



STATE SECURITY AGENCY

EXHIBIT YY 18

SUMMONSES AND INSTRUCTIONS



**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
Johannesburg
2193
Tel: (010) 214 to 0651
Email: inquiries@sastatecapture.org.za
Website: www.sastatecapture.org.za

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INDEX: SEQ 27/2021

No.	Description	Pages
	<p>NOTICE OF APPLICATION IN TERMS OF RULE 4.2 AND 4.3 (READ WITH RULE 9.2ALTERNATIVELY RULE 11.1) OF THE RULES OF THE COMMISSION by “DOROTHY” for his/her evidence to be heard <i>in-camera</i> and for segments of his/her affidavit to be redacted.</p>	
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SEQ 27/2021-01

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

In the *Ex Parte* application of:

SECRETARY OF THE COMMISSION

Applicant

NOTICE OF APPLICATION IN TERMS OF RULES 4.2 AND 4.3 (READ WITH RULE 9.2 ALTERNATIVELY RULE 11.1) OF THE RULES OF THE COMMISSION

TAKE NOTICE THAT on a date to be determined by the Chairperson at **10h00** or so soon thereafter as this matter may be heard, the applicant will apply for an order in the following terms:

1. This application may be heard *in camera* and without notice to affected parties.
2. The witness is to be referred to as '**Dorothy**' in her written evidence to be presented before the Commission and during any oral evidence that she may present before the Commission and thereafter, insofar as the Commission is concerned.
3. The witness' identity shall not be disclosed or published in any manner.
4. The names and initials of the witness shall be redacted from all affidavits and documentation presented in evidence.
5. When the witness testifies before the Commission:
 - 5.1. No photograph or video or other image of the witness may be taken, published or broadcast.

SEQ 27/2021-02

- 5.2. No person may photograph or publish any photograph or other image of any person engaged in and/or responsible for the protection of the witness when she gives evidence.
- 5.3. The witness need not be present at the Commission's hearing venue (*"the hearing venue"*) when giving evidence but she may instead give her evidence from a separate and undisclosed location (*"the protected witness location"*).
- 5.4. No camera will be permitted in the protected witness location.
- 5.5. No person other than the Chairperson, members of the Commission's legal team, the Commission's safety and security advisor, those necessary to assist or protect the witness when she gives evidence or another person specifically designated by the Chairperson will be permitted to enter the protected witness location without the prior written permission of the Chairperson.
- 5.6. The oath or affirmation will be administered to the witness in the presence of the Chairperson prior to the witness testifying before the Commission.
- 5.7. An audio link from the protected witness location will be provided so that the witness' evidence can be heard in the Commission's hearing venue when such evidence is given.
- 5.8. Subject to the usual rules applicable to the conduct of the Commission's proceedings:
 - 5.8.1. members of the public, including the media, may be present in the hearing venue in such numbers as may be directed by the Chairperson;
 - 5.8.2. sound reaching the hearing venue via the audio link from the protected witness location may be broadcast, and the proceedings in the hearing venue may be filmed and broadcast.
6. This order may be amended or supplemented by the Chairperson at any time if, in his opinion, that is necessary to protect the applicant or any person in

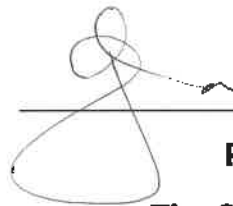
SEQ 27/2021-03

connection with the applicant's evidence or to ensure fairness to any implicated person.

7. That, in order to protect the identity of the witness, the Secretary of the Commission is authorised to sign this Notice of Application on her behalf.
8. Further, other or alternative relief.

KINDLY TAKE NOTICE FURTHER THAT the accompanying affidavit of the witness **DOROTHY** will be used in support of this application.

DATED AT JOHANNESBURG ON THIS 12 DAY OF MAY 2021.



