Mphahle, briefed Deputy President Kgalema Motlanthe about the investigation into drug-dealing which involved Cwele's wife, Sheryl, convicted earlier this year. Motlanthe was, at the time, caretaker president.

The paper also revealed earlier this year that Njenje, Shaik and Maqetuka recently complained to Zuma about difficulties in their relationship with Cwele. Njenje was reportedly unhappy about "unauthorised" operations, which included the surveillance of unnamed cabinet ministers.

This flew in the face of his efforts to ensure the SSA was not exploited for political purposes as was the case in the period leading to the ANC's December 2007 elective conference.



Jeff Maqetuka, right, and Siyabonga Cwele



The picture of our chaotic criminal justice system..



Independent
Investigative Unit

Suspended
Bheki Cele

Acted Ombud
Mnini

Deposed
Richard Mchiri

Out. Jeff Masetuka
"Orlyway" Moe Enak

Deposed
Willie Hofmeyr

Out. Menzi
Bimelane

Shaik looks likely to follow Maqetuka's exit

**Chief Justice
S. Madisa-Latsoa**

Shaik, the head of the South African Police Service, is set to leave following the appointment of the new head of the state security agency, Moe Enak.

The Moe Enak has reportedly issued an ultimatum to Shaik to leave the job that he will complete the end of the year.

Shaik has been the chief magistrate of the court since 2005. He has been the head of the court since 2005. He has been the head of the court since 2005.

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[Handwritten signatures]

The picture of our chaotic criminal justice system...

independent
SUNDAY
4



Suspended:
Rheld Cele

Axed: Gibson
Njenje

Charged:
Richard Induli

Out: Jeff Maqetuka

'On way out':
Moe Shaik

Demoted: Willie
Hofmyer

Unfit: Menzi
Simelane

Shaik looks likely to follow Maqetuka's exit

Charles Mphahlele & Mntwana Letsoale

Moe Shaik, the head of the South African Secret Services, is on his way out following the resignation of the director general of state security, Jeff Maqetuka, on Monday.

The *Mail & Guardian* has reliably learned that Shaik has confided to people close to him that he will be out before the end of the year.

"He has told his close associates that he has reached the end of his tether and will leave the department. He could resign within the next two weeks," intelligence sources said.

Approached for comment on Thursday, Shaik said he was still at work and had not resigned.

This week the *M&G* obtained a

confidential memorandum from Maqetuka announcing his resignation to staff.

It said: "Since my last communication at Parliament on 7 October 2011 during my address on the mid-term review, I have been in communication with FLE, President JG Zuma and the Honourable Minister Dr SG Cwele whereby I have raised my concerns about the state of affairs within the State Security Agency."

He said Zuma and Cwele had accepted his resignation. Maqetuka will be 60 in January and has opted to retire then, rather than serve out his contract until the end of October next year.

Maqetuka is the second high-ranking official to leave the ministry in less than two months, following the

departure of Gibson Njenje, the head of the National Intelligence Agency.

At the time of Njenje's resignation speculation was rife that Njenje, Shaik and Maqetuka had clashed with State Security Minister Shabangu Cwele, allegedly over his request to place several senior ANC leaders under surveillance and intercept their communications following a perceived "breast analysis" in the ministry's quarterly political stability assessment report.

Earlier this year it was reported that the three spy bosses had complained to Zuma about Cwele about what they alleged were "unauthorised operations, including the surveillance of Cabinet ministers."

A Sunday newspaper reported in October that Cwele had asked

Njenje, Maqetuka and Shaik to step down. Cwele confirmed at the time that Njenje had resigned, but it took a few days for Njenje to oblige.

The men apparently tried to mobilize certain Cabinet members, including sympathetic senior ANC leaders, about their plight. However, Zuma sided with Cwele and allegedly stopped taking calls from the officials.

Said one official: "Moe [Shaik] made a statement soon after he took over that the new executives would not do what politicians want them to do. The theme was that there would be no political interference. He said this in front of the minister. He wanted officers to stay away from domestic politics and do the job of securing the country."

Zuma's cunning paranoia

President's simplicity lulls his opponents into a false sense of superiority, then his ruthlessness derails them, write Mmanaledi Mataboge and Carien du Plessis

Voices

City Press, 11 01 December 2011

It was an appointment that 1000 were told would be a surprise. It was a surprise to the 1000 who were told it would be a surprise. It was a surprise to the 1000 who were told it would be a surprise.

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special spy, he said. The results from the spy, he said, were "very good".

Malice accused Mataboge of starting off the campaign in October 2009, but he said he was not involved in the campaign until after the election.

The two men were seen together in a public place, but they denied any relationship.

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Zuma's cunning paranoia

President's simplicity lulls his opponents into a false sense of superiority, then his ruthlessness derails them, write Mmanaledi Mataboge and Carien du Plessis

Voices

City Press || 11 December 2011

It was an appointment that took even his close aides by surprise. President Jacob Zuma's announcement of advocate Willem Hesth as head of the Special Investigating Unit (SIU) happened so suddenly that at least one person in his inner circle was said to have been thrown off balance.

Party insiders and analysts alike have remarked on the irony that Zuma's kitchen cabinet has gone smaller, even as his presidency grew from 510 employees in 2009 to 656 by March this year.

One person who was in the loop about Hesth's appointment was Justice Minister Jeff Radebe, who oversees the SIU.

It was also Radebe whom the president consulted about the appointment of National Director of Public Prosecutions Mzwanezi Mkhomo in 2009. This decision was recently slammed by the Supreme Court of Appeal as "irrational".

In his frequent hirings and firings, Zuma has changed his mind even about his own decisions in the space of less than a year. What is called irrationality in "polite language" many within the ANC and outside have bluntly labelled "paranoia", and Zuma seems to be sinking deeper into it as the ANC approaches its elective conference in Mangaung, which is scheduled for next year.

The apparent secrecy started with his first Cabinet reshuffle last year. One of his erstwhile firebrands, ANC national executive committee (NEC) member and then deputy minister of police Fikile Mkhahle, broke down in an NEC meeting shortly after and recounted how he'd first heard of his promotion to sport minister from Zuma's friends outside the ANC, the wealthy Gupta family.

By that time, there were already questions about Zuma's business links to the family via two of his children, Duduzane and Duduza. Even in the party, Zuma is



Zuma's charming presence puts other ministers people into thinking he can be shoved around easily || PHOTO: BETHUNA CHOFF

strengthening his hand, yet keeping the reins tight.

The suspension of his most noisy detractor, ANC Youth League leader Julius Malema, is the obvious example.

Malema complained that Zuma had done this in a desperate bid to hang on to power, intimating that his paranoia was worse than former president Thabo Mbeki's.

In Lutshaba House, Zuma has brought in former Joburg mayor Amos Maseondo as head of the presidency, and Jessie Duarte as head of the ANC's new monitoring and evaluation unit.

Maseondo is a tested party loyalist and unlikely to stab Zuma in the back, while Duarte can dilute Mbahina's influence as party organiser by taking some of his

responsibilities.

At the party's NEC meeting last month, Zuma intimidated some leaders by promising to personally clamp down on information leaks to the media.

This bears a strong resemblance to the run-up to the ANC's Polokwane conference in 2007. Mbeki fell after party leaders complained that he hardly ever consulted them before making decisions in government.

Ahead of Mangaung, Zuma must be keenly aware that his strategy of keeping the cards close to his chest could backfire too.

Already, internal critics have latched on to the perceived weaknesses of his appointees.

Hesth, who formed part of Zuma's "brains trust" in his

special envoy. But only a few months into Mahara's tenure, allegations surfaced that he had to (the now disbanded) Scorpions investigators about his role in the arms deal.

Mahara accused detractors of dusting off the allegations to discredit him because he is viewed as the man behind Zuma's commissioning of an arms deal commission of inquiry - a deal the party had agreed to sweep under the carpet.

Another personal ally, Michael Huley, was roped in part time to help Zuma's legal adviser, Boniswa Makhema. Huley, who acted as Zuma's personal lawyer, is a director of mining company Aurara which was partly owned by Zuma's nephew, Khalofane.

This has been interpreted by many as a sign of Huley's close links to the Zuma family.

Given Zuma's own intelligence background in the struggle, the going-on in the spy agencies are telling of how Zuma is governing institutions with a private clique.

The head of intelligence's foreign arm and a former Zuma faithful, Moe Shaik, is leaving amid tensions in the agency. He follows State Security Agency Director-general Jeff Masetela and head of the agency's domestic arm, Gibson Njenge.

Zuma's simplicity has often lured his opponents into a false sense of superiority, only for them to find that his ruthlessness is worse than Mbeki's.

Zuma likes reminding people - in his mother tongue, isiZulu - that he is not educated. This serves to weaken, even disarm, his enemies. His favourite pose - putting his hands together in a prayer-like way under his chin and deferentially bowing even to those of lower rank - misleads many into thinking he can be shoved around easily.

Instead, he's turning out to be in control of the moves. Some say it's starting to backfire, but Zuma's apparent irrationality and paranoia have so far stood him in good stead.

Mahara, a former transport minister, was brought back to government in 2009 as Zuma's

Intelligence



Minister vs top spooks

Minister vs top spooks

The minister's claim that the spy agency is a 'black box' has led to a heated exchange with top intelligence officials.

Charles M. ...

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Kyabongga Cwain

Minister vs top spooks. The minister's claim that the spy agency is a 'black box' has led to a heated exchange with top intelligence officials.

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Analysis: No clear boundaries in 'spy vs spy' turf war

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Two handwritten signatures in black ink, one appearing to be 'M. J. ...' and the other 'J. ...'.

Intelligence



Actively resisting the state security minister: Moe Shaik, Gibson Mjenje and Jeff Mqagatuka. Photos: Oupa Nkosi

Minister vs top spooks

The most senior leaders in SA's state security apparatus are fighting to keep their jobs

Charles Motema, Matsuno Letsoako & Sam Sofe

The raging succession battle in the ANC ahead of its crucial elective conference next year in Mangaung in the Free State appears to be at the centre of spy wars that have pitted State Security Minister Siyabonga Cwele against his top three intelligence chiefs.

The head of the State Security Agency, Gibson Mjenje, foreign branch head Moe Shaik and director general Jeff Mqagatuka have reportedly clashed with Cwele over his wish to use state security to spy on ANC leaders perceived to be hostile to President Jacob Zuma.

In turn, Cwele allegedly wants to oust them from his department.

The Mail & Guardian has reliably learnt that Cwele wanted Mjenje to put several senior ANC leaders under surveillance and intercept their communications. His request followed a "threats analysis" in the ministry's quarterly Political Stability Assess-

ment Report, according to senior intelligence, government and ANC officials who have been briefed on the circumstances.

Mjenje is understood to have told people around him that he was uncomfortable about being badgered by his seniors to conduct surveillance for party-political reasons.

Sources told the M&G that Cwele's tactics were triggered by a "secret intelligence report" prepared by former head of intelligence Richard Mdluli, which claimed that top ANC leaders met in Estcourt in KwaZulu-Natal to plot the ousting of Zuma. Those mentioned included Human Settlements Minister Tokyo Sexwale, national police chief General Ebedi Cele, KwaZulu-Natal Premier Zweli Mkhize, Sports Minister Fikile Mkhabela, Arts and Culture Minister Paul Mashatile and ANC treasurer Matthews Goniwe.

These men are said to be close to embattled ANC Youth League president

Julius Malema, who is seen to be leading a campaign to oust Zuma and replace him with his deputy, Kgalema Motlanthe. The anti-Zuma group also wants Mkhabela to replace ANC secretary general Gwede Mantshu.

According to highly placed intelligence sources, Cwele allegedly told Mjenje that ANC leaders needed to be "told" because they posed a threat to Zuma's party presidency.

But an angry Mjenje is said to have responded by saying that he would do what was necessary in terms of legislation, and would not be told to break the law by investigating factional fights in the ANC.

Shortly after this exchange,

Cwele reportedly told Mjenje he wanted to redeploy him elsewhere in the government. Mjenje retorted that, if the minister wanted to redeploy him, he would have to pay him out in full because his contract had not expired.

Mjenje is also understood to have promised to give Cwele a letter rejecting his offer to redeploy him and stating his own offer to leave if he was paid out in full for his contract.

A source said: "When it comes to a showdown between a minister and a director general, it's always the director general that goes. That's an iron law of governance. They [Mjenje, Shaik and Mqagatuka] don't expect things to be different in this case, so they are trying to delay things and slow the process down, because things will change next year at Mangaung."

Approached for comment about his redeployment, Mjenje said: "I think he [Cwele] would be best placed to answer that question. I do not want to second-guess him."

Cwele's spokesperson, Brian Dube, said the minister would issue a



Siyabonga Cwele

To Page 6

Minister vs top spooks

From Page 2

statement to respond to the allegations at an appropriate time.

"No amount of distortion, lies and speculation by faceless 'sources' will draw us [in] to a public debate on these matters," he said.

The M&G understands that Mjenje and Shaik intend to take their complaints about Cwele to Zuma.

The two men are also trying to gather support from some Cabinet members, including senior party leaders who are sympathetic to their situation.

"Moe made a statement soon after he took over about the fact that the new executives would not do what politicians want them to do. They [the executives] wanted to be professional. He said this in front of the minister."

"The theme was that there would be no political interference. They wanted to build a new cadre that would not be involved in political issues. [Shaik] wanted officers to stay away from domestic politics and do the job of securing the country," said a senior government official.

But Cwele is pushing hard to get rid of the two intelligence chiefs as soon as possible. His expectation, apparently, is that Mqagatuka would go of his own accord after the departures of Shaik and Mjenje.

Shaik is apparently travelling overseas next week and there is concern that the minister will act while he is away. "I am still employed at the department and have not resigned or been fired," Shaik told the M&G.

On Thursday insiders at state security claimed that wealthy business people close to Zuma were also to blame for the deepening tension between the spy bosses. Their identities are known to the M&G.

Two different government sources told the M&G that the first crack in the relationship between Mjenje and Cwele came after some of these business people complained to Zuma that Mjenje was investigating them.

"Their concern was that the investigation would disadvantage them in business opportunities. They were worried that the investigation would create doubts about their credentials," said one source.

Analysis: No clear boundaries in 'spy vs spy' turf war

The crisis at the apex of South Africa's intelligence services is at once both deeply personal and broadly structural, according to sources familiar with the players in the spy vs spy saga.

The crux of the structural problem, they allege, is the expanding efforts of State Security Minister Siyabonga Cwele to exercise operational control over the services and the active resistance from the senior managers under him: Elzo Mjenje, Moe Shaik and Jeff Mqagatuka. Part of the problem lies in a legislative regime that gives the minister wide but poorly regulated powers to appoint, remove and shift personnel. The minister is also empowered to issue "directions" regarding "the manner and content" of the services.

The problem is exacerbated by a legal draft that initially gives the incumbent such powers but allows him to delegate them to a member of the Cabinet, effectively clothing the intelligence minister with presidential authority.

The Constitution states that the president "must appoint a woman or a man as head of each intelligence services and must either assume personal responsibility for the control and direction of any of those services, or designate a member of the Cabinet to assume that responsibility".

The restriction to "political responsibility" is not mirrored in intelligence legislation, which simply says the director general "must, subject to the directions of the minister and this Act, exercise command and control of the intelligence services" — wording that may give the minister an effective veto over operational decisions.

Up to now, the practice within the services has largely ignored the wide discretion given to the minister and has stuck with international practice that reserves on political authority getting involved in operational matters.

Former minister Ronnie Kasrils said that on his watch he was careful not to stray into the operational prerogatives of line managers. That only changed somewhat in the wake of the box email scandal and the surveillance of Sisi Makhosana.

After that, Kasrils issued instructions that surveillance that was "politically sensitive" had to be cleared by him — until the service could institute mechanisms to tighten up the mandate and process of authorising such operations. Even so, Kasrils was criticised privately by intelligence managers for straying on to their turf.

Kasrils said the Intelligence Review Commission he requested in the wake of the box email saga

raised some of these issues, but its recommendations were not even considered.

The commission, headed by the late Joe Matthews, noted in its report: "A number of critical issues are not covered adequately in the legislation: the provisions on the supply of intelligence to the minister, the president and government departments are unsatisfactory; the legislation does not deal with authority to task the intelligence services; it does not cover the dismissal or suspension of the director general of an intelligence service; and it does not provide for ministerial approval of intrusive operations."

But the report was seen as Kasrils's baby and was buried by the Polokwane revolution. Now it appears that staff deployments and decisions on politically sensitive operations are again at the centre of conflict between Cwele and his top directors.

As one senior intelligence manager put it: "We may have disagreed with the conclusions of the commission, but they raised valid issues. They were ignored and now it's come back to bite us. I hope this current crisis can persuade us to have the dialogue on where and how the boundaries should be drawn."

That appears unlikely, however. Sources sympathetic to Mjenje

and Shaik say that the normal turf disputes between the minister and his managers are made intractable by the minister's own insecurity and relative lack of experience in intelligence.

Shaik one: "This minister never worked in intelligence himself, whereas Mqagatuka, Mjenje and Shaik each have decades of experience. They have struggle credentials. The minister doesn't even sit on the ANC national working committee or national executive committee."

The result, they claim, has been a level of mistrust and second-guessing, and a tendency on the minister's part to see conspiracies against him and to disregard advice.

One example cited has been the debate around the Protection of Information Bill, which has been driven by Cwele and has provoked unprecedented public opposition and some embarrassing backtracking from the ANC.

According to insiders, the intelligence services made their own inputs to the minister that were also critical of the draft bill, but Cwele failed to share their comments with the parliamentary committee dealing with the legislation. — Sam Sofe

Investigative: the investigators of the M&G Centre for Investigative Journalism produced this story. All views are ours. [mabhungane.co.za](http://www.mabhungane.co.za)



4 Star & Chronicle May 17, 2012

Politics

Axed spy vows to expose Guptas

Gibson Njeje says SA's top spooks were fired after investigating the Gupta family's conduct

Matthew Letaiso & Charles Molele

An investigation by intelligence agencies into the conduct of the Gupta family in any form took place. It was the official, independent inquiry the former head of South Africa's Internal Security Agency has told the Mail & Guardian, rejecting claims by the ministers made in a statement by State Security Minister Gwede.

In a rare interview, Gillian Njeje, the former director general of the State Security Agency (previously known as the National Intelligence Agency), criticised Gwede's claim that he had shut down an improper operation, while denying there was any substantive probe of the Gupta family. Accusing Gwede of "talking non sense," Njeje said Gwede "might have hit his job" over these claims.

The row over the probe was one of the key reasons Njeje lost his job in 2011, along with former intelligence chief Lt Gen Makhulu and National Intelligence Co-ordinating Committee members Lt Gen Makhulu and Lt Gen Makhulu.

This probe for the investigation into the family, Njeje said, was directed to President Jacob Zuma, was because of a "Gibson" who they conducted themselves.

"The issue of the Guptas has been there for a long time," said Njeje. "They have not been hiding their conduct. If intelligence was not concerned, we would have been foolish. The concern was how they conducted themselves."

On Tuesday, Gwede suggested at a media briefing in Parliament that Njeje was fired because he was involved in an irregular investigation in 2010 into the relationship between Zuma and the Guptas.

Without mentioning Njeje's name, Gwede implied that Gwede's investigation into the relationship between the president and the Guptas was irregular, saying he would not allow spies to "do personal or business matters, particularly business matters, in particular, licence, passport and consular".

Asked by the Mail whether Njeje, Gwede and Makhulu were fired because of their investigation into the relationship between Zuma and the Gupta family, Gwede denied this.

"What was stopped was an irregular investigation which involved the use of state security assets to fight private business interests that have no bearing on our work to uphold national security," Gwede said through his spokesman, Makhulu. "We will continue to stop any use of assets by any member of the security service."

