



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

2<sup>nd</sup> floor, Hillside House  
17 Empire Road,  
Parktown  
Johannesburg  
2193  
Tel: (010) 214-0651  
Email: [inquiries@sastatecapture.org.za](mailto:inquiries@sastatecapture.org.za)  
Website: [www.sastatecapture.org.za](http://www.sastatecapture.org.za)

---

**INDEX: SEQ 08/2018**

---

<b>Description</b>
APPLICATION IN TERMS OF RULE 3.4 BY <b>LYNNE BROWN</b> IN RELATION TO <b>JONAS</b>

IN RE: STATE OF CAPTURE COMMISSION

182

Ex parte Lynn Brown

APPLICANT

---

NOTICE OF MOTION  
APPLICATION TO CROSS EXAMINE A  
WITNESS (MCEBISI JONAS)

---

PLEASE TAKE NOTE that, on a date and time to be allocated by the Chairperson of the abovementioned Commission, the Applicant, Lynn Brown will, apply for leave to cross examine the witness Mcebisi Jonas who delivered his testimony on the 24<sup>th</sup> of August 2018.

PLEASE TAKE NOTE that the accompanying affidavit or statement of Lynne Brown will be used in support of this application.

Date at \_\_\_\_\_ on this the \_\_\_ day of September 2018.

1845

183

Ms. LYNETTE BROWN

TO : THE STATE ATTORNEY  
STATE ATTORNEY  
SALU BUILDING  
316 THABO SEHUME STREET  
PRIVATE BAG X 91  
PRETORIA

REF : MR K I CHOWE  
TEL : 012 - 309 1562

FAX : 086 507 2194  
CELL : 083 527 8921

AND TO : THE CHAIRPERSON OF THE  
THE STATE OF CAPTURE COMMISSION

1846

184

IN THE STATE OF CAPTURE COMMISSION

Ex parte Lynette Brown

APPLICANT

---

AFFIDAVIT IN SUPPORT OF APPLICATION  
TO CROSS EXAMINE WITNESSES GIVING TESTIMONY AT THE  
STATE OF CAPTURE COMMISSION

---

I, the undersigned,

LYNETTE BROWN

declare under oath as follows:

1. I am an adult person, having served as an MPL, MP and various public office bearer positions in various contexts for the last 24 years, on behalf of the African National Congress. I retired on 27 February 2018, and I am now retired.

1847

185

2. The facts contained herein fall within my personal knowledge, unless the context indicates otherwise, and are both true and correct.
  
3. I have listened to the evidence adduced by Mr. Mcebisi Jonas "Mr. Jonas" on the 24<sup>th</sup> of August 2018. For reasons that I outline below, I depose to this affidavit in application for leave to cross examine the witness Mr. Jonas.

Introduction

4. I have had the privilege of serving as the Minister of Public Enterprises at the behest of the former President, Jacob Gedleyihlekisa Zuma from May 2014 to February 2018
  
5. In that capacity I as the Executive Authority, had oversight over 6 state owned entities, namely; Eskom, Transnet, Denel, Alexkor, Safcol and S.A. Express. Initially, I also had SAA but the President moved it to National Treasury in December 2015.
  
6. For reasons outlined by my legal representative on Monday 20 August to the Chairperson, I have a direct and substantial

1848

186

interest in this matter. For current purposes, I need not repeat them here.

7. I must point that for this session, I have not been served with a Rule 3 Notice. I have also not received, even to date, any statement by any witness. This has hampered my preparation and forced me and my legal representatives to fly in the dark, as it were, without radar regarding which witnesses were going to implicate me.

8. As at the hearing of the evidence of Mr. Jonas' testimony, my legal team and I had not received the statement of Mr. Jonas nor the statements of other witnesses irrespective of my having notified the Commission of my interest and role before it as far back as 4<sup>th</sup> June 2018 through a letter attached hereto marked "A". I haven't even received any notification advising me that I was going to be implicated by Mr. Jonas or any other witness' testimony.

#### Motivation

9. As it turned out, the evidence of Mr Jonas on the 24<sup>th</sup> of August 2018 mentioned my name.

10. He testified that during the alleged meeting of 23<sup>rd</sup> of March 2015, at Saxonworld, in the presence of Duduzane Zuma and

1849

187

Fana Hlongwane, Mr Gupta exhorted to him that they (presumably the Guptas and cohorts) have "people [they] work with", they "work with Lynne Brown".

11. These utterances implicate me. At face value they come across as an innocuous, hearsay utterance by a third party.
12. I, however, opine differently. This, for me may be seminal seed upon which further insinuations and allegations against me may be built. This anxiety is amplified by the fact that Mr. Jonas has further testified that cabinet was hostile to Treasury. Consequent upon that, the Chairperson has asked him to reflect on this and return with fuller details, which, I presume will include individuals' names possibly including my name as well.
13. I do not know whether my name will emerge there from, nor do I wish to speculate. I do however wish to be in a position to cross-examine him and any other witness should my name somehow emerge.
14. In a word: his testimony so far, may appear innocuous now, as I have already alluded, but may later as the further evidence unfolds before the commission prove to be insidious. His anticipated outstanding testimony magnifies this.

1850

188

15. If I am not allowed the opportunity to cross-examine now, I will be gravely prejudiced later when Mr. Jonas and any other further witness is no longer available.

16. In the premises, I humbly request that I be granted leave to cross-examine Mr. Mcebisi Jonas and any other witness that may possibly implicate me in wrongdoing of any kind.