PROF ITUMELENG MOSALA
The Secretary of the Commission

2nd Floor, Hillside House

17 Empire Road

Parktown

JOHANNESBURG 2017

Email: ItumelengM@commissionsc.org.za

SEQ 27/2021-04

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

In the *Ex Parte* application of:

DOROTHY

Applicant

AFFIDAVIT IN SUPPORT OF THE APPLICATION IN TERMS OF RULES 4.2 AND
4.3 (READ WITH RULE 9.2 ALTERNATIVELY RULE 11.1) OF THE RULES OF
THE COMMISSION

I, the undersigned,

DOROTHY

do hereby state under oath that:

1. I am an adult female and employed by the South African State Security Agency ("SSA" or "*the Agency*").
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. I was requested to provide evidence on affidavit and testify, if necessary, before the Commission concerning my knowledge of and involvement in projects pursued by the SSA under the leadership of Mr Thulani Dlomo ("**Mr Dlomo**"), who was appointed as the Deputy Director General ("**DDG**") for Counter Intelligence, and Mr David Mahlobo, who served as the Minister of **Intelligence between May 2014 and October 2017 ("**Minister Mahlobo**")**.

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SEQ 27/2021-05

4. On or about **14 October 2020**, I received a letter authored by the Director-General of the SSA authorising me to provide my full cooperation with the Commission. A copy of this letter is attached as Annexure 'A'.
5. With the assistance of my legal representatives at P.G Matsheka Incorporated, I have freely and voluntarily provided the Commission with five affidavits. One of these affidavits was provided in answer to a letter requesting an affidavit from me to address specific issues ("**my main affidavit**"). The remaining four affidavits were provided in response to notices that I received as contemplated in Rule 3.3 of the Rules of the Commission in relation to the evidence of four witnesses that allegedly implicate or may implicate me in wrongdoing.
6. On 9 May 2021, a copy of the summons was sent to me personally via WhatsApp and a copy was also sent to my attorneys of record. The summons compels me to appear before the Commission at 10h00 on 14 May 2021. On 10 May 2020, the summons was also duly served on a legal officer at my workplace being the office of the Agency.
7. Where I make legal submissions, I do so on the advice of my legal representatives. I believe such advice is true and correct.

THE PURPOSE OF THIS APPLICATION

8. This is an application in terms of rules 4.2 and 4.3 read together with rule 9.2 *alternatively* rule 11.1 of the Rules of the Commission. I have brought this application under the code name of '**Dorothy**' in order to protect my identity as prayed for in the Notice of Motion to which this affidavit is attached. The code name of 'Dorothy' is a name that I previously agreed to, through my counsel, for reference to me in other evidence previously presented before the Commission.
9. Due to the nature of the evidence to be given, as well as the nature of my duties at the SSA, I seek an order directing that the proceedings pertaining to my

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SEQ 27/2021-06

evidence before the Commission be conducted in such a manner so as to protect my identity within the Agency from public disclosure.

10. I accordingly request that my evidence be received by the Commission on such terms and conditions set out in the Notice of Application to which this affidavit is attached or on any such other terms as the Chairperson may determine.

THE NATURE AND IMPORTANCE OF MY EVIDENCE

11. My evidence will deal with at least the following matters, summarised below, which are relevant to the Commission's Terms of Reference:
 - 11.1. The operations and workings of the SSA Presidential Security Support Directorate, which was responsible for ensuring the protection of the former President, Mr. Jacob Zuma, and the then Deputy President Mr. Cyril Ramaphosa;
 - 11.2. My withdrawal of cash and involvement in various activities in the CDSO, particularly over the period from 2012 to 2017;
 - 11.3. The withdrawal of cash from the SSA for the CDSO through the use of Temporary Advances including:
 - 11.3.1. the withdrawal of R1million for the purpose of the rally held by the African National Congress on 8 January 2016 in Rustenburg on the instruction of Mr Dlomo;
 - 11.3.2. the withdrawal of R1,85 million in relation to #Occupy Luthuli House on the instruction of Mr Dlomo;
 - 11.3.3. Mr Arthur Fraser's instruction that I receive a bag of money from one security employee of the SSA to take to Minister Mahlobo at his official residence during my deployment to Cape Town for the State of the Nation event. I collected the bag of money, as instructed, and handed the money to Minister Mahlobo personally