But Njeje described Gwede's statements as "dangerous" and "honest", saying it could cost the minister his job. Lambasting Gwede for suggesting that he was involved in an irregular investigation, Njeje said: "If I were to explain [details of the investigation], I would have to go through everything I had said in 2011 and the [the minister] is talking nonsense about personal interests. In the position I held, I was able to talk to the Guptas



Ditching the fire Gibson Njeje says Security Minister Gwede could lose his job over his denials regarding the probe. Photo: Gupta Nikosi

and Zuma. "I could have said things and I spoke to people about it. He [Gwede] attempt to restrict information, it preventing me from using his office to make irresponsible statements. Why say there is an investigation and in the same breath say I was involved in an irregular investigation? He was speaking a lie. I would stay away. He might lose his job, from saying that I was responsible for the investigation. I know what but I am not involved in it now."

An angry Njeje would speak the matter on with ANC secretary general Gwede Makhulu.

"I'm going to take the ANC about this. It has the potential to unravel a job of mine in the country. One I report to all these these ministers for Gwede, I will be forced to tell the truth. There is a lot of information we picked up from intelligence [about the Guptas]. I want to talk to Gwede to say the ANC is the situation. The ANC was supposed to come to where we were fired to say, 'What is this? Nothing much a nature happened'," said Njeje.

Meanwhile, three senior intelligence sources from different agencies told the Mail that the Gupta family had allegedly attempted to do business with the government's intelligence service.

Two senior intelligence officials who asked not to be named because of the sensitivity regarding intelligence matters, said the Gupta family made a proposal to Gwede in 2011 to provide interception and surveillance services to the government.

The sources allegedly to be provided by the Guptas would have enabled the government to intercept calls with ease, according to the two intelligence officials. Unlike the state's outdated intercept "software", the Guptas' system "not

only to listen on the phone. It was said to be able to capture the person being investigated directly and produce a printout of the same time according to the intelligence sources.

There were concerns in the agency about its potential abuse, intelligence officials said.

Several attempts to get comments from the Gupta family drew a blank.

Gwede's office also did not answer specific questions posed by the Mail relating to the allegations about the interception and surveillance activity.

Njeje said he was not aware of the proposal, but would be surprised if it had been submitted by the Guptas.

Zuma's spokesperson Mac Maharaj did not respond to questions emailed to him.

The latest revelations come barely a fortnight after a private jet carrying guests for a Gupta family wedding landed secretly at the Waterkant Air Force base, sparking a public and political outcry.

Competing factions within the ANC and alliance were united in condemning the landing, with an angry Maharaj issuing a strongly worded statement and calling for action against those responsible.

In contrast, Zuma never attempted to distance himself from the Gupta family, though he did not attend the lavish wedding at Sun City, his wife Bongie Njeje, nephew Duthuzane Zuma and son Duduzane DSZ attend.

The wedding celebrations were also attended by several Cabinet ministers, including Public Enterprises Minister Malusi Gigaba, Trade and Industry Minister Rob Davies, Mineral Resources Minister Susan Shabangu and the deputy minister in the presidency, Gbedi Ntshela.

Free State Premier Ace Magashule, whose son Tshepo is a business associate of the Guptas, also attended.

The attendance by senior ANC politicians occurred despite calls by alliance structures, including Gwede and the ANC Youth League, for leaders to stay away as it would be interpreted as an endorsement of the Guptas' political ambitions and apparent influence over the ANC and the government.

"Although it is reported that the so-called GuptaGate scandal has caused a falling out between Mantshane and Zuma, ANC spokesperson Keith Khona rejected the claims.

"There are no tensions between Mantshane and the president," Khona said. "Your sources must not speak for the secretary general or second-guess him. Claims that he is unhappy with the president's relationship with the Guptas are not true and cannot be attributed to him. The statement Mantshane released last week and the statement that the president released actually complement each other in terms of the stand taken by the ANC on the matter.

"There has never been a formal complaint in the ANC regarding the president. On what basis must he distance himself from the Guptas? People are trying to drag the president into a matter that doesn't concern him. This matter falls outside the mandate of the president. It is a line-function matter and relevant departments are dealing with it."

But the... by an ANC national

executive committee (NEC) member, who spoke on condition of anonymity, suggested otherwise. The leader, who is a close ally of Zuma, lambasted Mantshane for releasing what he called an "insubstantial statement."

"ANC leaders can't launch themselves on such things, especially in a country where the opposition wants to keep the ANC on its toes," said the leader. "The ANC was supposed to write to the defence department. You can't write to them [the defence department] through the newspapers. We lead society. We are responsible for determining the game."

"What Gwede was supposed to do was to issue a statement saying that we [had] noted the unhappiness around the landing at Waterkloof and saying we [the ANC] had conveyed our concerns to the secretary of defence. The most critical thing is political management. You can't manage issues by being reactionary."

However, another ANC NEC member and a close ally of Mantshane defended him. "The noise [about the Deputy landing] is in the right direction. It's not sure how genuine Mantshane's statement was, but what I do know is that he did the right thing."

"It was long overdue. You don't rock up. You announce. Gwede is irritated with the president's policies. He has repeatedly defended Ntshela, but he is one of the few ANC leaders who has never been to Ntshela. With the Guptas, he put his foot down. He restored confidence in the party."

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Catrina elcc

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Politics

Axed spy vows to expose Guptas

Gibson Njenje says SA's top spooks were fired after investigating the Gupta family's conduct

Motuma Letsosho & Charlas Motale

An investigation by intelligence agencies into the "conduct" of the Gupta family not only took place, it was also justified, indeed necessary, the former head of South Africa's domestic spy agency has told the *Mail & Guardian*, angrily contradicting claims to the contrary made in Parliament by State Security Minister Siyabonga Cwele.

In a rare interview, Gibson Njenje, the former director general of the State Security Agency (previously known as the National Intelligence Agency) criticised Cwele's claim that he had shut down an improper operation, while denying there was any substantive probe of the Gupta family. Accusing Cwele of "talking nonsense," Njenje said Cwele "might lose his job" over these claims.

The row over the probe was among the key reasons Njenje lost his job in 2011, along with foreign intelligence chief Moë Shaik and National Intelligence co-ordinating committee head Jeff Mqheleka, as the *M&G* reported at the time.

The reason for the investigation into the family, notorious for its close ties to President Jacob Zuma, was because of a "concern at how they conducted themselves".

"The issue of the Guptas has been there for a long time," said Njenje. "They have not been hiding their conduct. If intelligence was not concerned, we would have been foolish. The concern was how they conducted themselves."

On Tuesday, Cwele suggested at a media briefing in Parliament that Njenje was fired because he was involved in an irregular investigation in 2010 into the relationship between Zuma and the Guptas.

Without mentioning Njenje's name, Cwele implied that Njenje's investigation into the relationship between the president and the Guptas was irregular, saying he would not allow spies "to fight personal or individual battles, particularly business battles" by using intelligence "platforms and capabilities".

Asked by the *M&G* whether Njenje, Shaik and Mqheleka were fired because of their investigation into the relationship between Zuma and the Gupta family, Cwele denied this.

"What was stopped was an irregular investigation which involved the use of state security assets to fight private business interests that have no bearing on our work to uphold national security," Cwele said through his spokesperson Bajan Dube. "We will continue to stop any use of assets by any member of the agency outside our mandate."

But Njenje described Cwele's statements as "dangerous" and "foolish", saying it could cost the minister his job. Lambasting Cwele for suggesting that he was involved in an irregular investigation, Njenje said: "If I were to explain [details of the investigations], I would have to go through everything. I left in 2011 and he [the minister] is talking nonsense about personal interests. In the position I held, I was able to talk to the Guptas



Dishing the dirt: Gibson Njenje says Security Minister Siyabonga Cwele could lose his job over his denials regarding the probe. Photo: Oupa Nkosi

and I did. "I established certain things and I spoke to people about it. His [Cwele] attempt to protect information is provoking us. He is using his office to issue irresponsible statements. Why say there is no investigation and in the same breath say I was involved in an irregular investigation? If I were Siyabonga, I would stay away. He might lose his job [for saying this]. I was responsible for that investigation. I know a lot, but I can't divulge [it] now."

An angry Njenje vowed to take the matter up with ANC secretary general Gwede Mantashe.

"I'm going to talk to the ANC about this. It has the potential to unravel a lot of things in the country. Once I report to all these false statements [by Cwele], I will be forced to tell the truth. There is a lot of information we picked up from intelligence [about the Guptas]. I want to talk to Gwede to say the ANC let the situation loose. The ANC was supposed to come in when we were fired to say, 'What is this?' Nothing of such a nature happened," said Njenje.

Meanwhile, three senior intelligence sources from different agencies told the *M&G* that the Gupta family had allegedly attempted to do business with the government's intelligence services.

Two senior intelligence officials, who asked not to be named because of the sensitivity regarding intelligence matters, said the Gupta family made a proposal to Cwele in 2011 to provide interception and surveillance software to the government.

The software allegedly to be provided by the Guptas would have enabled the government to intercept calls with ease, according to the two intelligence officials. Unlike the state's outdated intercept software, the Guptas' system "not

easy to detect on the phone. It was said to be able to capture the person being investigated visually and produce a printout at the same time, according to the intelligence sources.

There were concerns in the agency about its potential abuse, intelligence officials said.

Several attempts to get comments from the Gupta family drew a blank.

Cwele's office also did not answer specific questions posed by the *M&G* relating to the allegations about the interception and surveillance software.

Njenje said he was not aware of the proposal, but would not be surprised if it had been submitted by the Guptas.

Zuma spokesperson Moe Mahara did not respond to questions emailed to him.

The latest revelations come barely a fortnight after a private jet carrying guests for a Gupta family wedding landed illegally at the Waterkloof Air Force Base, sparking a public and political outcry.

Competing factions within the ANC-led alliance were united in condemning the landing, with an angry Mantashe issuing a strongly worded statement and calling for action against those responsible.

In contrast, Zuma never attempted to distance himself from the Gupta family. Though he did not attend the lavish wedding at Sun City, his wife Bongie Ngema, nephew Khulubuse Zuma and son Duduzane did attend.

The wedding celebrations were also attended by several Cabinet ministers including Public Enterprises Minister Malusi Gigaba, Trade and Industry Minister Rob Davies, Mineral Resources Minister Susan Shabangu and the deputy minister in the presidency, Obedi Rapela.

Free State Premier Ace Magashule, whose son Tshepo is a business associate of the Guptas, also attended.

The attendance by senior ANC politicians occurred despite calls by alliance structures, including Cosatu and the ANC Youth League, for leaders to stay away as it would be interpreted as an endorsement of the Guptas' political dominance and apparent influence over the ANC and the government.

Although it is reported that the so-called Gaptagate scandal has caused a falling out between Mantashe and Zuma, ANC spokesperson Keith Khoza rejected the claims.

"There are no tensions between Mantashe and the president," Khoza said. "Your sources must not speak for the secretary general or second-guess him. Claims that he is unhappy with the president's relationship with the Guptas are not true and cannot be attributed to him. The statement Mantashe released last week and the statement that the president released actually complement each other in terms of the stand taken by the ANC on the matter."

"There has never been a formal complaint in the ANC regarding the president. On what basis must he distance himself from the Guptas? People are trying to drag the president into a matter that doesn't concern him. This matter falls outside the mandate of the president. It is a line-function matter and relevant departments are dealing with it."

But cos... nts by an ANC national

executive committee (NEC) member, who spoke on condition of anonymity because of the sensitivity of the matter, suggested otherwise. The leader, who is a close ally of Zuma, lambasted Mantashe for releasing what he called an incendiary statement.

"ANC leaders can't launch themselves on such things, especially in a country where the opposition wants to keep the ANC on its toes," said the ANC leader. "The ANC was supposed to write to the defence department. You can't write to them [the defence department] through the newspaper. We lead society. We are responsible for determining the game."

"What Gwede was supposed to do was to issue a statement saying that we [had] noted the unhappiness around the landing at Waterkloof and saying we [the ANC] had conveyed our concerns to the secretary of defence. The most critical thing is political management. You can't manage issues by being reactionary."

However, another ANC NEC member and a close ally of Mantashe defended him. "The noise [about the illegal landing] is in the right direction. I'm not sure how genuine Mantashe's statement was, but what I do know is that he did the right thing."

"It was long overdue. You don't rock up. You announce. Gwede is irritated with the president's follies. He has repeatedly defended Nkandla, but he is one of the few ANC leaders who has never been to Nkandla. With the Guptas, he put his foot down. He restored confidence in the party."

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Catrina Ellis

4 Mail & Guardian, March 24 to 31 2016

State capture

Ex-spy bosses to spill beans on Guptas

Senior spooks, sacked for planning a probe into the family, considered asking for Zuma to be axed

By Graham M. Smith

ANC heavyweights including three former spy bosses fired in 2014 after they planned spy on the Gupta family's information to the state – briefly toyed with the idea of calling for President Jacob Zuma to be axed.

Ultimately they took a safer line. But the spies will probably still be part of the investigation that they had tried to initiate as a matter of national security six years ago.

The probe is to be conducted with the party's senior secretary general Cyril Ramaphosa.

In 2010 the then state security chief, a former South African spy boss Gillian Njenje, his foreign intelligence counterpart Joe Shack, and Jeff Mankwane, director general of the State Security Agency, ordered and set in motion the investigation into the Gupta family's alleged "irregular" state-owned arms and other transactions.

In 2014 Njenje told his staff to shut down the probe as a senior official

and ANC members he had rejected the party to protect him. Shack, the spy boss, when they sought to investigate the Gupta family in 2010, they were fired.

The three were among 25 senior commanders and commissioners from the ANC's former military wing Umkhonto we Sizwe, who signed a suspension order between the ANC's national executive committee (NEC) meeting in Durban in 2014.

The suspension order was a pre-emptive measure to deal with the possibility that Zuma, as a former ANC member, would be involved in an independent investigation into the suspension of arms and other transactions. The ANC and the state security chief, Gillian Njenje, were also involved in the probe, especially by the Gupta family on the ANC side on the state.

An anti-Zuma memorandum was called for Zuma to be recalled, but that approach was abandoned and the memorandum was the initiative of senior ANC officials Njenje, a former ANC member, and other officials.

Njenje was sacked on Tuesday night after the ANC's suspension



Standing firm: former National Intelligence Agency head Gillian Njenje and others pushed for an investigation into Gupta influence. Photos: Delwyn Verasamy & Euse Nkomo

order. The probe was eventually returned to the state's home affairs, which was then sent to a special commission.

Speaking to the Mail on Sunday, Njenje said an earlier draft of the memorandum was Zuma's "not to be changed to a letter of suspension".

"To tell you the truth, we didn't expect that there would be a recall of the president, nor did we think such a recommendation on a request or demand," he said.

Another spy boss said the group believed they should rather call for a special commission on Zuma's conduct because it was up to the ANC's NEC to take the lead on this.

Njenje said the issue of state capture was the urgent to leave until the ANC's next congress, which is due to be held in 2017.

He welcomed the party's planned probe into the allegations of outside interference in appointing ministers

and to government officials. "There are many people that we think should come forward and give evidence," he said.

Njenje said when he was still in the ANC before the 2012 Mangaung conference, South African Minister Pule Mkhalela related at a meeting that the Guptas had told him he would be appointed to his current position.

Njenje said Mkhalela made this statement after Zuma opened the meeting with a political overview. "At the end of every meeting, the president summarises the discussions of the NEC."

He said that the president of the ANC did not even allude to the statement by Mkhalela in his very telling to the public of the state. "We expected him to say: 'Not in my name, but he kept quiet'."

Njenje said he was one of those who had opposed the investigation into the Gupta family's links with the government. "If I look at myself in

the mirror and ask if I did the right thing as a government official to say the investigation is necessary, yes I did. If I'm doing the right thing now to bring it under the attention of the ANC, then yes I am."

Mankwane said "intelligence has never had a meeting with me". Asked whether he had met Njenje after the intelligence chief was fired, Mankwane said: "I never talked to him about it."

An irritated Mankwane did not want to confirm whether he would meet Njenje now. "Can you give the organisation space to deal with itself? Allow the organisation to deal with its issues," he said.

Former ANC Youth League deputy president Ronald Lamola has vowed to continue with "mass action" against Zuma after organising a picket at the entrance to the NEC meeting on Saturday. Nyanda said his group had not communicated with Lamola.

Parastatals in Guptas' web

From Page 2
 executives still striking outwards. Another Telkom executive who deals closely with the Gupta and Ramaphosa was Zeph Grout, who served as Telkom's managing director and chief financial officer in 2010. Grout was also appointed to the Eskom board in December 2014.

Eskom and Transnet
 Both's trade relations with Eskom. Eskom was until recently a business partner of Jagan Sharma, who was the managing director of Transnet until December 2014. Eskom's CEO, Pravin Gordhan, the Gupta company

about two years ago because Sharma had been in contact with Eskom's CEO, Pravin Gordhan.

Sharma had been a director of Transnet and before that he was on the board of Eskom.

Eskom's former managing director, Pravin Gordhan, who was a director of Eskom's subsidiary, Eskom Holdings, was also a director of Eskom's subsidiary, Eskom Holdings, until he was sacked in October 2014. Eskom's CEO, Pravin Gordhan, was also a director of Eskom's subsidiary, Eskom Holdings, until he was sacked in October 2014.

Mabaso's said to be close to the Guptas and Zuma.

Mabaso and the Duarte
 Mabaso's son, a business and personal life intertwined with that of the Duarte family.

He was previously the managing director of John Duarte's company, Duarte Holdings. Duarte was also a director of Eskom's Security and

Security and Safety. Duarte's son was best man at Mabaso's wedding, which ANC deputy secretary general Jessie Duarte also attended. Duarte's son was best man at Mabaso's wedding, which ANC deputy secretary general Jessie Duarte also attended.

Their daughter, Zoe, is married to Ian Whitley, the adviser to former four-day finance minister Des van Rooyen. Van Rooyen seems to be a one-stop security, consulting and lobbying business, boasting of clients that include Eskom, City Power, Transnet, the State Information and Technology Agency, Vodacom and Petrusa.

Jessie Duarte told amaBhungane: "I do know Malcolm Mabaso and have met him, he is an acquaintance of my son. I am not a partner nor shareholder in Vanete."

Zihni Duarte refused to comment.

computer company. Neotel paid multi-million-rand commissions to Honus, a shell company linked to Narayan to secure a contract with Transnet.

Singh, then at Transnet, appeared to block payments to Neotel until Honus was paid.

He denied wrongdoing and the Gupta family said Narayan had left them a year before. But a source close to Ess has claimed Narayan is still often based at Ess's Melrose Arch office, when he visits South Africa from Dubai.

Transnet director Vusi Nkomo is a director of two companies in which the Gupta's Oakbay Investments has invested directly, according to Oakbay's website.

Kebby Maphahle is the chairperson of the Umkhonto weSizwe Military Veterans' Association and one of the most vocal defenders of the Gupta family.

The veteran's association has shares in Silva Uranium, a company owned by the Guptas and Duduzane Zuma. It does another former veteran's association officer bearer, Sparks Mankwane, in his personal capacity. The veteran's association treasurer is former four-day finance minister Van Rooyen.

But Maphahle is also a director of another veteran's association-linked company in which Harold Klein is listed as a director. He is the husband of Eskom director Vemle Klein.

The departments respond

State security
 The state security chief, Gillian Njenje, was suspended in 2014 after she was found to have planned to spy on the Gupta family's information to the state. She was replaced by the current state security chief, Pravin Gordhan.