DEPONENT

I certify that the deponent acknowledged that she knew and understood the contents of the above declaration that I duly administered the oath as prescribed by Regulation No. R 1258 of the 21st July 1972, and that thereafter the deponent in my presence signed the declaration at \_\_\_\_\_ on this the \_\_\_\_\_.

COMMISSIONER OF OATHS

Full Names:

Designation:

Business address:

1851

Adv. S. M. Lebala SC  
Suites 2-3 & 2-T6, 2<sup>nd</sup> Floor  
The Club Advocates Chambers  
30 Pinaster Avenue  
Hazelwood  
Pretoria, 0081  
Tel: 012- 947 9231 / 9203  
Cell: 082 557 2710  
P/A Cell: 0730861900  
Email: [simmyleb@law.co.za](mailto:simmyleb@law.co.za)  
P/A: [lebalasec@law.co.za](mailto:lebalasec@law.co.za)

189  
"A"

04<sup>th</sup> June 2018

TO : THE JUDICIAL COMMISSION OF INQUIRY INTO  
ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND  
FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF  
STATE "THE COMMISSION"  
C/O : THE CHAIRPERSON  
HONOURABLE MR. JUSTICE R ZONDO  
CC : EVIDENCE LEADERS  
ADVOCATE PAUL PRETORIUS SC  
EMAIL: [ppretorius@counsel.co.za](mailto:ppretorius@counsel.co.za)

Dear Honourable Justice Zondo *et al*

RE : INTRODUCTION OF THE LEGAL TEAM REPRESENTING  
THE FORMER EXECUTIVE AND POLITICAL HEAD OF THE  
DEPARTMENT OF PUBLIC ENTERPRISES, IE, MS. LYNNE  
BROWN / ADV. S. M. LEBALA SC

- 1.1 The above subject refers.
- 1.2 Kindly be advised that I will be representing former Minister Brown before your august Commission.
- 1.3 Currently, I am finalising the composition of Minister Brown's legal team and hope to team up with the Commission's evidence leaders and investigators in thudding ahead with the Commission's seminal prodigious assignment
- 1.4 Our team will be reaching out to you in the coming weeks to establish a working relationship inasfar as exchange of documentation, detail, information, witnesses including but not limited to collection of evidence is concerned. The importance of witnesses the Commission will be consulting with including documentation, detail and information in possession of such witnesses would greatly assist to facilitate

1 Accredited Mediator and Arbitrator, Corporate work, Constitutional Litigation and Administrative Law, Alternative Dispute Resolution Practitioner and General Litigation and areas of Company Law

1852

a common synergy that has to be created with Ms. Brown's legal team. On behalf of Ms. Brown's legal team, I undertake to do the same with the witnesses we will be consulting with and the documentation we will be coming into possession of. I am confident that if we share the same approach of establishing veritable facts and evidence before the Commission such an approach would assist the Commission to effortlessly discharge its important constitutional mandate.

- 1.5 Our team undertakes to prepare the witness statement of Ms. Brown that will be provided to the evidence leaders as soon as it's ready. Equally important, our team also undertakes to prepare statements of other witnesses we will be consulting with inasfar as Ms. Brown's role before the Commission is concerned. We also offer Ms. Brown to consult with your evidence leaders if practical, convenient and necessary. You will agree with me that our team has to be present during such a consultation. Needless to rehash the fact that Ms. Brown will definitely have to consult with the evidence leaders and investigators if need be, we undertake not to interfere with this function.
- 1.6 Our team further requests timeous notification of the evidence leaders' consultations with various witnesses if practical, convenient and favourable. In my considered view, such an approach would certainly simplify preparations, in particular analysis of documentation and evidence leading to testifying by such witnesses. Please do not view this request and such an approach as interfering with the evidence leaders' and investigators' critical roles.
- 1.7 Our team does not intend elevating the role played by Ms. Brown as the former executive and political head of the Department of Public Enterprises to be more important than that of other important witnesses who will be appearing before the Commission. This is so as we consider the role played by other former executive and political heads prior to Ms. Brown together with their accounting officers and officials as equally significant if not more important.
- 1.8 We would also appreciate an updated timetable as to when you will be consulting with witnesses from state owned companies of the Department of Public Enterprises. You will agree with me that permitting Ms. Brown's team to consult with such witnesses would make the task of leading such witnesses' evidence before the Commission practical, efficient, effective and resourceful. I add in parenthesis that such consultations need not be held in the presence of Ms. Brown's legal team if this would occasion delays and/or amount to interference in preparing such witnesses. Honestly speaking, I do not see how this would amount to interference including occasioning delays. We would appreciate if such witnesses are also offered to us for purposes of consulting with them to enable our team to be fully prepared. We would also

191

appreciate the timeous exchange of documentation, detail and information to enable us to be fully prepared.

1.9 Finally, I humbly exhort that the requests made in this regard should not be viewed as interfering and/or dictating and/or undermining the evidence leaders' competencies and capabilities. May the record reflect that, I believe and have confidence in the competency and the capability of the evidence leaders. All that I am requesting is to assist Ms. Brown's legal team to make proper and full preparations including a full exchange of documents, statements, detail and information easier for the august evidence leaders and our team to discharge each others' functions smoothly to the Commission.

1.10 I await your speediest positive response.

Sincerely

Adv. S. M. Lebala SC

1854