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State capture

Ex-spy bosses to spill beans on Guptas

Senior spooks, sacked for planning a probe into the family, considered asking for Zuma to be axed

Carlton du Plessis

ANC heavyweights — including three former spy bosses fired in 2011 after they planned a probe into the Gupta family's influence on the state — briefly toyed with the idea of calling for President Jacob Zuma to be recalled.

Ultimately they took a softer line. But the spies will probably still be part of the investigation that they had tried to initiate as a matter of national security six years ago.

The probe is to be conducted within the party under secretary general Gwede Mantashe.

In 2011, the then state security minister, Siyabonga Cwele, fired domestic spy boss Gibson Njenje, his foreign intelligence counterpart Moe Shaik and Jeff Mqutu, director general of the State Security Agency. Cwele said at the time that the investigation the group had planned in 2010 was "irregular" and would have amounted to fighting personal battles.

In 2013 Njenje told the *Mail & Guardian* that, as a senior official

and ANC member, he had expected the party to protect him, Shaik and Mqutu when they sought to investigate the Gupta family. Instead, they were shown the door.

The three were among 28 senior commanders and commissars from the ANC's former military wing, Umkhonto weSizwe, who signed a memorandum delivered at the ANC's national executive committee (NEC) meeting in Pretoria over the weekend. The memorandum called for a special ANC conference to deal with the possible recall of Zuma, and for "an independent commission of inquiry, composed of eminent persons within the ANC and civil society, to investigate all claims of undue influence, especially by the Gupta family on the ANC and on the state".

An early draft of the memorandum had called for Zuma to be recalled, but that approach was abandoned well before the final draft was agreed on. The memorandum was the initiative of retired general Siphiso Nyanda, a former 4 communications minister and defence force chief.

Nyanda was hijacked on Tuesday night, said former ANC spokesperson



Standing firm: Former National Intelligence Agency head Gibson Njenje and others pushed for an investigation into 'undue influence'. Photos: Delwyn Verasamy & Oupa Nkosi

Keith Khoza. His car was apparently recovered near the site of the incident, which was still being investigated at the time of publication.

Speaking to the *M&G* the day before the hijacking, Nyanda said an earlier draft of the memo called for Zuma's recall, but that was changed to ask for a special conference.

"To tell you the truth, we didn't expect that there would be a recall of the president, nor did we make such a recommendation or a request or demand," he said.

Another signatory said the group believed they should rather call for a special conference on Zuma's position because it was up to the ANC's NEC to take the lead on this.

Nyanda said the issue of state capture was too urgent to leave until the ANC's next conference, scheduled for the end of next year.

He welcomed the party's planned probe into the allegations of outside interference in appointing ministers

and in government business.

"There are many people that we think should come forward and give evidence," he said.

Nyanda said when he was still in the NEC, before the 2012 Mangaung conference, Sport Minister Fikile Mbalula related at a meeting that the Guptas had told him he would be appointed to his current position.

Nyanda said Mbalula made this statement after Zuma opened the meeting with a political overview. "At the end of every meeting, the president summarises the discussion" of the NEC.

The fact that the president of the ANC did not even allude to the statement by Mbalula was very telling to some of us," Nyanda said. "We expected him to say: 'Not in my name', but he kept quiet."

Nyanda said he was one of those who had requested the investigation into the Gupta family's links with the government. "If I look at myself in

the mirror and ask if I did the right thing as a government official to say the investigation is necessary, yes I did. If I'm doing the right thing now to bring it under the attention of the ANC leadership, yes I am."

Mantashe said "intelligence has never had a meeting with me". Asked whether he had met Njenje after the intelligence chief was fired, Mantashe said: "I never talked to him about it."

An irritated Mantashe did not want to confirm whether he would meet Njenje now. "Can you give the organisation space to deal with its issues," he said.

Former ANC Youth League deputy president Ronald Lamola has vowed to continue with "mass action" against Zuma after organising a picket at the entrance to the NEC meeting on Saturday. Nyanda said his group had not communicated with Lamola.

Parastatals in Guptas' web

From Page 2

companies did anything untoward.

Another Telkom executive who dealt closely with Blue Label and Parnesky was Zethembe Khoza, who served as Telkom's managing executive of consumer sales in 2010. Khoza was also appointed to the Eskom board in December 2014.

Essa and Transnet

Essa's tracks extend to Transnet.

Essa was until recently a business partner of Iqbal Sharma, who served as a director of Transnet until December 2014. Sharma told amaBhungane: "We parted company

about two years ago because Salim said he wanted to work full time with Duduzani Zuma."

Essa business associate Stanley Sharpe is a current director of Transnet and serves with Essa on the board of Antares Capital.

Essa is also a former business associate of Malcolm Mabaso, whose mother, Linda Mabaso, is the chairperson of Transnet. Malcolm is now an adviser to Zwane. Malcolm was a director with Essa in a company called Premium Security and Cleaning Services, but resigned in October 2015, presumably to take up the position with Zwane. Linda

Mabaso is said to be close to the Guptas and to Zuma.

Mabaso and the Duartes

Malcolm Mabaso's business and personal life is intertwined with that of the Duarte family.

He was previously the managing director of John Duarte's company, Vumela Holdings. Duarte was also a director of Premium Security and resigned on the same day as Mabaso.

Duarte's son was best man at Mabaso's wedding, which ANC deputy secretary general Jessie Duarte also attended. Jessie divorced John in 2002.

Their daughter Zoe is married to Ian Whitley, the adviser to former four-day finance minister Des van Rooyen. Vumela seems to be a one-stop security, consulting and lobbying business, boasting of clients that include Eskom, City Power, Transnet, the State Information and Technology Agency, Vodacom and PetroSA.

Jessie Duarte told amaBhungane: "I do know Malcolm Mabaso and have met him; he is an acquaintance of my son. I am not a partner nor shareholder at Vumela."

John Duarte refused to comment.

The Guptas

Besides the potential influence they could wield through Essa, the Guptas have direct or indirect connections with other directors of Eskom and Transnet.

Brian Molefe, when he was appointed chief executive of Transnet in 2011, had to deny publicly that the Guptas had played a role in his appointment. But, according to trade union federation Cosatu, which raised concerns even then about the Guptas, the family confirmed they were friends of Molefe but said they had not influenced his Transnet appointment.

In 2015, Molefe was transferred to become chief executive of Eskom as part of government's response to the electricity crisis.

Eskom finance director Anoj Singh's entanglement with former Sahara executive Ashok Narayan in the Homix-Neotel scandal is well known. Sahara is the Gupta con-

puter company. Neotel paid multi-million-rand commissions to Homix, a shelf company linked to Narayan to secure a contract with Transnet.

Singh, then at Transnet, appeared to block payments to Neotel until Homix was paid.

He denied wrongdoing and the Gupta family said Narayan had left them a year before. But a source close to Essa has claimed Narayan is still often based at Essa's Melrose Arch office when he visits South Africa from Dubai.

Transnet director Vusi Nkhonyane is a director of two companies in which the Guptas' Oakbay Investments has invested directly, according to Oakbay's website.

Kebby Maphatsoe is the chairperson of the Umkhonto weSizwe Military Veterans' Association and one of the most vocal defenders of the Gupta family.

The veteran's association has shares in Shiva Uranium, a company owned by the Guptas and Duduzani Zuma, as does another former veteran's association office bearer, Sparks Motseki, in his personal capacity. The veteran's association treasurer is former four-day finance minister Van Rooyen.

Bui Maphatsoe is also a director of another veteran's association-linked company in which Harold Klein is listed as a director. He is the husband of Eskom director Yvette Klein.

The departments respond

These are edited responses from the departments of public enterprises and mineral resources to questions.

Lyn Brown speaking for public enterprises, the Transnet and Eskom directors and herself:

We reject any insinuation that Minister Brown "quitch" appointed Mphahlele Khumalo as director general of the department.

Soon after her appointment in 2014, Brown reviewed all sub-boards within the public enterprises portfolio with a view to strengthening the skills required and in certain instances to address issues of gender, tenure and demographics.

These appointments followed a lengthy consultative process with various stakeholders, including the economic sectors and infrastructure development Cabinet committee.

It is not unusual for members of the committee to object to nominations and the list is referred back to the department. Even after this step, the list can still be rejected at Cabinet level.

Minister Brown also expressed her displeasure with the way in which your team went about harassing family members of board members for comment.

Mineral resources, on behalf of the minister Mosehane Zwane, Ashon Moodley and

Malcolm Mabaso:

Malcolm Mabaso is not Salim Essa's business partner in any company. The company, Premium Security, in which they were non-executive directors, never traded, and Mabaso resigned from it a while back.

Any further insinuation of a partnership by Mphahlele Khumalo and Moodley with Mr Essa or any of the parties or companies mentioned is grossly incorrect.

Any such inference would be devoid of any truth and deliberately misleading.

Messa Mabaso and Moodley do not have any interest in any mining companies and, as the minister's advisers, do not deal with administrative responsibilities.

amaBhungane, the investigators of the Mail & Guardian for investigative journalism, produced this story. All views are our own. amaBhungane.co.za

"Annexure C"**Annexure "C"****RESOLUTION OF GOVERNANCE ISSUES IN THE CIVILIAN INTELLIGENCE SERVICE PERTAINING TO THE MANDATE OF THE DIRECTOR-GENERAL OF THE STATE SECURITY AGENCY [SSA] BY THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA****1 Introduction**

The intention of this document is to seek the intervention and resolution by the President to my concerns on a number of issues pertaining to how the Minister of State Security discharges his executive role within the department, thus undermining the mandate of the Director-General.

In the Performance Agreement between myself and the Minister, he confirms that *"He will create an enabling environment to facilitate effective performance by the Director-General in the running of the agency."* (Performance Agreement, Period: 2 October 2009 – 31 March 2010; Performance Agreement, Period: 1 April 2010 – 31 March 2011; Performance Agreement, Period: 1 April 2011 – 31 March 2012. All these agreements were

Handwritten signatures in black ink, appearing to be the names of the author and the Minister of State Security, located at the bottom right of the page.

signed between the Minister for State Security, Dr CS Cwele and myself as Director-General: State Security Agency).

2 Background to my appointment as Director-General

Prior to my appointment on in 2009, I was serving as the Republic of South Africa's Ambassador Plenipotentiary in the Democratic People's Republic of Algeria when I was recalled to Pretoria for a consultation with the President, the Minister of State Security and the Director-General of the Department of International Relations and Cooperation [DIRCO] for discussions on the intention of the President to appoint me as Director-General of the newly created/to be created State Security Agency. I had a telephone conversation with the Minister of State Security and the Director-General, Dr Ayanda Ntsaluba, while in Algiers on the need for me to travel to Pretoria for such consultation.

Subsequently on my arrival in Pretoria I met with the Minister and the President. Both of them gave me separately a generic brief on their intention to appoint me and that I would need to decide on the offer of appointment. The President then indicated that the details would be dealt with by the President. Thereafter I had a separate meeting with Dr Ntsaluba on the same matter but on his

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side more with the processes to leave the diplomatic post and how we should proceed, should I accept the offer.

I was finally appointed on 2 October 2010 by the President and thereafter I left Algeria to resettle in South Africa.

3 Interpretation, duties and roles of the Director-General

Key to my mandate was to spearhead the amalgamation of the various structures in the Civilian Intelligence Service into the SSA and this was encapsulated in Proclamation 59 of 11 September 2009 as read with other Proclamations signed by the President of the country. The role of the Director-General in this regard need not emphasised.

Immediately after my appointment, I put in place a Senior Management Structure composed of myself, Directors of both the Domestic and Foreign Services and an Extended Executive Committee comprised of the Senior Manager National Communication Centre; Deputy Directors, Domestic and Foreign, Deputy Director-General Corporate Services and the Principal of the Intelligence Academy. We had meetings every Monday.



Furthermore, we reached an agreement with the Minister that he will meet with the extended EXCO every Tuesday where he would be briefed on progress on tasks and that periodically he will arrange for a meeting between himself, the President and EXCO.

All these initiatives were put in place within the first three months of my appointment.

4 Mechanism to deal with the restructuring and the general management of the department

For purposes of reporting on developments in regard to restructuring, a Steering Committee [STEERCOM] was set up comprising of the following people:

- Chair and Sponsor: Minister of State Security
- Director-General
- Director: Foreign Branch
- Director: Domestic Branch
- Deputy-Director General: Corporate Services

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- Head of National Communication Centre

The Minister was to convene the STEERCOM.

Comments:

The STEERCOM mechanism to date has been an utter failure in that only two meetings were convened by the Convenor, one on the 25 May 2010 wherein milestones were reached. The SSA structure was presented and thoroughly discussed and in-principle decisions with the concurrence of the Minister were reached. For instance, the NC structure was agreed upon with the exception of only one element and that was the location of the Office of Interception Centre [iOC]. The Minister felt that he was not sure of its location and that we had to re-look at this and advise.

A submission was subsequently handed over to the Minister on 22 August 2011. To date this component's structure has still not been finalised.

Another structure unresolved is that of the Intelligence Academy [IA]. In the same meeting the IA structure was also presented by the Acting Principal. Two critical interventions were made by the Minister for consideration, one on the designations as he felt that



these should reflect more professionals than your classic public service management structure. The meeting resolved that a benchmark be conducted by the Deputy Director Corporate Service, Professor Sandy Africa and the Acting Principal. They immediately consulted with like training institutions in defence and police and a final structure submitted to the Minister on 29 June 2011.

Again, as in other cases, this has not been finalised. In both these two instances, I believe these delays could have long been resolved had the Minister stuck to previous arrangements, i.e. convening of STEERCOM meetings and the Tuesday's EXCO meetings with the Minister. Instead the Minister resorted in bypassing the Director-General, giving instructions to his cronies within his Ministry to deal with matters.

No meeting was ever held between the Minister, EXCO and the President as agreed upon. This was amongst certain instances that we made or direct arrangements for meetings with the President to raise our concerns.

5 Proclamation and the Legislative process and problems therein



At the beginning of 2010, EXCO, in consultation with the SSA's Legal Services, we discussed the Proclamation that founded the SSA and the then draft State Security Bill with the aim of bringing to the attention of the Minister issues that could be corrected in both the Proclamation and the Bill. Flaws were identified in the Proclamation in that it was inconsistent with follow-up pronouncements made by the Minister, for example, although the Proclamation states that the Communication Security Component [COMSEC] shall be a government component – restructuring processes announced by the Minister proceeded in pronouncing that National Communication shall be a government component, meaning outside the structures of the Agency. Furthermore, that the National Coordinating Committee [NICOC] was also problematic to us in that we believed that the Proclamation was silent on the restructuring of NICOC, and that this matter was outside the mandate of the SSA thus the Director-General. In the legislation this structure was being amended.

We therefore advised the Minister to address such anomalies and inconsistencies. Neither acknowledgment nor response was ever received in this regard.

6 The role of the National Communication Centre within the SSA



During a workshop convened by the Minister on 5 December 2009, a brief discussion on the role of this structure within the Intelligence Services ensued. It became clear to me that there was no convergence between myself and the Minister in this regard.

I made the point that in the workshop this will have to be discussed at a later stage. Later I also discovered that there was an interim policy/practice called the Interim Operational Communication Mechanism [IOPCM], a document that was issued during the time of former Minister for Intelligence, Ronnie Kasrils and that this apparently sought to resolve his conflicts with former Director-General, Billy Masetlha. Although clearly stated that this was an interim mechanism, to date it has become a permanent feature of the operational work of the Minister who decides on operational departmental matters – a practice that was an enigma to the practice of intelligence. Ministers do not run operations. This is the mandate of the department.

We convened an SSA workshop on the 12 February 2010 to discuss the document. It was attended by senior management of the NC who gave a background to the document. The workshop resolved that the present management of the SSA could not live with the document as it was politically motivated (in its language)

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and seeming intention. The resolution of this workshop was submitted to the Minister asking him to resolve the matter, but to date there was no response.

7 Direct instructions to members – thus undermining the role of the Director-General

Appointments within the Agency takes place without consulting with the Director-General. This can be illustrated by a number of examples, for instance, transfer of Dennis Dikomo from the Foreign Branch to the Ministry; transfer of Bob Mhlanga from the Domestic Branch to the Ministry; transfer of Portia Molefe from the Ministry to the Domestic Branch. The recent transfer of Simon Ntombela from the Foreign Branch to the Ministry, the latter case was brought to the attention of the Minister because it was contravening the Minister's own regulations and flouting his own directives in regard to the advertising of posts when an incumbent is promoted to a higher position. During the Minister's budget Speech in 2011, he announced the appointment of a number of Deputy Directors. This came as a shock to me and my directors. I learnt later that even the Chairman of the JSCI did not know about these appointments.



In the few weeks that followed, more worrisome incidences ensued. Njenje left the Agency. The Minister never, at one stage informed me about this pending departure of Njenje, which of course Njenje had informed me about his intention. In his discussion with the Minister, the latter offered him to be deployed as ambassador, which offer Njenje told me that he declined. By this time, I was aware (from Moe) that the Minister had been putting pressure on him to resign.

I was concerned about reports in the public media and the Minister's pronouncements in Parliament that I construed in some instances as having been misleading Parliament.

8 Submissions and delays therein to and from the Minister

My office has time and time again since 2010 been dealing with submissions dating back twelve months which were submitted to the Minister, with recommendations, although some have been responded to after months and months of delays. I have been waiting for the following responses since March 2011, for example, the post of General Manager: Management Services; Foreign Branch; General-Manager Intelligence Support; General Manager: Infrastructure and Logistics in the Foreign Branch.



The worst case is that of the Head NC, a case in which in May 2011 I made a submission to the Minister. I became aware that the Minister had appointed Dr Irene Moetsane-Moeng as Acting Head of the NC.

9 Performance appraisals and appraisals therein

I am now entering my third year and final in terms of my contract as signed with the President. I signed three PA's with the Minister, but to date no appraisals have been conducted when this is supposed to be done annually.

10 Conclusion

Mr President, some of these issues raised herein might not be new to you because I have raised them with you, most personally. I humbly request that within reasonable time of fourteen days of receipt of this document you respond on how you wish to address them.

This letter/document was copied to the following people:

The Deputy President of the Republic of South Africa, Kgalema Motlanthe



Chairman of the Joint Standing Committee on Intelligence (JSCI),
MP Cecil Burgess

Minister of State Security, MP Dr SC Cwele

11 Comments as at today, 23 October 2018

Ambassador Mzuvukile Mzqetuka

Jeffreysbay

2018/10/23

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ANNEXURE "MM2"

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Intelligence White Paper

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 8. External and internal realities facing South Africa and the intelligence community
 9. Conclusion
- Annexure A - Code of conduct for intelligence workers
- Annexure B - Basic principles and guidelines of national intelligence

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Intelligence White Paper

1. OBJECTIVE

This White Paper is intended to provide a framework for the understanding of the philosophy, mission and role of intelligence in a democratic South Africa.

These issues should be seen within the framework of the national goals of the Government of National Unity as set out inter alia in the Reconstruction and Development Programme.

The White Paper will focus primarily on the mandates of the proposed new civilian services (domestic and foreign) and will only indirectly refer to military and criminal intelligence.

The goal of this White Paper is the creation of an effective, integrated and responsive intelligence machinery that can serve the Constitution and the government of the day, through the timeous provision of relevant, credible and reliable intelligence.

The White Paper should be read in conjunction with the three bills on intelligence.

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Intelligence White Paper

2. INTRODUCTION

The democratisation of South Africa opens a new chapter in our history in which the quality of life and the security of our people, the practice of democracy and the promotion of an internal and international climate of peace and stability are the focus and priority.

Accordingly, a new mission is being set for the South African intelligence community in line with the new, non-racial, democratic order, in which much weight is given to the rights of the individual. This mission is objectively derived from an understanding of conditions international, regional and domestic - impacting on the country's security and interests, and through a remodelling of the moral codes and organisational culture governing the intelligence environment.



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3. PHILOSOPHY OF INTELLIGENCE

3.1 Introduction

Reshaping and transforming intelligence in South Africa is not only a matter of organisational restructuring. It should start with clarifying the philosophy, and redefining the mission, focus and priorities of intelligence in order to establish a new culture of intelligence.

Prior to the election of a democratic government, security policy was formulated by a minority government. Its ability to detail what was in the national interest, was therefore flawed.

More-over, since the minority government was faced with a struggle for liberation, this issue dominated the question of security and, consequently, the activities of the statutory instruments that served it.

A further consequence was that the role of the state's security apparatus was over-accentuated with virtually no institutional checks and balances.

The challenge of creating a secure environment for all South Africans has not abated with the establishment of a democratic Government of National Unity. Security is a goal that can only be gained and sustained through consistent effort, and must remain high on the list of national priorities, alongside the goals of reconstruction, development and reconciliation.

3.2 The definition, purpose and mission of intelligence

3.2.1 Definition of intelligence

In this document, intelligence refers to the product resulting from the collection, evaluation, analysis, integration and interpretation of all available information, supportive of the policy- and decision-making processes pertaining to the national goals of stability, security and development. Modern intelligence can thus be described as "organised policy related information", including secret information.

Intelligence may be gathered by covert or overt means, from a range of sources, human and non-human, open or secret. In addition there is a wide variety of intelligence forms, including political intelligence, economic intelligence, technological and scientific intelligence, military intelligence, criminal intelligence and counterintelligence. Each of these is characterised by its seeking out and processing a certain type of information, and may place different emphases on the methods to be used.

3.2.2 Intelligence and policy-making

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The relationship between intelligence and policy-making is a dynamic, reciprocal one. Intelligence is but one tool in the successful implementation of domestic and foreign policy. To be of value to policy making, it must have at least some, if not all of the following attributes: accuracy; relevance; predictive capacity; an element of warning; and timeliness.

On the other hand, for the intelligence organisation to operate optimally, and to the benefit of the policy-maker, intelligence must be valued and nurtured as an instrument of policy. Sufficient resources must be invested in it by the policy and decision-makers, including finances, training and development.

3.2.3 The purpose of intelligence

In the modern, post-Cold War world, intelligence to be relevant must serve the following purposes:

- to provide the policy-makers, timeous, critical and sometimes unique information to warn them of potential risks and dangers. This allows the policy-makers to face the unknown and best reduce their uncertainty when critical decisions have to be made;
- to identify opportunities in the international environment, through assessing real or potential competitors' intentions and capabilities. This competition may involve the political, military, technological, scientific and economic spheres, particularly the field of trade; and
- to assist good governance, through providing honest critical, intelligence that highlights the weaknesses and errors of government. As guardians of peace, democracy and the constitution, intelligence services should tell government what they ought to know and not what they want to know.

3.2.4 Mission of the South African intelligence community

In the South African context the mission of the intelligence community is to provide evaluated information with the following responsibilities in mind:

- the safeguarding of the Constitution;
- the upholding of the individual rights enunciated in the chapter on Fundamental Rights (the Bill of Rights) contained in the Constitution;
- the promotion of the interrelated elements of security, stability, cooperation and development, both within South Africa and in relation to Southern Africa;

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- the achievement of national prosperity whilst making an active contribution to global peace and other globally defined priorities for the well-being of humankind; and
- the promotion of South Africa's ability to face foreign threats and to enhance its competitiveness in a dynamic world.

3.3 Towards a new national security doctrine

The maintenance and promotion of national security (i.e. peace, stability, development and progress) should be a primary objective of any government. Since intelligence is an instrument to achieve this goal, the two concepts inevitably represent two sides of the same coin.

The traditional and narrower approach to security has emphasized military threats and the need for strong counter-action. Emphasis was accordingly placed on the ability of the state to secure its physical survival, territorial integrity and independence, as well as its ability to maintain law and order within its boundaries. In this framework, the classic function of intelligence has been the identification of military and paramilitary threats or potential threats endangering these core interests, as well as the evaluation of enemy intentions and capabilities.

In recent years, there has been a shift away from a narrow and almost exclusive military-strategic approach to security. Security in the modern idiom should be understood in more comprehensive terms to correspond with new realities since the end of the bipolar Cold War era. These realities include the importance of non-military elements of security, the complex nature of threats to stability and development, and the reality of international interdependence.

This more comprehensive approach to security is also endorsed by organisations like the UN and the OAU. This approach is inter alia reflected in the Kampala document of the OAU (19th May 1991) where a process was set in motion known as the Conference on Security, Stability, Development and Cooperation in Africa (CSSDEA). The purpose of this document was "providing a comprehensive framework for Africa's security and stability and measures for accelerated continental economic integration for socio-economic transformation".

The intermingling and transnational character of modern-day security issues furthermore indicate that solutions to the problems of insecurity are beyond the direct control of any single country and cannot be rectified by purely military means. The international security agenda is shifting to the full range of political, economic, military, social, religious, technological, ethnic and ethical factors that shape security issues around the world. The main threat to the well-being of individuals and the interests of nations across the world do not primarily come from a neighbouring army, but from other internal and external challenges such as economic collapse, overpopulation, mass-migration, ethnic rivalry, political oppression, terrorism, crime and disease, to mention but a few. Consequently, "security is defined less in military terms and more

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in the broader sense of freedom from vulnerability of modern society", in the words of an American scholar.

New thinking on security has the following key features, which should form an integral part of the philosophical outlook on intelligence:

- Security is conceived as a holistic phenomenon and incorporates political, social, economic and environmental issues.
- The objectives of security policy go beyond achieving an absence of war to encompass the pursuit of democracy, sustainable economic development and social justice.
- Regional security policy seeks to advance the principles of collective security, non-aggression and Peaceful settlement of disputes.

The broader and modern interpretation of the nature and scope of security leads to the conclusion that security policy must deal effectively with the broader and more complex questions relating to the vulnerability of society. National security objectives should therefore encompass the basic principles and core values associated with a better quality of life, freedom, social justice, prosperity and development.

Applied to the South African context, the new approach to security holds that the Reconstruction and Development Programme, as an organised and collective effort of our society led by the Government of National Unity, is integral to and forms the core of the country's emerging national security doctrine. The RDP's efforts to meet the basic needs of our people, develop our human resources, build our economy, and to democratise our state and society will be in the final analysis, one of the determinants of genuine peace and lasting security.

Democracy and participation are fundamental to the success of the RDP. Democracy must mean the empowerment of all South Africans to effectively participate in the process of governance and in matters that affect them. Democratisation must ensure the modernisation of the structures and functioning of government in the pursuit of efficiency, effectiveness, responsiveness, transparency and accountability. In short, democratisation ensures "good governance".

The following lessons learned from the negotiation process should become central to the new national security doctrine:

- the determination and ability to arrive at consensus;
- the maturity to ensure the inclusiveness of the political process; and
- the ability to reconcile deep-seated political and social conflict.

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The national security doctrine must promote the creation of a societal environment that is free of violence and instability. It must engender, within the context of a transformed judicial system, respect for the rule of law and human life.

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4. BASIC PRINCIPLES OF INTELLIGENCE

It is accepted that the creation of a new intelligence dispensation in South Africa shall be accompanied by a review of the underlying principles of the system to be transformed.

The principles outlined hereunder are the result of such a review and have served as a basis for the formulation of a proposed code of conduct and a new legal framework for the creation of a national intelligence capability under our democratic dispensation. (See Annexure A)

Since 1990, the democratisation of South Africa has opened a new chapter in the history of the intelligence community and started a process of consultation and negotiation between the various role players. The establishment of the Sub-Council on Intelligence of the Transitional Executive Council facilitated agreement on a set of Basic Principles, which have laid the basis for the transformation and democratisation of the intelligence community. (See Annexure B)

These principles include the following:

- principle of an integrated national intelligence capability;
- principle of departmental intelligence capabilities;
- principle of political neutrality;
- principle of legislative sanction, accountability and parliamentary control;
- principle of the balance between secrecy and transparency;
- principle of the separation of intelligence from policy making;
- principle of effective management, organisation and administration;
- principle of the coordination of intelligence and liaison with departmental intelligence structures;
- principle of an ethical code of conduct to govern performance and activities of individual members of the intelligence services.

Code of Conduct

The Code of Conduct as approved by the TEC Sub-Council on Intelligence makes provision for inter alia:

- a declaration of loyalty to the State and the Constitution
- obedience to the laws of the country and subordination to the rule of law
- compliance with democratic values such as respect for human rights
- submittance to an oath of secrecy

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- adherence to the principle of political neutrality
- a commitment to the highest degree of integrity, objectivity and unbiased evaluation of information;
- a commitment to the promotion of mutual trust between policy- makers and intelligence professionals.

Under a democratic government, those agencies entrusted with the task of intelligence work should agree to execute their tasks in the following manner:

- they should accept as primary, the authority of the democratic institutions of society, and those constitutional bodies mandated by society to participate in and/or monitor the determination of intelligence priorities;
- they should accept that no changes will be made to the doctrines, structures and procedures of the national security framework unless approved of by the people and their representative bodies; and
- they should bind themselves to the contract entered into with the electorate through a mutually agreed set of norms and code of conduct.

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5. COMPOSITION OF THE INTELLIGENCE COMMUNITY

In a democracy the government must exercise meaningful control over the intelligence community through a range of measures: the separation of intelligence functions; obliging the agencies to operate in a legal capacity; controlling access to the executive; and differentiating the functions of collection, reporting, coordinating and review.

In the immediate term, and towards the achievement of a new intelligence dispensation, the creation of a National Intelligence Agency (see Intelligence Services Bill) is proposed for South Africa. This agency will amalgamate the members of the existing National Intelligence Service, the intelligence services of the former states of Transkei, Bophuthatswana and Venda, the intelligence service of the African National Congress namely the Department of Intelligence and Security, as well as any other intelligence capabilities that meet with the necessary requirements set out in the Act.

This arrangement will lead to the eventual establishment of two civilian intelligence agencies, one focusing on domestic intelligence (and retaining the name National Intelligence Agency) and a service focusing on foreign intelligence (to be named the South African Secret Service).

The mission of the domestic intelligence service (the National Intelligence Agency) will be to conduct security intelligence within the borders of the Republic of South Africa in order to protect the Constitution. The overall aim shall be to ensure the security and stability of the State and the safety and well-being of its citizens.

The mission of the foreign intelligence service (the South African Secret Service) will be to conduct intelligence in relation to external threats, opportunities and other issues that may affect the Republic of South Africa, with the aim of promoting the national security and the interests of the country and its citizens.

The most significant departure from the old dispensation is that instead of one centralised national civilian intelligence organisation, there will be two. This arrangement will not only ensure that the new intelligence dispensation in South Africa corresponds with general international trends, but will promote greater focusing, effectiveness, professionalism and expertise in the specialised fields of domestic and foreign intelligence.

The services will have distinct intelligence mandates and line functional responsibilities and will share essential support services to avoid costly and unnecessary duplication. They will accordingly create appropriate liaison mechanisms to deal with areas of mutual interest.

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6. CONTROL AND COORDINATION OF INTELLIGENCE

6.1 Control

It was agreed by the TEC that a number of control measures to regulate the activities of the civilian intelligence community should be implemented. The control mechanisms include the following principles and practical measures:

- Allegiance to the Constitution;
- Subordination to the Rule of Law
- A clearly defined legal mandate;
- A mechanism for parliamentary oversight;
- Budgetary control and external auditing;
- An independent Inspector-General for Intelligence - one each for the two civilian intelligence services;
- Ministerial accountability;
- The absence of law enforcement powers.

Of these measures, the most important is a proposed mechanism for parliamentary oversight over the different services and departments with functions relating to intelligence (see Parliamentary Committee on Intelligence Bill). The bill makes provision for the following:

- A Joint Standing Committee for Parliament with functions and powers that will allow it to receive reports, make recommendations, order investigations and hold hearings on matters relating to intelligence and national security. The committee will also prepare and submit reports to parliament about the performance of its duties and functions.
- Two Inspector-Generals - one each for each service - whose functions will include reviewing the activities of the intelligence services and monitoring their compliance with policy guidelines. These two persons will have unhindered access to classified information.

6.2 Coordination

In terms of the National Strategic Intelligence Bill, an interdepartmental intelligence coordinating mechanism, the National Intelligence Coordinating Committee (NICOC) will coordinate the activities of the intelligence community and will act as the key link between the intelligence community and policy-makers. NICOC will be chaired by a Coordinator for Intelligence who will be accountable to the President.

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Specifically the NICOC will have the following functions:

- to advise the government on threats or potential threats to the security of the country and its citizens;
- to advise the government on policy relating to the conduct of intelligence at national, regional and local levels;
- to coordinate the conduct of all intelligence functions and the collective intelligence resources of the country;
- to coordinate the production of national strategic intelligence;
- to report to the Cabinet Committee on Security and Intelligence (CCSI) and to the parliamentary Joint Standing Committee on Intelligence as required; and
- to avoid and to eliminate conflict, rivalry and unhealthy competition between the members of the intelligence community.



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7. 7. TRANSFORMING INTELLIGENCE METHODOLOGY

7.1 Training

Training is regarded as a crucial tool in developing intelligence professionals who will establish a viable and lasting new intelligence dispensation. To this effect processes are under way to restructure and to remodel the content and syllabi of the Intelligence Training Academy.

7.2 Effectiveness and standards

The building of new and organisationally competent intelligence services should be a prime goal. Efficient management structures, with farsighted, creative and organisationally uncompromising leadership will be the engine of a truly professional intelligence community.

The new professionalism must embrace the new priorities and changes in the scope and methodology of intelligence. In this regard, the intelligence community will have to interface with other institutions of society engaged in strategic research, in order to promote integrated analysis which is supportive of policy making.

7.3 Secrecy and declassification

The development of a more open intelligence community will go a long way towards demystifying and building trust in the national intelligence community. Where legal limits on secrecy, including criteria and time frames for classification and declassification are clearly understood and accepted by society, the dangers of the intelligence system becoming self-serving are averted.

7.4 Covert action

Measures designed to deliberately interfere with the normal political processes in other countries and with the internal workings of parties and organisations engaged in lawful activity within South Africa, must be expressly forbidden. Intelligence agencies or those within them guilty of such breaches must be disciplined in the severest terms.

7.5 Secret intelligence budget

Parliament will, through its audit mechanisms have access to the information it requires to determine whether budgetary allocations are warranted.

Intelligence White Paper

8. EXTERNAL AND INTERNAL REALITIES FACING SOUTH AFRICA AND THE INTELLIGENCE COMMUNITY

A complex interplay of international, regional and domestic developments, of both a positive and negative nature impact on national security, and consequently the mission of the intelligence community in South Africa. The next section of this White Paper highlights the most critical of these developments.

8.1 International dimension

With the shifting international balance of forces, intense interest has shifted onto the successful South African transition. South Africa is perceived as an area of intense economic opportunity by foreign nations competing to achieve trade and industrial advantage in this regard. Notwithstanding this, with the demise of apartheid and the Cold War, new political and economic relationships of cooperation and support with various countries have become both desirable and possible.

On a more negative note, new global political, social and economic problems are filtering South Africa's borders. International extremists have forged links with their South African counterparts, whilst international drug cartels, use our country both as a transit route for their trade and as a market, thus corrupting our social system.

Lastly, there has been a dramatic increase in foreign intelligence activities in South Africa. Apart from classic political and military espionage, other activities of foreign/hostile intelligence services and industrial espionage agents have increased markedly in the economic, technological and scientific fields.

8.2 Regional dimension

Because of its relatively advantaged economic position, South Africa is regarded as a pivotal centre of development for Southern Africa and indeed, for the rest of Africa. The social and economic problems of the region will continue to affect South Africa. It can reasonably be argued that there will not be peace and stability in South Africa until conditions of peace prevail in the rest of Southern Africa. Indeed South Africa has a moral responsibility to contribute towards the development of the rest of Africa. It must define its relationship with the continent away from domination and destabilisation, towards a relationship of cooperation and mutual respect.

At the same time unrealistic expectations of South Africa must be tempered. The pressing socio-economic problems of our own country suggest that we must make these our first priority. The relationship we enter into with other African countries must be designed to promote political stability, regional security, and our mutual economic growth and development, as well as a lessening of dependence of the African continent on the countries of the North, in favour of the development of the South.

8.3 Internal dimension

Intelligence White Paper

Massive socio-economic degradation, with poverty, hunger, homelessness and unemployment being the order of the day, will render the political changes meaningless if they are not accompanied by a significant improvement in the quality of our people's lives. Whilst politically motivated violence is on the decline, there has been an increase in common criminal activities.

These socio-economic problems call for creativity and commitment in the implementation of the RDP. At the same time the government and society must be firm in dealing with crime and lawlessness.

Intelligence White Paper

9. CONCLUSION

Our country is poised on the brink of tremendous opportunity, in which the human potential of our people can be harnessed to make South Africa a beacon of hope and success for the world.

Intelligence has a critical role to play in identifying threats, potential threats as well as opportunities for the democratic dispensation in South Africa. The transformation of the intelligence community is a process already under way, and must be encouraged so as to allow the intelligence community to play its rightful role in meeting our national goals, particularly those set out in the RDP.

Ultimately, it is through the approach to security outlined in the RDP the meeting of the basic needs of the people through development, sustained economic growth and mass participation in the building of a new South Africa - that the cherished goals of peace and stability will be reached.

Intelligence White Paper

Annexure A

CODE OF CONDUCT FOR INTELLIGENCE WORKERS

In the fulfilment of their duties and professional responsibilities all members of intelligence services:

1. Shall openly declare their loyalty to the Republic of South Africa, the Constitution and the laws of the Country.
2. Will be loyal to their organisation and assiduously guard and protect the integrity of their profession, its methods and sources.
3. Shall adhere to the basic principles of their profession, as well as the policies, regulations and directives of their respective services.
4. Shall respect the norms, values and principles of a democratic society including the basic human rights of individuals.
5. Shall strive, in the execution of their duties, to attain the highest degree of objectivity, integrity and professionalism.
6. Shall strive to be responsible in the handling of information and intelligence, and shall at all cost prevent the wrongful disclosure of national security interests.
7. Shall commit themselves to the promotion of mutual trust between policymakers and professional intelligence workers, as well as cooperation with all the members of the Intelligence Community.
8. Shall commit themselves to carry out their duties without seeking personal gain or advantage by reason of the duties, facilities, funds and knowledge entrusted to them.
9. Will conduct themselves in their personal life in a manner which will not prejudice their organisation, their profession and fellow craftsmen, or the facilities entrusted to them.
10. Shall commit themselves to report any violations of this code through command channels to the relevant authorities.

Intelligence White Paper

Annexure B

BASIC PRINCIPLES AND GUIDELINES OF NATIONAL INTELLIGENCE

1. INTRODUCTION

It is accepted that the creation of a new political dispensation in South Africa shall have to be accompanied by the process of reviewing the security system, including the role, culture, methodology and structures of intelligence.

The principles discussed in this document shall serve as a basis for the formulation of a code of conduct, legislation and the creation of a national intelligence capability in a new dispensation.

2. DEFINITIONS

In this document:

2.1 "national intelligence" means integrated intelligence that covers the broad aspects of national policy and national security of special concern to strategic decision-making at national level;

2.2 "counter-intelligence" deals with offensive and defensive activities to neutralise the effectiveness of foreign/hostile intelligence operation; to protect sensitive information; and to counter subversion, sabotage and terrorism directed against personnel, strategic installations and material;

2.3 "departmental intelligence" means the intelligence which Government departments and agencies need or generate to execute their (own) legal and functional responsibilities (in the interest of the State);

2.4 "foreign intelligence" deals with information on external threats (or potential threats) as well as opportunities relevant to the protection and promotion of national interests and which can be used in the formulation of foreign policy;

2.5 "domestic intelligence" deals with information of internal activities, factors and developments detrimental to national stability, as well as threats (or potential threats) to the constitutional order and the safety and well-being of the citizens of a country.

3. GUIDELINES ON NATIONAL SECURITY

National security should be understood in comprehensive terms to include the military, political, economic, social, technological and environmental dimensions.

National security should, therefore, besides its traditional concern with defence, violence and subversion, encompass the basic principles and core values associated

Intelligence White Paper

with and essential to the quality of life, freedom, justice, prosperity and development. The following broad principles should underpin the activities of the intelligence community:

South Africa shall be committed to resolving internal and external conflict primarily through non-violent means.

National, social and individual security shall be sought primarily through efforts to meet the social, political, economic and cultural needs of the citizenry.

South Africa shall pursue peaceful and cooperative relations with neighbouring states in order to promote regional security, stability and development.

4. THE MISSION, PURPOSE AND FUNCTIONS OF NATIONAL INTELLIGENCE

The primary mission of national intelligence is to gather, collate, evaluate information and disseminate intelligence that pertains to the security of the state and its citizenry.

Intelligence services are required to act in the interests of the country as a whole. In this respect intelligence should enhance national security, protect and promote the interests of the state and the wellbeing of its citizens.

National intelligence functions shall include those of counter-intelligence, foreign intelligence (which includes special activities as defined by an Act of Parliament), and domestic intelligence.

Given the actual and potential moments of conflict in South Africa and the dynamic interaction with the international environment, it is suggested that the above-mentioned functions will be indispensable for government decision-making in a future South Africa.

5. BASIC PRINCIPLES AND POINTS OF DEPARTURE

The functions of intelligence in a new constitutional dispensation, in order to enhance national security in South Africa, shall be governed by the following:

5.1 The principle of national intelligence organisation

The intelligence needs and responsibilities of central government in a highly diversified and complex society require the existence of a national intelligence capability essential for effective government and decision-making. Such a service is necessary to collate, interpret and integrate national strategic intelligence as well as to recommend national intelligence priorities and to provide a balanced framework for national policy.

Intelligence White Paper

Irrespective of South Africa's constitutional model, a national intelligence capability needs to exist. National intelligence is a function and responsibility of central government that cannot be delegated to regional governments.

The national intelligence organisation shall uphold the principles of integrity, objectivity and credibility. Further, it shall strive at all times to be relevant to the maintenance, promotion and protection of national security. The national intelligence organisation shall be loyal to the State and the Constitution.

5.2 The principle of departmental intelligence capabilities

The necessity for departmental intelligence capabilities to support line-functional responsibilities and departmental decision-making is recognised.

Such structures will observe the legal obligations, style, character and culture of the departments they serve, but it is essential that they observe the same fundamental approach to their tasks that are applicable to the national intelligence organisation.

5.3 The principle of political neutrality

A national intelligence organisation is a national asset and shall therefore be politically non-partisan.

No intelligence or security service/organisation shall be allowed to carry out any operations or activities that are intended to undermine, promote or influence any South African political party or organisation at the expense of another by means of any acts (eg "active measures" or "covert action") or by means of disinformation.

5.4 The principle of legislative sanction, accountability and parliamentary control

The mission, function and activities shall be regulated by relevant legislation, the Bill of Rights, the Constitution and an appropriate Code of Conduct.

Intelligence work shall derive its authority from a legal framework and shall be subordinate to measures of accountability and parliamentary control.

Legislation must provide the intelligence service with the mandate to carry out their typical intelligence activities pertaining to the security, stability, well-being and interests of the State and its citizens.

5.5 The principle of the balance between transparency and secrecy

Effective intelligence, whilst requiring among others the essential component of secrecy, needs to be sensitive to the interests and values of a democratic society. In pursuance of this, a reasonable balance between secrecy and transparency needs to be found. The need for intelligence should be reconciled with fundamental civil

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Intelligence White Paper

liberties, ethical norms and democratic values of society. A system of declassification should be considered to enhance the principle of public accountability and openness.

5.6 The principle of effective management and organisation and sound administration

The flow of intelligence to the Government of the day should always be maintained. Efficiency and continuity should be constant objectives whilst making provision for transformational needs.

The compilation of a national intelligence service shall endeavour to reflect the gender and racial composition of society whilst also taking into consideration the objective criteria of merit. To this end, an affirmative action programme shall be implemented to address imbalances. Necessary security requirements shall always be a prerequisite for membership of the intelligence organisation.

Provision should be made that all recruits/appointees in an intelligence service be optimally enabled by relevant training programmes to perform their duties at the required level.

The national intelligence organisation shall ensure effective management, organisation and administration of its activities. It shall strive to promote a strong organisational culture that reflects high standards, professionalism and moral integrity. Management shall strive constantly to improve the objectivity, timeliness and accuracy of information and the quality of its intelligence estimates.

The national intelligence organisation shall strive to develop the full potential of all its members and promote the qualities of loyalty, esprit de corps, expertise, creativity, courage of conviction, adaptability and foresight.

5.7 An ethical code of conduct for intelligence work

All members of intelligence services shall be required to accept a code of conduct that governs their performance. The code of conduct should have the support of all relevant parties, be based on universally accepted democratic principles and inclusive of accepted intelligence principles, norms and practices.

5.8 Coordination of intelligence and liaison with departmental intelligence structures

A national security system should include structures and opportunities to facilitate an input by those domestic departmental intelligence/information structures as authorised by law.

A well-functioning intelligence coordinating mechanism is essential to coordinate the flow of information, priorities, duplication of resources, the *audi alteram partem*



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principle with regard to interpretation and other matters pertaining to the other functions of intelligence.

The scope and degree of coordination between a national intelligence organisation and departmental intelligence/information structures will be influenced by the constitutional arrangements of the new South African State.



ANNEXURE "MM2A"

Two handwritten signatures in black ink, located in the bottom right corner of the page. The first signature is a cursive name, and the second is a stylized monogram.



state security
 State Security Agency
 REPUBLIC OF SOUTH AFRICA

Private Bag X87, PRETORIA, 0001 State Security Agency Headquarters, Musanda, Delmas Road, PRETORIA
 Tel: (012) 427 4000; Fax: (012) 480 7582, www.ssa.gov.za

HE Mr JG Zuma

President of the Republic of South Africa

Unlon Buildings

Pretoria

November 2011

Dear Mr President

**RESOLUTION OF GOVERNANCE ISSUES IN THE CIVILIAN INTELLIGENCE SERVICE
 PERTAINING TO THE MANDATE OF THE DIRECTOR-GENERAL OF THE STATE SECURITY
 AGENCY (SSA) BY THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

1.

Introduction:

The intention of this document is to seek for the intervention and resolution by the President to my concerns on a number of issues pertaining to how the Minister of State Security Agency, runs the department thus undermining the mandate of the Director-General, reference is made to a section of the Director-General's performance agreement wherein the Minister confirms that he will

Sikhenzo Setekuphepha Kwambuso • Staatsveiligheidsagentskap • I-Arhente yoKhuseleko kaRhulumente • Zindedzi le Vhutsireledzi le Muvhuso
 Setheo sa Tshirelelo sa Mbuso • Setheo sa Tshirelelo sa Puso • Xiyenge sa Vuhlayeleki bya Mbuso • Boemedi ba Tshirelelo Pusong
 Ikoro yezokuPhepha kweLizwe • UPhako Lwezokuphepha Kwezwe

"create an enabling environment to facilitate effective performance by the Director-General in the running of the agency". For easy reference please refer to Performance Agreement Period: 2 October 2009-31 March 2010; Performance Agreement Period: 1 April 2010-31 March 2011; Performance Agreement Period: 1 April 2011-31 March 2012 as attached; all agreements signed between Minister State Security, Dr C.S. Cwele (MP) and Director-General: State Security Agency, Ambassador Mzuvukile Maqetuka.

2.

Background to the appointment as Director-General

Prior to my appointment on the 2 October 2009, I was serving as the Republic of South Africa's Ambassador Plenipotentiary in the Democratic People's Republic of Algeria, when I was recalled to Pretoria for a consultation with the President, the Minister of State Security and the Director-General of the Department of International Relations and Cooperation (DIRCO) for discussions on the intention of the President to appoint me as Director-General of the newly created/to be created State Security Agency. I had a telephone conversation with the Minister of State Security and the Director-General of DIRCO, Dr A Ntsaluba whilst in Algiers on the need for me to travel to Pretoria for such a consultation.

I met both the President and the Minister who gave me a generic brief on their intention and that I would need to decide on the offer made of having identified me for the post and further informed by the President that the details would be dealt with by the Minister. Thereafter I met Dr Ntsaluba on the same matter. I was finally appointed on the 2 October 2010 by the President and this culminated in me having to go back to Algeria to wind up my duties and I reported back to the Minister of State Security to resume my new assignment and this was in November 2010.



3.

Interpretation, duties and roles

Based on discussions with the President, Minister and subsequently the other two directors appointed to work with me, the task was very clear – marshalling the restructuring of the services as encapsulated in the Proclamation 59 of 11 September 2009 as read with other proclamations in this regard, signed by the President of the Republic, changing the way the intelligence service was operating back to what it was intended for. The role and duties of a Director-General in this regard need not be emphasised (a part that I will deal with later).

After my appointment, I put in place senior management structures in the department i.e. an Executive Committee (EXCO) comprised of myself, the Director: Domestic Branch and Director: Foreign Branch and an EXTENDED Executive Committee comprised of the, National Communication Centre Head, Deputy Directors Foreign and Domestic Branch and the Deputy Director-General Corporate Services and the Principal of the Intelligence Academy (IA). We meet every Mondays. Furthermore we reached an agreement with the Minister that he will meet with his EXCO every Tuesdays and periodically he will arrange a meeting between himself, EXCO and the President. All these initiatives were put in place within the first three to four months of my appointment.

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4.

Mechanism to deal with the restructuring & the general management of the department

For purposes of reporting on developments in regard to the restructuring, a Steering Committee (STEERCOM) was set up comprising of the following people;

Chair and Sponsor: Minister of State Security

Director-General

Directors: Foreign and Domestic

Deputy-Director General; Corporate Services

Head of the NCC

The Minister was to convene this structure.

Comments:

The Steercom mechanism to date has been an utter failure in that only two meetings were convened by the Minister in the last two years, one on the 25 May 2010 wherein milestones were reached.

The SSA structures were presented and thoroughly discussed and in principle decisions with the concurrence of the Minister were reached. For instance, the NC structure was agreed upon with the exception of only one element and that was the location of the Office of Interception Centre (OIC) within the NC structure. The Minister felt that he was not sure of its location and that we had to re-look at this and advise. A submission was handed over to the Minister on 22 August 2011. To date this component's structure is still to be finalised.

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Another unresolved structure is that of the Intelligence Academy (IA). In the same meeting the IA structure was also presented by the Acting Principal. Two critical interventions were made by the Minister for consideration, one on the designations as he felt that these should reflect more professionals than your classical public service management structure. The meeting resolved that a benchmark be conducted – Professor Africa and the Acting Principal consulted with the training colleges of defence and the police and a final structure submitted to the Minister on 29 June 2011. Again as in the above case this has still not been finalised.

In both these two instances I believe these delays could have long been resolved had the Minister stuck to previous arrangements, i.e. convening of the Steercom meetings and the Tuesday's EXCO with the Minister. Instead of convening meetings the Minister tended to resort to direct instructions bypassing me, a situation which has immensely intensified till today.

No meeting was ever held between members of EXCO and the President as agreed although we raised this several times with the Minister and at the beginning of 2011 were forced to make our own arrangements to meet the President to raise our concerns.

5.

Proclamation and Legislative processes and problems therein

As at the beginning of 2010, EXCO in consultation with Legal Services discussed the proclamation and the then draft State Security Bill with the aim of bringing to the attention of the Minister issues that could be corrected in both the proclamation and the bill. Flaws were identified in the Proclamation in that it was not consistent with follow-up announcements made by the Minister, for example although the Proclamation states that the Communication Security Component (COMSEC) shall be a government component – restructuring processes as directed by the Minister proceeded



in making rather the NC as a government component. In regard to the State Security Bill – the way forward for the National Coordinating Committee (NICOC) was also problematic to us in that we felt that the proclamation was silent on the restructuring of NICOC and of course fell outside the mandate of the Director-General. But in the legislation this structure was being amended. EXCO submitted to the Minister on the 28 April 2010 a document entitled: "The State Security Agency: Legislative Framework", as attached, the intention of which was to advise the Minister on these abnormalities. Neither acknowledgement nor response was ever received in this regard.

6.

The role and position of the National Communications (NC) within the SSA

During the very first workshop convened by the Minister in Krugersdorp on the 5 December 2009 a brief debate on the role and the strategic importance of this structure within the intelligence services ensued, it became clear to me at the time and till to date that there is no common vision and understanding between myself and herein I can with confidence also include members of EXCO with the Minister in this regard.

I made the point in the workshop that this needs to be discussed at some stage. I later discovered that in the operation of the NC there was a policy/practice governed by what is called the Interim Operational Communication Mechanism (IOPCM), a document that was issued during the time of former Minister of Intelligence Ronnie Kasrils and this apparently sought to resolve his conflicts with Billy Masetlha. Although clearly stated that this was an interim mechanism, to date it has become a permanent feature of the operational work of the Minister who decides on operational departmental matters – a practice which is an enigma in the intelligence.



We convened an SSA workshop on the 12 February 2010 to discuss the document attended by the senior management of the NC who gave a background to the document. Communication between the then Minister and his DG was scrutinised. Workshop resolved that the present management of the SSA could not live with the document as it was a politically motivated document intended to intervene in the operational work of the DG. This was finally submitted to Minister Cwele and no response was ever received by me in this regard. (See attached the IOPCM document).

7.

Direct instructions to members – thus undermining the role of the Director-General

Appointments within the agency takes place without even consulting with the Director-General – this can be illustrated by a number of examples; e.g. transfer of Dennis Diomo from the Foreign Branch to the Ministry, transfer of Bob Mhlanga from the Domestic Branch to the Ministry, transfer of Portia Molefe from the Ministry to the Domestic Branch. The recent transfer of Simon Ntombela from the Foreign Branch to the Ministry, the latter case was brought to the attention of the Minister because it was contravening the Minister's own regulations and flouted his own directives in regard to the advertising of posts when an incumbent is promoted but more so MPD 3.6.6.

Announcements in regard to the appointment of Deputy Directors during the Minister's budget speech, 2011 came as a surprise and shock to me and members of the Agency even to those who were appointed. I later came to realise that even the Chairperson of the Joint Standing Committee on Intelligence (JSCI) only heard of this when the Minister announced it in the Assembly.

In the last few weeks – more worrisome incidents have occurred – on coming back from my annual leave I got to know through the media that Director Domestic Gibson Njenje has left the Agency, although I came to know from the grapevine and to some extent from Njenje himself about the

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meetings he had had with the Minister, at no stage has the Minister discussed this with me. I am aware again through the grapevine of discussions, influences and pressure that is put by the Minister on Ambassador Shaik to leave the Agency – this of course not coming from him but from the colleague. I am concerned about reports in the public domain made by the Minister in this regard, for if I have to believe what Ambassador Shaik is telling me and I have no reason not to, the Minister is then misleading both parliament and the public in this regard. For the past week of the writing of this report the newly appointed Acting Director: Domestic Branch has been absent from Head Office on missions accompanying the Minister in provinces – this again done without due communication by the Minister with me.

This practice does not bode well with the principles of good governance

8.

Submissions and delays therein

My office has time and time again since 2010 been dealing with submissions dating back twelve months which were submitted to the Minister with recommendations, although some have been responded to after months and months. I have been waiting for the following responses since March 2011 for example General Manager: Management Services, Foreign Branch, General Manager Intelligence Support, Foreign Branch; General Manager: Infrastructure and Logistics.

The worst case is that of the Head NC, a case in which in May 2011 I made a submission to the Minister. The member has failed his probation and a detailed report on the matter was discussed in conjunction with Corporate Services DDG, Prof Africa. To date I cannot account as to whether the case has been resolved, but am aware that during my leave Dr Irene Moetsana-Moeng was appointed Acting Head of the NC. Did the Minister accept my recommendations on the case or

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not? I do not know, but what I know is that the Head: NC does not report at work. There are a host of other cases that I can cite if given the time.

9.

Performance Agreements and the appraisals therein

I am now entering my third year and final year of my contract as signed by the President. I signed three PA's with the Minister, but no appraisals have been conducted when this is supposed to be done annually (see attached documents).

10.

Conclusion:

Mr President some of the issues raised herein might not be new to you because I have raised them with you personally. I humbly request that within a reasonable time of fourteen days of receipt of this document you respond on how you wish to address them.


AMBASSADOR M. MAQETUKA

DIRECTOR-GENERAL: STATE SECURITY AGENCY

CC: HE, Deputy President of the Republic of South Africa, Kgalema Motlanthe

Chair of the Joint Standing Committee on Intelligence (JSCi), MP Cecil Burgess

Minister of State Security, MP Dr SC Cwele

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ANNEXURE "MM3"



18 March 2016

Memorandum from Senior Commanders and Commissars of the former military wing of the ANC, Umkhonto we Sizwe.

To the Secretary General.

1. We, the undersigned, are all committed cadres of the African National Congress, having served our glorious movement for many decades. Throughout our lives, and whenever the need arose, we did not hesitate to raise our hands to be counted among those who could be deployed by the ANC in the service of our country. Whatever the challenges we faced, whatever the risks we had to endure, we gave our all. In responding to the call of duty, we never strove for personal benefit, status or power. We executed our tasks as commanded to us by the leadership of the ANC, comfortable in the knowledge that the decisions of the leadership were based solely on the selfless pursuit of the well-being of our people. As such, we did not hesitate to shed our quota of blood.
2. We responded to the call of duty, because we correctly believed, as we still do, in the centrality of the ANC in the people's struggle against apartheid, and in the democratic transformation of our society to achieve a better life for all the people of our country.
3. As disciplined cadres of the movement, we sought always to interpret the actions of the leadership of the ANC through the policies, strategies and tactics of our organisation.
4. Recent events in our beloved country have both saddened and outraged us. The removal of Comrade Nene from the post of Minister of Finance and his proposed re-deployment to a junior post in the New Development Bank leaves much to be desired and communicates the singular message that all is not well with our movement and in the State. What objective was served by the removal of comrade Nene at such a critical time in our country's economy? How do we justify his redeployment to a junior post as a decisive promotion directed at serving the national interest?
5. We welcomed the intervention that led to the appointment of Comrade Pravin Gordhan as Minister of Finance. This was critical and necessary corrective step in order to prevent massive irreparable damage to the economy.
6. We are concerned by the manner in which the Hawks are conducting their investigation of the so called SARS "rogue unit". This investigation is being conducted in a far too public and antagonistic manner that would suggest the abuse of state institutions for ulterior motives. A more responsible approach is needed, in keeping with the rule of law and sensitive to the challenges that the country is currently facing.
7. The recent revelations by Comrade Mcebisi Jonas that he was offered the post of Minister of Finance by the Gupta family is shocking and most embarrassing to the integrity of the ANC and the State. We salute this most courageous of acts by Comrade Mcebisi Jonas, and believe he has acted in the interest of the truth and in the defence of the prestige ANC. We reject with contempt efforts to

malign his integrity and good standing, and specifically call on Cde Kebby Maphatsoe to desist from further maligning the good name of Comrade Jonas Mcebisi.

8. In the light of these revelations, we demand to know what role, if any, do the Gupta family play in influencing the appointment of Ministers and to what end? Which other Ministers have been approached by them in this manner? What private arrangements, if any, have been made with the Gupta family? What is their role in the appointment of Boards members of State Owned Enterprises? Is the leadership of the ANC aware of these arrangements? On whose authority does the Gupta Family act?

9. In the absence of any coherent explanation to all of the above we are forced to speculate that important decisions of the State are subject to outside influence and unilateralism without any regard to the well-being of the country or our people;

10. As a direct consequence of these actions our country has been plunged into an uncertain and perilous future.

11. Further, over the years we have witnessed, amongst other things, the rise of factions and slates, the diminishing quality of ANC cadreship, the rise of antagonisms within the Alliance, the breakaway of Unions from Cosatu, the break-up of the ANC youth League, the marginalization of committed ANC comrades, the rise of vulgar and unsophisticated politics within the ANC, the silencing of critical but necessary voices within the ANC, the wanton destabilization of critical state institutions, the wasteful expenditure of state resources, the devaluing of the critical institution of Parliament, the erosion of trust within the various arms of the State, the unprecedented rise of patronage and cronyism, the juniorisation of the State and the ANC and most alarming of them all, the use of the State machinery for the private interest of the few.

12. The country as a whole has been subjected to one crisis after another. As a result, the nation building project so necessary for the prosperity of our country, is being compromised before our eyes and the national psyche is characterized by helplessness and the fear of what the future may hold.

13. Whilst the challenges that face the ANC are many and complex, we are most concerned about the increasing tendency of state capture. We can no longer remain silent in the face of this most undemocratic and dangerous of developments.

14. There are many, many accounts of undue influence on the decisions of the State. We need to establish the veracity and the validity of all of these claims.

15. If indeed these claims are true, then we call on the leadership of the ANC to act against this tendency and reclaim its integrity. We must free the ANC and the State from such influence and expose all those who are in cahoots with this tendency.

16. Accordingly, we call on the leadership of the ANC to establish an independent commission of enquiry composed of eminent persons within the ANC and civil society to investigate all claims of undue influence, especially by the Gupta family on the ANC and on the State.

17. In the light of the many challenges facing the ANC and the State we further call on the leadership of the ANC to urgently convene a special National Conference to assess these challenges and chart a way forward to restore the prestige of our glorious movement and the State. The membership of the ANC and the country as a whole, have entrusted them with this responsibility.

The undersigned were all senior commanders and commissars of uMkhonto we Sizwe. We are all satisfied that we speak for the majority of former MK cadres and many of those still deployed in state institutions who we do not desire to draw into this memorandum and its demands. We are certain that many of those who fought for our democracy under the banner of the ANC who are pained by the degeneration of the standing of the ANC will find resonance with the sentiments we have expressed.

Long Live the ANC

Signed by General Sipiwe Nyanda,

on behalf of the following:

Brig Gen Damian de Lange

Mongezi India

Amb Jeff Maqethuka

Mavuso Msimang

Jabu Moleketi

Sindiso Mfenyana

Bob Mhlanga

Dipuo Mvelase

Amb George Nene

Amb Welile Nhlapo

Greg Nshatisi

Gen Nhlanhla Ngwenya

James Ngculu

Gibson Njenje

Brig Gen Ngqose

Dr. Ayanda Ntsaluba

Zukile Nomvete

Commissioner George Rasegatl

Johnny Sexwale

Brig gen Sejake

Ka Shabangu

Amb Moe Shaik

Sipho Twala

Mike Thusi

Dr. Snuki Zikalala



Derick de Beer

From: Boipelo B. Ratshikana
Sent: 06 July 2020 13:21
To: Veruschka V. September; Derick de Beer
Subject: FW: DECLASSIFICATION OF A LETTER DATED NOVEMBER 2011 FROM AMBASSADOR MAQETUKA
Attachments: DECLASSIFICATION AMB MAQETUKA.pdf

From: Brigitte Shabalala <BrigitteS@commissionsc.org.za>
Sent: Sunday, 05 July 2020 14:22
To: DG@ssa.gov.za
Cc: MarumoO@ssa.gov.za; NeneS@ssa.gov.za; QinisileD@ssa.gov.za; Boipelo B. Ratshikana <BoipeloR@commissionsc.org.za>
Subject: DECLASSIFICATION OF A LETTER DATED NOVEMBER 2011 FROM AMBASSADOR MAQETUKA

Dear Minister Dlodlo

Please find the attached letter from the Commissioner of Inquiry into State Capture for your further attention.

Kind regards
K.B Shabalala

Acting Secretary



COMMISSION OF INQUIRY INTO STATE CAPTURE | Hillside House, 3rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193 | Gauteng | South Africa | email: secretary@commissionsc.org.za | www.sastatecapture.org.za; | Mobile +27(0)71320 8293



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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

3 July 2020

To: Minister Dlodlo
State Security Agency
The Office of Minister, SSA
Bogare Building
2 Atterbury Road
Menlyn

Email: dq@ssa.gov.za; MarumoO@ssa.gov.za; NeneS@ssa.gov.za;
QinisileD@ssa.gov.za; MarumoO@ssa.gov.za; NeneS@ssa.gov.za;

Dear Minister Dlodlo.

**RE: JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE
CAPTURE, CORRUPTION & FRAUD IN THE PUBLIC SECTOR INCLUDING
ORGANS OF STATE // REQUEST FOR DECLASSIFICATION OF A LETTER
DATED, NOVEMBER 2011 FROM AMBASSADOR MAQUETUKA TO THE FORMER
PRESIDENT, MR JACOB ZUMA**

1. In his evidence, the Ambassador refers to a letter addressed by him to the former President, Mr Jacob Zuma, dated November 2011.

2. This letter contains certain annexures which are marked "confidential". In these circumstances, it is necessary to obtain declassification of this document before it can be referred to during Ambassador Maqetuka's evidence.
3. The Commission, accordingly, seeks your assistance in declassifying the aforementioned document.

Yours sincerely.



Ms. Brigitte. Shabalala
Acting Secretary
Judicial Commission of Inquiry into Allegations of State Capture, Corruption
and Fraud in the Public Sector Including Organs of State

Derick de Beer

Subject: MAQETUKA Bundle Item 4.2: Request for Declassification of Documents
Attachments: Request for Declassification_07072020 VS tracked.pdf

From: Boipelo B. Ratshikana

Sent: Tuesday, 07 July 2020 18:56

To: dg@ssa.gov.za; marumoo@ssa.gov.za; nenes@ssa.gov.za; qinisiled@ssa.gov.za; abelford@ssa.gov.za; elsac@ssa.gov.za; ti.rama@gmail.com; ramabelanat@ssa.gov.za

Subject: Request for Declassification of Documents

Dear Sir/Madam

Please find the attached letter for your attention and kindly acknowledge receipt.

Kind Regards,

Boipelo Ratshikana

Executive Assistant to the Secretary

COMMISSION OF INQUIRY INTO STATE CAPTURE

Hillside House, 2nd Floor, 17 Empire Road, Parktown, Johannesburg, 2193

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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

7 July 2020

Tracking Number: RPS18/0219/PL

To: Minister Dlodlo
State Security Agency
The Office of Minister, SSA
Bogare Building
2 Atterbury Road
Menlyn

Email: dg@ssa.gov.za; marumoo@ssa.gov.za; nenes@ssa.gov.za; qinisiled@ssa.gov.za;
abelford@ssa.gov.za; elsac@ssa.gov.za; ti.rama@gmail.co;
ramabelanat@ssa.gov.za

Dear Minister Dlodlo

**RE: JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION & FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF
STATE // REQUEST FOR DECLASSIFICATION OF THE DOCUMENT SUBMITTED
TO THE MINISTER ON 28 APRIL 2010 ENTITLED, “THE STATE SECURITY
AGENCY LEGISLATIVE FRAMEWORK”, WHICH IS MARKED “CONFIDENTIAL”**

1. The Legal Team of the Commission intends to present the evidence of Ambassador Mzuvukile Maqetuka on Thursday, 9 July 2020 at 10h00 or so soon thereafter as the Chairperson of the Commission may determine.
2. The evidence of Ambassador Maqetuka refers to a document which is titled “***The State Security Agency Legislative Framework***” addressed to the then Minister of

the State Security Agency dated 28 April 2010 (*“the document”*). The document is marked *“Confidential”*.

3. The Commission hereby requests declassification of the document.
4. In view of the imminent hearing, urgent attention to this request will be appreciated.

Yours faithfully



.....
Ms Brigitte Shabalala
ACTING SECRETARY
Judicial Commission of Inquiry into Allegations of State Capture, Corruption
and Fraud in the Public Sector Including Organs of State

CHAPTER 11

SECURITY SERVICES

Governing principles

198. The following principles govern national security in the Republic:
- National security must reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life.
 - The resolve to live in peace and harmony precludes any South African citizen from participating in armed conflict, nationally or internationally, except as provided for in terms of the Constitution or national legislation.
 - National security must be pursued in compliance with the law, including international law.
 - National security is subject to the authority of Parliament and the national executive.

Establishment, structuring and conduct of security services

199. (1) The security services of the Republic consist of a single defence force, a single police service and any intelligence services established in terms of the Constitution.
- The defence force is the only lawful military force in the Republic.
 - Other than the security services established in terms of the Constitution, armed organisations or services may be established only in terms of national legislation.
 - The security services must be structured and regulated by national legislation.
 - The security services must act, and must teach and require their members to act, in accordance with the Constitution and the law, including customary international law and international agreements binding on the Republic.
 - No member of any security service may obey a manifestly illegal order.
 - Neither the security services, nor any of their members, may, in the performance of their functions—
 - prejudice a political party interest that is legitimate in terms of the Constitution; or
 - further, in a partisan manner, any interest of a political party.

- (8) To give effect to the principles of transparency and accountability, multi-party parliamentary committees must have oversight of all security services in a manner determined by national legislation or the rules and orders of Parliament.

Defence

Defence force

200. (1) The defence force must be structured and managed as a disciplined military force.
(2) The primary object of the defence force is to defend and protect the Republic, its territorial integrity and its people in accordance with the Constitution and the principles of international law regulating the use of force.

Political responsibility

201. (1) A member of the Cabinet must be responsible for defence.
(2) Only the President, as head of the national executive, may authorise the employment of the defence force—
(a) in co-operation with the police service;
(b) in defence of the Republic; or
(c) in fulfilment of an international obligation.
(3) When the defence force is employed for any purpose mentioned in subsection (2), the President must inform Parliament, promptly and in appropriate detail, of—
(a) the reasons for the employment of the defence force;
(b) any place where the force is being employed;
(c) the number of people involved; and
(d) the period for which the force is expected to be employed.
(4) If Parliament does not sit during the first seven days after the defence force is employed as envisaged in subsection (2), the President must provide the information required in subsection (3) to the appropriate oversight committee.

Command of defence force

202. (1) The President as head of the national executive is Commander-in-Chief of the defence force, and must appoint the Military Command of the defence force.

- (2) Command of the defence force must be exercised in accordance with the directions of the Cabinet member responsible for defence, under the authority of the President.

State of national defence

203. (1) The President as head of the national executive may declare a state of national defence, and must inform Parliament promptly and in appropriate detail of—
- (a) the reasons for the declaration;
 - (b) any place where the defence force is being employed; and
 - (c) the number of people involved.
- (2) If Parliament is not sitting when a state of national defence is declared, the President must summon Parliament to an extraordinary sitting within seven days of the declaration.
- (3) A declaration of a state of national defence lapses unless it is approved by Parliament within seven days of the declaration.

Defence civilian secretariat

204. A civilian secretariat for defence must be established by national legislation to function under the direction of the Cabinet member responsible for defence.

Police

Police service

205. (1) The national police service must be structured to function in the national, provincial and, where appropriate, local spheres of government.
- (2) National legislation must establish the powers and functions of the police service and must enable the police service to discharge its responsibilities effectively, taking into account the requirements of the provinces.
- (3) The objects of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law.

Political responsibility

206. (1) A member of the Cabinet must be responsible for policing and must determine national policing policy after consulting the provincial governments and taking into account the policing needs and priorities of the provinces as determined by the provincial executives.
- (2) The national policing policy may make provision for different policies in respect of different provinces after taking into account the policing needs and priorities of these provinces.
- (3) Each province is entitled—
- (a) to monitor police conduct;
 - (b) to oversee the effectiveness and efficiency of the police service, including receiving reports on the police service;
 - (c) to promote good relations between the police and the community;
 - (d) to assess the effectiveness of visible policing; and
 - (e) to liaise with the Cabinet member responsible for policing with respect to crime and policing in the province.
- (4) A provincial executive is responsible for policing functions—
- (a) vested in it by this Chapter;
 - (b) assigned to it in terms of national legislation; and
 - (c) allocated to it in the national policing policy.
- (5) In order to perform the functions set out in subsection (3), a province—
- (a) may investigate, or appoint a commission of inquiry into, any complaints of police inefficiency or a breakdown in relations between the police and any community; and
 - (b) must make recommendations to the Cabinet member responsible for policing.
- (6) On receipt of a complaint lodged by a provincial executive, an independent police complaints body established by national legislation must investigate any alleged misconduct of, or offence committed by, a member of the police service in the province.
- (7) National legislation must provide a framework for the establishment, powers, functions and control of municipal police services.
- (8) A committee composed of the Cabinet member and the members of the Executive Councils responsible for policing must be established to ensure effective co-ordination of the police service and effective co-operation among the spheres of government.

- (9) A provincial legislature may require the provincial commissioner of the province to appear before it or any of its committees to answer questions.

Control of police service

207. (1) The President as head of the national executive must appoint a woman or a man as the National Commissioner of the police service, to control and manage the police service.
- (2) The National Commissioner must exercise control over and manage the police service in accordance with the national policing policy and the directions of the Cabinet member responsible for policing.
- (3) The National Commissioner, with the concurrence of the provincial executive, must appoint a woman or a man as the provincial commissioner for that province, but if the National Commissioner and the provincial executive are unable to agree on the appointment, the Cabinet member responsible for policing must mediate between the parties.
- (4) The provincial commissioners are responsible for policing in their respective provinces—
- (a) as prescribed by national legislation; and
 - (b) subject to the power of the National Commissioner to exercise control over and manage the police service in terms of subsection (2).
- (5) The provincial commissioner must report to the provincial legislature annually on policing in the province, and must send a copy of the report to the National Commissioner.
- (6) If the provincial commissioner has lost the confidence of the provincial executive, that executive may institute appropriate proceedings for the removal or transfer of, or disciplinary action against, that commissioner, in accordance with national legislation.

Police civilian secretariat

208. A civilian secretariat for the police service must be established by national legislation to function under the direction of the Cabinet member responsible for policing.

Intelligence

Establishment and control of intelligence services

209. (1) Any intelligence service, other than any intelligence division of the defence force or police service, may be established only by the President, as head of the national executive, and only in terms of national legislation.
- (2) The President as head of the national executive must appoint a woman or a man as head of each intelligence service established in terms of subsection (1), and must either assume political responsibility for the control and direction of any of those services, or designate a member of the Cabinet to assume that responsibility.

Powers, functions and monitoring

210. National legislation must regulate the objects, powers and functions of the intelligence services, including any intelligence division of the defence force or police service, and must provide for—
- the co-ordination of all intelligence services; and
 - civilian monitoring of the activities of those services by an inspector appointed by the President, as head of the national executive, and approved by a resolution adopted by the National Assembly with a supporting vote of at least two thirds of its members.

INPUT INTO THE DRAFT GENERAL INTELLIGENCE LAWS AMENDMENT BILL, 2011

1. Introduction

While we have been asked to make an input into the Draft General Intelligence Laws Amendment Bill, we need to register the fact that we have not been privy to the discussions hereof and our input may for the lack of such insight be wanting.

The above notwithstanding, our input will be informed, among other things, by the Constitution, the existing White Paper on Intelligence, case law and commitments made by the Minister of State Security to Parliament.

Our input will refer only to those sections of the draft Bill that we believe we need to comment on and finally make a general input to the Bill as a whole.

2. The Bill

PART 1: AMENDMENTS TO THE INTELLIGENCE SERVICES ACT 65 OF 2002

2.1 AD Section 3(a)

We are concerned with the proposal that the Minister and not the President shall appoint the Director-General. In terms of section 209(2) of the Constitution, the President is not obliged to appoint a Minister and may personally "assume political responsibility for the control and direction" of the Intelligence Services.

Secondly, this provision is in conflict with the norm in the entire Public Service where the Directors-General are appointed by the President. Section 12(1)(a) of the Public Service Act provides that "a head of a national department or national government component" shall be appointed by the President. We do not understand why this has to change in respect of the Director-General for the Agency. Are we hereby not reducing the status of the incumbent?

It may be argued that the Public Service Act does not apply to the Agency. However, it must be noted that the Constitutional Court in the matter of **Masetlha v The President of the**

Republic of South Africa and Another 2008 (1) SA 566 (CC) the Court held that “the provisions of the PSA apply to the conditions of service of a head and members of the Agency when they are not at odds with the provisions of ISA”.

2.2 AD Section 4(b) and (c)

Since the Minister or President, where he/she exercises political control of the Agency, is responsible for the political control of the Agency and the Director-General is responsible for the administration of the Agency, it is our submission that the establishment or creation of Chief Directorates, Directorates, divisions and components and the prescription of their functions and post structures is an administrative function which should be able to be adapted quite easily with minimal red-tape and is therefore best left to the Director-General.

2.3 AD Section 10(2)(a) and 10(3)

Our experience has been that while the Act and the Bill requires the “consideration” by the Intelligence Service Council or the Conditions of Services Council of the functional directives applicable to conditions of service and human resources, it is not clear what this “consideration” is and what value it has to add to these directives. We believe that that the Council’s responsibilities in this regard must be spelt out more clearly, otherwise we may need to consider its continued relevance.

It is our view that the approval of the functional directives is an administrative function properly resident with the Director-General who is after all the accounting officer. There is no need for these to be approved by the Minister.

2.4 AD Section 10(6)

We welcome this amendment and recommend that it not only be limited to persons “employed in or associated with a government or statutory body”. We know that in investigations, the Agency usually needs to access bank accounts and other databases. As an Intelligence organisation, it is imperative to be able to access them lawfully.

Further, there is no definition of what the words “associated” with a government is.

2.5 AD Section 20

2.5.1 S4(1)(b)- In respect of the establishment of Chief Directorates, Directorates and their functions, we repeat that this ought to be the function of the Director-General.

2.5.2 S10(2) and (3)- We repeat what is stated in paragraph 2.3 hereabove.

PART 2: AMENDMENTS TO THE NATIONAL STRATEGIC INTELLIGENCE ACT 39 OF 1994

1. AD Section 5(1)

To the extent that the Co-ordinator for Intelligence is an equivalent to the Director-General, in respect of his/her appointment we repeat what we said about the appointment of the Director-General.

GENERAL INPUT

The current organisation of the Agency and its component structures are largely aligned to the existing White Paper on Intelligence. In a press address on the 2nd October 2009, the Honourable Dr. Siyabonga Cwele, the Minister for State Security indicated among other things that “we are also reviewing the White Paper on Intelligence which will inform our national security doctrine and strategy. The process of review will involve government departments, civil society and the general public. We have noted the allegations of the politicisation of members of the intelligence community.”

Similarly, in his budget vote on the 1st July 2009, the Minister promised that “we will prioritise the finalisation of the National Security Strategy to guide our common approach in upholding national security. This will also spell out a management system that will ensure that all the capabilities of our government and nation are effectively harnessed and coordinated to better deal with the threats confronting us”.

It is our submission that this Draft Bill is an integral part of “our national security doctrine and strategy” and ought to have been preceded by the review of the White Paper on Intelligence and informed by the National Security Strategy.

It is therefore our belief that this Bill ought to be a transitional legislation pending the final and more comprehensive legislation that will be informed by a new White Paper and National Security Strategy.

We also note that the Bill, while making reference to branches, Executive Directors and Deputy Executive Directors, does not define what these branches are, nor does it define their functions or those of the Executive Directors and Deputy Executive Directors. This may cause unnecessary tensions and anxieties.

CONCLUSION

In conclusion, we believe that this Bill is a necessary and best way to regularise the current transition and must not be seen to be an end in itself. We are confident that the drafters will give our input the attention it deserves.

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state security

State Security Agency
REPUBLIC OF SOUTH AFRICA

OFFICE	
HEAD MINISTERIAL SERVICES	
Date Received	38/2/10
Doc Nr	449/10
File Ref	1111

Private Bag X97, PRETORIA, 0001 State Security Agency Headquarters, Muzenda, De Mistra Road, PRETORIA
Tel (012) 427 4000, Fax: (012) 480 7382, www.ssa.gov.za

DG-SSA/OG/MIN/04/01

Office of the Director-General
State Security Agency

April 2010

Dr S Owsis (MP)
Minister of State Security
Bogare

Dear Honourable Minister

THE STATE SECURITY AGENCY: LEGISLATIVE FRAMEWORK

1. I would respectfully like to make the Minister aware of certain anomalies that arise from the present legislative framework governing the State Security Agency and its components at the present time. In this regard specific attention will be paid to the transformation of COMSEC into a government component and the envisaged National Communications Branch (NC).
2. It is the understanding that the NC will comprise of COMSEC, the National Communications Centre (NCC) and the Office of Interception Centres (OIC). The fact that COMSEC is currently a government component and the NC is not accommodated within that legal framework creates various practical problems, especially in regard to reporting lines.
3. The current situation also has a very negative effect on the development of the Ministerial Payment Directive (MPD). In terms of the delegation of powers COMSEC and not the NC has to be dealt with as a component on the same level as the NIA and SASS.
4. It is foreseen that if this situation continues until the enactment of the National State Security Act, it can have a very detrimental effect on the administration of the SSA as well as the development of structures and a regulatory framework.

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Sifundo Sotshapha Kweziso • Sazimelikhuphepha • Ikhuphepha kakhuphepha • Zibandakha Vukhuphepha kakhuphepha
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5. I, therefore deem it necessary to advise the Honourable Minister, with respect, to amend the current legislative framework in the following manner:
- 5.1 To request the President to amend Part A of Schedule 3 to the Public Service Act, 1994 (PSA) by way of notice in the Gazette to the effect that National Communications is established as a government component in accordance with Section 7(5)(c) of the said PSA. Section 7(5)(c) of the Public Service Act, 1994 provides that any national government component can be established or abolished at the request of the relevant Minister and on the advice of the Minister for Public Service and Administration and the Minister of Finance.
 - 5.2 The Honourable Minister in terms of the above-mentioned Proclamation repeals the current Notice 515 dated 17 September 2009 and issues a new notice concerning National Communications. The functions of National Communications are then included in the Schedule to the new Notice.
 - 5.3 The Honourable Minister de-registers COMSEC in order to dissolve it as a government entity. It is foreseen that as long as COMSEC is going to remain a government entity, even as a shelved company, it will remain a liability for the SBA in terms of accountability processes. Furthermore, it is highly doubtful whether COMSEC can ever successfully be utilized for intelligence purposes due to the exposure it already has. In order to establish National Communications as a government component it is deemed a necessity to deregister COMSEC.
6. The following factors will have to be taken into account:
- 6.1 In terms of the PSA a Minister may only request the establishment of a government component if the prescribed feasibility study is conducted and its findings recommend the establishment of such component. It should therefore be established from DPSA whether the previous feasibility study will remain valid.
 - 6.2 The PSA also prescribes that for each government component the relevant Minister, shall list functions and duties by notice in the Gazette after consultation with the Ministers of the Public Service and Administration and Finance. Clarity on this matter should also be obtained from the DPSA.
7. It therefore, seems necessary, with respect, for the Ministry to urgently liaise with the DPSA on this issue, as the Proclamation has to be issued by the President and the notice by the Minister.

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8. In regard to the incorporation of the OIC into the NC the following aspects will have to be considered and be taken into account:

8.1 The OIC was established in terms of Chapter 6 of the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002 (RICA). It is necessary to note that the RICA resorts under the auspices of the Minister of Justice and Constitutional Development, except Chapter 6 that resorts under the Minister of State Security.

8.2 The OIC is also rendering a service to more than one department and therefore the amendment of its legal status can have certain implications.

8.3 It is therefore clear that any amendment to the legal status of the OIC will only be possible if the Minister of State Security can obtain the support of the following Ministers:

- > Justice and Constitutional Development;
- > Communications;
- > Police; and
- > Defence and Military Veterans.

8.4 In view of the fact that the OIC must be incorporated into the NC, the RICA will have to be amended to the effect that the OIC resorts under the DG of the SSA.

8.5 In regard to amendments to the RICA it will also have to be considered whether the amendments must be contained in a RICA Amendment Act or whether the amendments must be contained in the Schedule to the NSS Bill.

9. Attached hereto for your kind consideration is the following documentation:

- 9.1 A draft Proclamation to amend Part A of Schedule 3 to the Public Service Act, 1994;
- 9.2 A draft Notice to repeal Notice 915 of 17 September 2009 and establish National Communications as a government component;
- 9.3 A draft Schedule to the above-mentioned draft Notice; and

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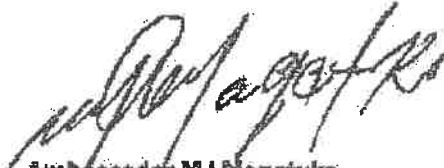
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8.4 A draft Regulation of Interception of Communications and Provision of Communication-Related Information Amendment Bill.

10. Thanking you for your attention and kind consideration.



Ambassador M.J. Maratuka
Director-General: SSA

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AFRICAN NATIONAL CONGRESS

SECRETARY GENERAL'S OFFICE



Chief Albert Luthuli House 54 Sauer Street Johannesburg 2001 PO Box 61884 Marshalltown 2107 RSA
Tel: 27.11.376.1000 Website: www.anc.org.za

Ms K.B. Shabalala
Acting Secretary
Judicial Commission of Inquiry into Allegations
of State Capture, Corruption and Fraud in the
Public Sector including Organs of State
2nd Floor, Hillside House, 17 Empire Road
Parktown

8 July 2020

By email: secretary@commissionsc.org.za

Madam

RULE 3.3 NOTICES SERVED ON FORMER DEPUTY PRESIDENT KGALEMA MOTLANTHE, MS JESSIE DUARTE, DR ZWELI MKHIZE JACKSON MTHEMBU AND BALEKA MBETE

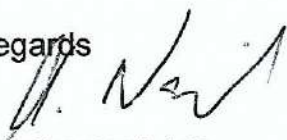
Enclosed please find affidavits of:-

1. Jessie Duarte
2. Baleka Mbete
3. Jackson Mthembu

The affidavit of Minister Mthembu will be recommissioned and sent to you later today.
The originals will be filed in due course.

The affidavits of former Deputy President Kgalema Motlanthe and Minister Mkhize
will be sent to you as soon as I receive them.

Regards



KRISH NAIDOO
ANC LEGAL ADVISER

AFFIDAVIT

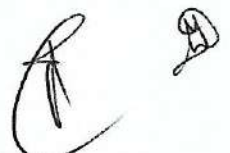
I, undersigned,

YASMIN DUARTE

do hereby make oath and say:-

1. I am an adult female of full legal capacity. The facts contained herein are within my personal knowledge and belief, both true and correct. I am also known as Jessie Duarte.
2. I am the Deputy Secretary General of the African National Congress (ANC), a voluntary political organisation, having been elected to that position for a period of 5 (five) years at the 54th National Conference of the ANC in December 2017.
3. In my capacity as Deputy Secretary General of the ANC, I am designated as one of the Officials in terms of the ANC Constitution.
4. Together with the President, Deputy President, National Chairperson, Secretary General and Treasurer General, we are collectively known as the National Officials and colloquially referred to as the "Top 6".
5. I received a Rule 3.3 Notice on 29 June 2020 informing me that the Commission's Legal Team intends to present the evidence of Mr Mzuvukile Maqetuka, known to me as comrade Jeff Maqetuka, and that such evidence implicates or may implicate me in, *inter alia*, participating in various acts of corruption, bribery, fraud, money laundering and//or tax evasion.

6. The ANC was instrumental in establishing the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State, having resolved to establish this institution at its National Conference in December 2017 as I have set out below.
7. The position of the ANC, which is also my personal position, is that the work of the Commission demands full support and co-operation of all South Africans to enable it to achieve its objectives.
8. In relation to the evidence of comrade Maqetuka, for which I have been called to account as an implicated person, my legal representative, Krish Naidoo, informed the Commission that I do not wish to give evidence myself, call any witness to give evidence on my behalf or cross-examine comrade Maqetuka.
9. I am indebted to the Commission for acceding to my request to present evidence on the memorandum addressed to the Top Six of the African National Congress and presented by comrade Maqetuka and others. In addition to submitting this affidavit, I am also willing to appear before the Commission at any stage, if so directed by the Chairperson, to give evidence on any matter related to comrade Jeff's testimony which is being investigated by the Commission if such evidence is deemed relevant to the work of the Commission.
10. On 31 March 2016, a meeting took place at Luthuli House between three of the Officials viz. Mr Gwede Mantashe, Dr Zweli Mkhize and I and a delegation of Senior Commanders and Commissars of the former Mkhonto we Sizwe, the military wing of the ANC, comprised of comrades

Handwritten signature and initials in the bottom right corner of the page.

Maqetuka, Mo Shaik, Sipiwe Nyanda and Jabu Moleketi. Comrade Jackson Mthembu, a member of the ANC's National Executive Committee (NEC), also attended the meeting.

11. Comrade Nyanda who led the delegation and spoke first and informed us that they were concerned about a number of issues including;-

11.1 The influence of the Gupta family in State affairs;

11.2 Degeneration of the cadreship of the ANC;

11.3 Weaknesses in the ANC which they attributed to the quality of cadre and leadership of the organisation; and

11.4 Generally, what was happening to the ANC.

12. Comrade Nyanda made reference to two comrades who were marginalised and removed from office because they wanted to investigate the influence of the Gupta family in State affairs. He did not name them.

13. Comrade Nyanda said that he was aware that the NEC had made a call on comrades who had evidence of the influence of the Gupta family to present such evidence to the ANC for investigation. He said he had also heard that some people were intending to present evidence about wrongdoing by comrades within the structures of the ANC and that they have information about wrongdoing within the State-Owned Enterprises. Again, he did not provide further details.

14. Comrade Nyanda went on to state that he had already cautioned the Secretary General, comrade Mantashe, about wrongdoing at Denel, a State-Owned company, and that in the past two weeks prior to the

meeting the Chief Executive Officer, Chief Financial Officer and the Company Secretary were got rid of, leaving only person untouched because he had an interest in a Gupta-linked company. Within a month a new board was appointed at Denel. As a consequence, ANC comrades were left out in the cold. He said one of the first decisions of the new Board was to form a subsidiary called Denel Asia.

15. Finally he said that after comrade Mcebisi Jonas was attacked publicly by comrade Kebby Maphatsoe, chairperson of the MK Military Veterans Association, for speaking out against the Gupta family's attempt to buy his favour, he took a conscious decision not to remain silent any longer.
16. At that stage 25 (twenty-five) comrades had signed the memorandum he was presenting to the ANC leadership.
17. Comrade Jabu Moleketi, who spoke next, said he had received a number of phone calls and SMS from MK comrades who expressed an intention to sign the memorandum.
18. Comrade Jabu said that many people held the view that ANC policies were being subordinated due to the influence of a few comrades and that many people working in State institutions were beholden to the Gupta family.
19. He said that many members of the NEC privately expressed the view that the environment was such that they were afraid to speak out about what was happening in the ANC. According to him, the NEC members to whom he had spoken expressed the view that they were losing the ANC (presumably to forces outside the ANC).



20. Comrade Jeff Maqetuka aligned himself with the issues raised by the previous two speakers. Regarding the Gupta family, he said he raised his concerns with Minister Cwele and President Zuma.
21. Comrade Jeff said that an intelligence report which was produced by the domestic intelligence service and which was released in 2011 led to him, Gibson Njenje and Mo Shaik leaving the State intelligence service.
22. He was concerned about the influence of the Gupta family in the affairs of State. He said he had some ideas but did not share them at the meeting.
23. He wanted the ANC to deal with comrade Kebby Maphatsoe, the Chairperson of the MK Military Veterans Association, because of his activities which smacked of regime change.
24. Comrade Mo complained about being told by Ajay Gupta that he and Sipiwe Nyanda would be removed from the positions they were occupying in government.
25. He said he had met Salim Essa, who he referred to as a Gupta family enforcer, and upon inquiring why Mohamed Bhabha was removed from the Alexcor Board, he was told that Mohamed belonged to a wrong faction in the ANC.
26. He also questioned the appointment of Mark Pamensky to the Eskom Board and was not satisfied with the explanation by President Zuma that he removed Nhlanhla Nene as Minister of Finance to take up a position in the New Development Bank.



27. At the end of the meeting, these comrades made two specific recommendations:-

27.1 that an independent commission of inquiry be established composed of eminent persons within the ANC and civil society to investigate all claims of undue influence, especially by the Gupta family on the ANC and on the State.

27.2 that the ANC urgently convene a Special National Conference to assess the challenges they had spoken about and chart a way forward to restore the prestige of our glorious movement and the State.

28. The memorandum was not circulated. During the discussion, the issue about the Gupta family was not raised as sharply as is set out in Annexure "MM3". As I have detailed above, the Gupta family was discussed at the meeting but so were a number of other issues.

29. In addition to the ANC establishing its own internal inquiry to receive information about the influence of the Gupta family in the ANC and the State, the Officials also met a number of key stakeholders during April and May 2016.

30. On 19 April 2016, the full-time Officials (comrades Gwede Mantashe, Dr Zweli Mkhize and I) met with the Board of Directors of Business Leadership South Africa and the delegation included Bobby Godsell, Maria Ramos, Mark Lamberti, Jaco Maree and Sim Tshabalala. They raised a number of challenges facing the economy including the Public Protector Report on Nkandla, the erosion of State institutions and the fact that shares in the Johannesburg Stock Exchange were substantially



under foreign control. They also complained about the attacks by politicians on the South African Reserve Bank. They said they were willing to play their part to strengthen the economy and impressed on the Officials the need to restore political stability and improve leadership in key State-Owned Enterprises such as Eskom.

31. On the issue of whether President Zuma should be forced to step down, the majority view among these business leaders was that South Africa was a constitutional democracy and that despite the depressing political environment, the rule of law should be upheld.
32. On the same day i.e. 19 April 2016, the full-time Officials met with ANC veterans Zola Skweyiya, Pallo Jordan, Cheryl Carolus, Gill Marcus, Murphy Morobe and Barbara Masekela. They raised the Public Protector's report on Nkandla and a number of organisational challenges in the ANC which was dividing the organisation. They strongly expressed the view that the Top 6 should call on President Zuma to step down.
33. The full-time Officials also met a delegation from the South African Council of Churches on 6 May 2016, led by Bishop Malusi Mpumlwana. They lamented the political divisions and lack of leadership in the ANC. They also expressed the view that a key solution to get the country out of the political morass was to impress upon President Zuma to resign from office.
34. On 26 May 2016, the full-time Officials met a group of senior comrades including Anwar Dramat, Yolisa Pigi, Robert McBride, Ivan Pillay and Adrian Lackey, all of whom held senior positions in government agencies such as the South African Revenue Service and the Independent Police



Investigation Directorate.

35. They provided details of efforts to isolate them and drive them out of their positions in the State by forces whom they believed were enforcing the will of the Gupta family. They were facing disciplinary action and sought financial support from the ANC. They complained that they were unable to find employment and were unable to fund their defence.
36. I raise these matters primarily to show that the ANC was reaching out to key stakeholders, mainly from outside the political realm, to assist it with finding an appropriate course of action apropos the political situation and the and that the challenge was not as clear cut and simple as is set out in Paragraph 78 of comrade Jeff Maqetuka's submission viz. that had the ANC Officials acted on their memorandum in March 2016, a commission of the nature now established to investigate State Capture could have been instituted as early as 2016 and the further collapse of State-Owned Enterprises could have been avoided.
37. As I have stated in paragraph 28 above, the memorandum was not circulated. I am seeing Annexure "MM3" for the first time.
38. The NEC at its meeting between 28 and 30 May 2016 dealt with the allegation that the Gupta family sought to influence decisions in the State and in the ANC.
37. At the meeting comrade Gwede Mantashe, the Secretary General reported at this meeting that 8 (eight) comrades responded to the public call by the organisation for any person with information



pertaining to such allegations. He said that there were two groups of three each and two individuals who came forward. Save for one comrade who submitted a written statement, the rest made oral submissions. Their preference was to make their submissions to an independent body for their own protection. According to comrade Mantashe's report, these comrades sincerely believed that making submissions to the ANC could have the effect of exposing them instead of helping the organisation to deal with the problem.

38. He said that among the issues raised by the eight were:-

38.1 The publicly-known allegations about members of the Gupta family summoning people to their private residence to offer them cabinet positions in return for working with them (the Guptas) to secure business opportunities;

38.2 Three former Directors General spoke to the ANC about the authority the family had over Directors General in government when they issued directly to these individuals;

38.3 The other area of concern was the that the playing field was not even when competing for business opportunities. As a consequence, the Black Economic Empowerment Programme was being undermined; and

38.4 The State-Owned Entities were also being corroded systematically. They cited Transnet, Eskom, Safcol, SAA and Alexcor.

39. The NEC noted the preference of the eight comrades viz. that



submissions should be made to an independent body.

40. At its 54th National Conference held in December 2017, the ANC

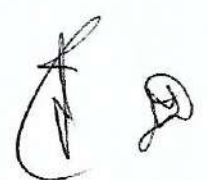
resolved on fighting corruption in the following terms:-

Believing that:

- i) Corruption is a social ill that cuts across all sectors of society;
- ii) There is a societal outcry regarding the problem of corruption in the organs of the state and in society more broadly;
- iii) The ANC government must rigorously root out all forms of corruption including tender rigging fraud, bribery and nepotism in all state institutions.

Resolves that:-

- iv) The ANC needs to lead the moral regeneration of society, and the programme must be adequately funded and accounted for. The religious community and traditional leaders should be mobilised into a 'whole of society' approach;
- v) The ANC must mobilise communities and society around issues of corruption, and position itself in a leadership role with respect to a culture of exposing corruption and rewarding whistleblowers within the organisation;
- vi) The ANC government and leadership must implement a programme to prevent irregular or fraudulent practices within the ANC and in government including ethics; monitoring; transparency in procurement decisions; checks and balances and oversight mechanisms; the disbarring of both public servants and public representatives at all levels from doing business with the state; and the introduction of probity and lifestyle audits.
- vii) The public service and administration portfolio should fast track the establish of an Integrity and Ethics Management Office and build



requisite capacity at all levels of government. The scope must extend to the SOEs.

- viii) Reporting corruption to law enforcement agencies must be compulsory in the public sector. The capacity of prosecutorial divisions must be boosted.
- ix) Government must introduce new regulations to implement the above provisions for dealing with corruption in the public sector; and
- x) Parliamentary oversight mechanisms must pay special attention to corruption.

41. The resolution was adopted unanimously by the National Conference and a month later on 23 January 2018, President Jacob Zuma, appointed a Commission of Inquiry to investigate allegations of state capture, corruption and fraud in the Public Sector including organs of state and appointed Honourable Mr Justice Raymond Mnyamezeli Mlungisi Zondo, Deputy Chief Justice of the Republic of South Africa, as its Chairperson.

Duarte

DEPONENT

THUS DONE AND SWORN TO before me at Idol Avenue SBURGS on this 7th day of July 2020, the Deponent having acknowledged that she knows and understands the contents of this affidavit; has no objection to taking the prescribed oath and considers the said oath to be binding on her conscience, the regulations contained in Government Notice No. 1648 dated 19 August 1977 (as amended) having been complied with.

[Signature]

COMMISSIONER OF OATHS



AFFIDAVIT

I, the undersigned,

BALEKA MMAKOTA MBETE

do hereby make oath and say that:-

1. I am an adult female and the facts contained herein are within my personal knowledge and belief, both true and correct.
2. I am in retirement.
3. In the African National Congress (ANC) I am a member of the National Executive Committee (NEC) and I chair the NEC Archives sub-committee.
4. At the 53rd National Conference of the ANC in December 2014 I was elected as the National Chairperson of the organisation and designated as one of the Officials in terms of the ANC Constitution.
5. Together with the President, Deputy President, Secretary General, Deputy Secretary General and Treasurer General, we were collectively known as the National Officials and colloquially referred to as the "Top 6".
6. I received a Rule 3.3 Notice on 6 July 2020 informing me that the Commission's Legal Team intends to present the evidence of Mr Mzuvukile Maqetuka, known to me as comrade Jeff Maqetuka, which implicates or may implicate me in, *inter alia*, participating in various acts

of corruption, bribery, fraud, money laundering and/or tax evasion.

- 7. In relation to the evidence of comrade Maqetuka, for which I have been called to account as an implicated person, my legal representative, Krish Naidoo, informed the Commission that I do not wish to give evidence myself, call any witness to give evidence on my behalf or cross-examine comrade Maqetuka.
- 8. I am indebted to the Commission for acceding to my request to file an affidavit in response to the Rule 3.3 Notice.
- 9. The annexure to the Notice makes reference to a meeting which was held on 31 March 2016 at the ANC Headquarters, Luthuli House, Johannesburg between the Officials and former commanders and commissars of the ANC's military wing, Mkhonto we Sizwe.
- 10. I was not present at the said meeting and have no knowledge of what was discussed.

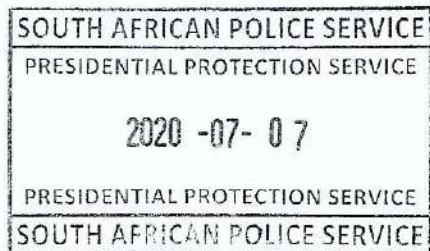
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DEPONENT

THUS DONE AND SWORN TO before me at Johannesburg on this 07 day of July 2020, the Deponent having acknowledged that she knows and understands the contents of this affidavit; has no objection to taking the prescribed oath and considers the said oath to be binding on her conscience, the regulations contained in Government Notice No. 1648 dated 19 August 1977 (as amended) having been complied with.

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(S J Thutlwaga)

COMMISSIONER OF OATHS



AFFIDAVIT


I, the undersigned,

JACKSON MPHIKWA MTHEMBU

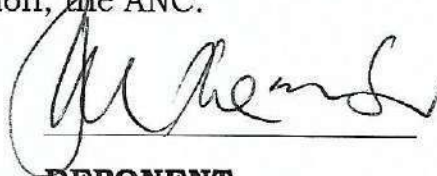
do hereby make oath and say that:-

1. I am an adult male and the facts contained herein are within my personal knowledge and belief, both true and correct.
2. I am currently the Minister in the Presidency responsible for monitoring and evaluation.
3. In the African National Congress (ANC) I am a member of the National Executive Committee (NEC) and a member of the NEC sub-committee on Communications which I previously chaired.
4. I received a Rule 3.3 Notice on 29 June 2020 informing me that the Commission's Legal Team intends to present the evidence of Mr Mzuvukile Maqetuka, known to me as comrade Jeff Maqetuka, which implicates or may implicate me in, *inter alia*, participating in various acts of corruption, bribery, fraud, money laundering and/or tax evasion.
5. In relation to the evidence of comrade Maqetuka, for which I have been called to account as an implicated person, my legal representative, Krish Naidoo, informed the Commission that I do not wish to give evidence myself, call any witness to give evidence on my behalf or cross-examine comrade Maqetuka.
6. I am indebted to the Commission for acceding to my request to present evidence on the memorandum addressed to the Top Six of the African National Congress and presented by comrade Maqetuka and others.

7. In addition to submitting this affidavit, I am also willing to appear before the Commission at any stage, if so directed by the Chairperson, to give evidence on any matter related to comrade Maqetuka's testimony which is being investigated by the Commission, if such evidence is deemed relevant to the work of the Commission.
8. At the invitation of the then Secretary General comrade Gwede Mantashe, I attended a meeting at Luthuli House, the ANC Headquarters, in Johannesburg on 31 March 2016 between some of the Officials of the ANC and senior commanders and commissars of the ANC's military wing, Mkhonto we Sizwe.
9. I have known the MK commanders and commissars in the meeting – comrades Sipiwe Nyanda, Mo Shaik, Jabu Moleketi and Jeff Maqetuka – for a long time and hold them in high esteem.
10. I have read the affidavit of comrade Jessie Duarte, the Deputy Secretary General of the ANC, and confirm that her account of the meeting is an accurate recordal of what transpired.
11. To the best of my knowledge the meeting lasted for about 90 minutes.
12. The perception that the Gupta family was exercising undue influence in the functioning of government was a matter of concern for many comrades in the ANC, including myself.
13. On a number of occasions I and other members raised our concern in the NEC about the undue influence of the Guptas family and the fact that some in the ANC and in government were aiding and abetting the Guptas.

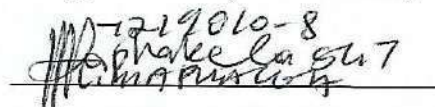


14. I recall that the NEC decision in the first quarter of 2016 to establish an internal inquiry and to call on comrades to relate their experiences of undue influence by the Gupta family was approved unanimously.
15. I was present at the NEC meeting held between 28 and 30 May 2016 which dealt with the allegation that the Gupta family influenced decisions in the State and in the ANC. For me, it was a step in the right direction to deal with this pervasive view that the ANC was pandering to the whims and wishes of a single family whose only objective, in my view, was to seek unfair economic advantage to enrich themselves.
16. At the 54th National Conference held in December 2017, I participated in the debate in the Plenary which dealt with the scourge of corruption and the moral regeneration of our society.
17. The establishment of the Judicial Commission of Inquiry in January 2018 to investigate allegations of state capture, corruption and fraud in the public sector was, for me, a crowning moment which put our country firmly on the road to root out corruption and was a culmination of the effort and courage of my organisation, the ANC.



DEPONENT

THUS DONE AND SWORN TO before me at PRETORIA on this 08 day of July 2020, the Deponent having acknowledged that he knows and understands the contents of this affidavit; has no objection to taking the prescribed oath and considers the said oath to be binding on his conscience, the regulations contained in Government Notice No. 1648 dated 19 August 1977 (as amended) having been complied with.

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COMMISSIONER OF OATHS



AFFIDAVIT

I, the undersigned,

KGALEMA PETRUS MOTLANTHE

do hereby make oath and say that:-

1. The facts contained in this Affidavit herein are within my personal knowledge and belief and are both true and correct.
2. I served as President of the Republic of South Africa between 25 September 2008 and 9 May 2009.
3. In 2009 I was appointed as the Deputy President of the Republic and served in that capacity for 5 (five) years until 2014.
4. My legal representative, Mr Krish Naidoo received a Notice in terms of Rule 3.3 dated 29 June 2020 informing me that the Commission's Legal Team intends to present the evidence of Mr Mzuvukile Maqetuka, which implicates or may implicate me in relation to my duties as the former Deputy President.
5. I am willing to appear before the Commission, if so directed by the Chairperson, to testify on any matter related to the evidence of Mr Maqetuka which is being investigated by the Commission if such evidence is deemed relevant to the work of the Commission and is within my personal knowledge.
6. With specific reference to paragraph 2.1 of the Notice in terms of Rule 3.3:-
 - 6.1. To the best of my recollection Mr Maqetuka did not bring any matters effecting the operations of the State Security Agency ("SSA") to my attention;
 - 6.2. I confirm that I was appointed Leader of Government Business in the National Assembly. However, the State Security Agency did not

K.P.M.

fall under my responsibility, and I am consequently unable to "shed light" as suggested by Mr Maqetuka in paragraph 17.4 of his statement to the Commission, dated 13 December 2018.

7. The contents of the said paragraph 17.4 above are incorrect insofar as they suggest that the SSA was one of the government departments for which I was responsible.
8. The Leader of Government Business in the National Assembly is appointed by the President in terms of Section 91 (4) of the Constitution of the Republic of South Africa, 1996.
9. In general terms, the Leader of Government Business takes care of the affairs of the executive in Parliament. In simple terms, the Leader of Government Business is the link between the executive and the legislature. At no stage was I given any responsibility for the SSA:
10. With specific reference to paragraph 10 of Annexure "C", I do not recall if I was copied with the document referred to. I certainly have no recollection of having received it. But in any event, the SSA was not my responsibility.
11. It is clear from the above, that in my capacity as Leader of Government Business I had no connection whatsoever to the SSA.


DEPONENT

THUS DONE AND SWORN TO before me at Houghton Estate on this 6th day of **July 2020**, the Deponent having acknowledged that he knows and understands the contents of this affidavit; has no objection to taking the prescribed oath and considers the said oath to be binding on his conscience, the regulations contained in Government Notice No.1648 dated 19 August 1977 (as amended) having been complied with.


COMMISSIONER OF OATHS

MAURIZIO GIUSEPPE MARIANO
 Commissioner of Oaths
 Ex Officio
 Practising Attorney R.S.A.
 112 Oxford Road, Houghton Estate
 Johannesburg

AFFIDAVIT

I, the undersigned,

LAWRENCE ZWELINI MKHIZE

do hereby make oath and say that:-

1. I am an adult male and the facts contained herein are within my personal knowledge and belief, both true and correct.
2. I am currently the Minister of Health of the Republic of South Africa.
3. In the African National Congress (ANC) I am a member of the National Executive Committee (NEC) and I chair the NEC sub-committee on constitutional and legal affairs.
4. At the 53rd National Conference of the ANC in December 2014 I was elected as the Treasurer General of the organisation and designated as one of the Officials in terms of the ANC Constitution.
5. Together with the President, Deputy President, National Chairperson, Secretary General and Deputy Secretary General, we were collectively known as the National Officials and colloquially referred to as the "Top 6".



6. I received a Rule 3.3 Notice on 29 June 2020 informing me that the Commission's Legal Team intends to present the evidence of Mr Mzuvukile Maqetuka, known to me as comrade Jeff Maqetuka, which implicates or may implicate me in, *inter alia*, participating in various acts of corruption, bribery, fraud, money laundering and/or tax evasion.

7. In relation to the evidence of comrade Maqetuka, for which I have been called to account as an implicated person, my legal representative, Krish Naidoo, informed the Commission that I do not wish to give evidence myself, call any witness to give evidence on my behalf or cross-examine comrade Maqetuka.

8. I am indebted to the Commission for acceding to my request to present evidence on the memorandum addressed to the Top Six of the African National Congress and presented by comrade Maqetuka and others.

9. In addition to submitting this affidavit, I am also willing to appear before the Commission at any stage, if so directed by the Chairperson, to give evidence on any matter related to comrade Maqetuka's testimony and which is being investigated by the Commission if my further evidence is deemed relevant to the work of the Commission.

10. On 31 March 2016 I attended a meeting at Luthuli House, the ANC



Headquarters, in Johannesburg between some of the Officials of the ANC and senior commanders and commissars of the ANC's military wing, Mkhonto we Sizwe. I was a member of the Top 6 at the time.

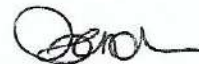
11. I have read the affidavit of comrade Jessie Duarte, the Deputy Secretary General of the ANC, and confirm that her account of the meeting is an accurate recordal of what transpired.

12. I further confirm that I was present at the NEC meeting held between 28 and 30 May 2016 when the then Secretary General, comrade Gwede Mantashe gave a report regarding the ANC's public call for any person with information pertaining to the allegation that the Gupta family influenced decisions in the State and in the ANC to come forward. This was then followed by a resolution at the 54th National Conference held in December 2017, for the establishment of an independent body to investigate corruption.

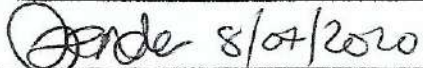


DEPONENT

THUS DONE AND SWORN TO before me at BRYANSTON on this 8th day of July 2020, the Deponent having acknowledged that he knows and understands the contents of this affidavit; has no objection to taking the prescribed oath and considers the said oath to be binding on his conscience, the regulations contained in Government Notice No. 1648 dated 19 August 1977 (as amended) having been complied with.



COMMISSIONER OF OATHS

 THIROSHA GOVENDER COMMISSIONER OF OATHS EX-OFFICIO NON-PRACTISING ATTORNEY 2526 MOTLATSE DRIVE, WATERFALL ESTATE, MIDRAND
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Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 531

Pretoria, 11 September 2009

No. 32566

PP3-MM-155

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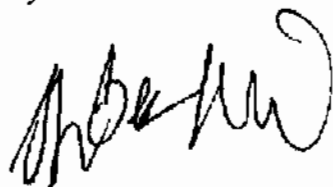
PROCLAMATION*by the**President of the Republic of South Africa***No. 58, 2009****AMENDMENT OF PART A OF SCHEDULE 3 TO THE PUBLIC SERVICE ACT, 1994**

In terms of section 7(5)(c) of the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), I hereby amend, at the request of the Minister of Home Affairs and on the advice of the Minister for the Public Service and Administration and the Minister of Finance, Part A of Schedule 3 to the said Act by insertion in columns 1, 2 and 3 of Part A of Schedule 3, after the words "Centre of Public Service Innovation", "Executive Director" and "Department of Public Service and Administration", of the words "Government Printing Works", "Chief Executive Officer" and "Department of Home Affairs", respectively.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria, this 12th day of August, Two Thousand and Nine.

**President**

By Order of the President-in-Cabinet:

**Minister of the Cabinet**

PROKLAMASIE
van die
President van die Republiek van Suid-Afrika

No. 58, 2009

WYSIGING VAN DEEL A VAN BYLAE 3 BY DIE STAATSDIENSWET, 1994

Ingevolge artikel 7(5)(c) van die Staatsdienswet, 1994 (gepromulgeer deur Proklamasie No. 103 van 1994), wysig ek hierby, op versoek van die Minister van Binnelandse Sake en op advies van die Minister vir die Staatsdiens en Administrasie en die Minister van Finansies, Deel A van Bylae 3 by vermelde Wet deur in kolomme 1, 2 en 3, van Deel A van Bylae 3 na die woorde “Sentrum van Staatsdiensinnovering”, “Uitvoerende Direkteur” en “Departement van Staatsdiens en Administrasie” onderskeidelik die woorde “Staatsdrukkery”, “Hoof Uitvoerende Beampte” en “Departement van Binnelandse Sake” in te voeg.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die 12de dag van Augustus, Tweeduisend en Nege.



President

Op las van die President-in-Kabinet:



Minster van die Kabinet

PROCLAMATION*by the**President of the Republic of South Africa***No. 59, 2009****AMENDMENT OF SCHEDULES 1 AND 3 TO THE PUBLIC SERVICE ACT, 1994**

In terms of-

- (a) section 7(5)(a) of the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), I hereby, on the advice of the Minister for Public Service and Administration, amend Schedule 1 to the said Act, by-
- (i) the deletion in Columns 1 and 2, of the words “National Intelligence Agency” and “Director-General: National Intelligence Agency” and “South African Secret Service” and “Director-General: South African Secret Service”, respectively; and
 - (ii) the insertion in Columns 1 and 2 after the words “Sport and Recreation South Africa” and “Director-General: Sport and Recreation South Africa” of the words “State Security Agency” and “Director-General: State Security Agency”, respectively; and
- (b) section 7(5)(c) of the Public Service Act, 1994, I hereby, at the request of the Minister of State Security and on the advice of the Minister for Public Service and Administration and the Minister of Finance, substitute Part A of Schedule 3 for the following:

Column 1 Name of national government component	Column 2 Designation of head of national government component	Column 3 Principal national department
Centre of Public Service Innovation	Executive Director: Centre of Public Service Innovation	Department of Public Service and Administration
COMSEC	Head: COMSEC	State Security Agency
Government Printing Works	Chief Executive Officer: Government Printing Works	Department of Home Affairs
Intelligence Academy	Head: Intelligence Academy	State Security Agency
National Intelligence Agency	Head: National Intelligence Agency	State Security Agency
South African Secret Service	Head: South African Secret Service	State Security Agency

Given under my Hand and the Seal of the Republic of South Africa at Pretoria, this 4th day of September, Two Thousand and Nine.



President

By Order of the President-in-Cabinet:



Minister of the Cabinet²

² To be countersigned by the Minister for the Public Service and Administration as the Minister responsible for administering the Public Service Act.

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika***No. 59, 2009****WYSIGING VAN BYLAES 1 EN 3 BY DIE STAATSDIENSWET, 1994**

Ingevolge-

- (a) artikel 7(5)(a) van die Staatsdienswet, 1994 (gepromulgeer deur Proklamasie No. 103 van 1994), wysig ek hierby, op advies van die Minister vir die Staatsdiens en Administrasie, Bylae 1 by vermelde Wet deur in Kolomme 1 en 2-
- (i) die woorde “Nasionale Intelligensie-agentskap” en “Direkteur-generaal: Nasionale Intelligensie-agentskap” en “Suid-Afrikaanse Geheimediens” en “Direkteur-generaal: Suid-Afrikaanse Geheimediens” te skrap; en
- (ii) die woorde “Staatsveiligheidsagentskap” en “Direkteur-generaal: Staatsveiligheidsagentskap” na die woorde “Statistieke Suid-Afrika” en “Statistikus-generaal: Statistieke Suid-Afrika”, in te voeg; en
- (b) artikel 7(5)(c) van die Staatsdienswet, 1994, vervang ek hierby, op versoek van die Minister van Staatsveiligheid en op advies van die Minister vir die Staatsdiens en Administrasie en die Minister van Finansies, Deel A van Bylae 3 met die volgende:

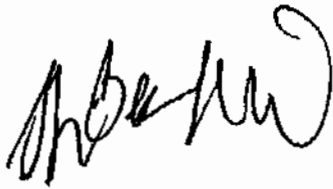
Kolom 1 Naam van nasionale regeringskomponent	Kolom 2 Benaming van hoof van nasionale regeringskomponent	Kolom 3 Hoof- nasionale departement
Comsec	Hoof: Comsec	Staatsveiligheidsagentskap
Intelligensie-akademie	Hoof: Intelligensie-akademie	Staatsveiligheidsagentskap
Nasionale Intelligensie-agentskap	Hoof: Nasionale Intelligensie-agentskap	Staatsveiligheidsagentskap
Sentrum van Staatsdiensinnovering	Uitvoerende Direkteur: Sentrum van Staatsdiensinnovering	Departement van Staatsdiens en Administrasie
Staatsdrukkery	Hoof Uitvoerende Beampte: Staatsdrukkery	Departement van Binnelandse Sake
Suid-Afrikaanse Geheimediens	Hoof: Suid-Afrikaanse Geheimediens	Staatsveiligheidsagentskap

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die 4de dag van September, Tweeduisend en Nege.



President

Op las van die President-in-Kabinet:



Minster van die Kabinet³

³ To be countersigned by the Minister for the Public Service and Administration as the Minister responsible for administering the Public Service Act.