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SEQ 27/2021-07

- at his official residence. Mr Auther Fraser had told me that the cash sum is R1,5million;
- 11.3.4. the payment of R500,000.00 into my bank account in relation to furniture and other expenses for a safe house at Bloubergstrand on the instruction of Mr Dlomo;
- 11.3.5. the withdrawal of R4.5 million on three occasions on the instructions of 'Darryl' to hand over to Minister Mahlobo at his official residence in Pretoria. 'Darryl' informed me that he had himself previously taken this amount on a monthly basis to Minister Mahlobo for a period unknown to me;
- 11.4. my assistance given to the African National Congress at NASREC during December 2017, with the authorisation of the SSA Management;
- 11.5. the bribery accusations against me in relation to the safety and security of President Cyril Ramaphosa;
- 11.6. my collection of a steel suitcase packed with pistols and rifles with ammunition from Musanda Armoury on the instruction of the late VIP protector and brother of Ambassador Thulani Dlomo; the second VIP protector's collection of same from me; and later return of the weapons and inventory taken which revealed that certain weapons taken were missing.
12. The importance of this evidence for the Commission's inquiry is manifest.

THE GROUNDS FOR THE PROTECTION OF MY IDENTITY

13. The legislative and regulatory framework governing the Intelligence Services requires that the identity of former and present members and operatives of the Agency be protected.
14. The grounds for withholding my identity from the public arises from the role played by me as a member of the Agency. Evident from the summary of my

evidence referred to above, I deal with sensitive matters which impact on national security. Should my identity become known to the public, it will jeopardise the integrity of the agency and thus, pose a risk to national security.

- 15. To protect and maintain the national security interests at stake in the performance of my duties at the SSA, I submit that it is in the public interest that my evidence be presented before the Commission in such a manner so as to prevent the disclosure of my identity.
- 16. In the premises, I humbly request that an order be granted in the terms of the Notice of Application to which this affidavit is attached.



THE DEPONENT

I certify that the deponent who acknowledges that she knows and understands the contents of this affidavit; that it is the truth to the best of her knowledge and belief and that she has no objection to taking the prescribed oath and regards same as binding on her 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 Nidrand on this 11th day of **MAY 2021**.



COMMISSIONER OF OATHS

EX OFFICIO:

FULL NAMES:

PHYSICAL ADDRESS:

THUYIKO MAKHUMBILA
 Attended attorney of the High Court
 of South Africa
 Commissioner of Oath
 29 Florence Rebeiro Avenue
 Lucasrand, Pretoria, 0181



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

**SUMMONS TO:
APPEAR AS A WITNESS**

This summons is issued in terms of section 3(2) of the Commissions Act 8 of 1947, read with:

- **Proclamation 3 published in Government Gazette No. 41403 on 25 January 2018**
- **Government Notice No. 105 published in Government Gazette No. 41436 on 9 February 2018 (as amended)**
- **Rules of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State published in Government Gazette No. 41774 on 16 July 2018**

Tracking reference:

SPS18/0339/ARN

To the sheriff or his/her deputy of Pretoria South East

INFORM:MS SHIREEN LATIFF (“DOROTHY”)

OF

THE STATE SECURITY AGENCY
MUSANDA COMPLEX
DELMAS ROAD
PRETORIA
0181

that she is hereby summoned to:

- a) appear before the Commission personally at the Civic Centre, 158 Civic Boulevard Braamfontein, Johannesburg on **14 May 2021** at **10:00** for the purpose of giving evidence before the Commission as contained in her affidavits deposed to on 3 March 2021 and answering any questions relating thereto.

Your failure to comply with the requirements set out in paragraph a) above without sufficient cause constitutes an offence under section 6(1) of the Commissions Act 8 of 1947, as amended.

DATED at Parktown on this 7th day of May 2021.



Prof Itumeleng Mosala

SECRETARY:

**Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud
in the Public Sector including Organs of State**



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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
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- **Rules of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State published in Government Gazette No. 41774 on 16 July 2018**

Tracking reference:

SPS18/0341/ARN

To the sheriff or his/her deputy of Halfway House

INFORM: MS SHIREEN LATIFF

C/O: PALESA MATSHEKA OF P.G MATSHEKA INC.
BUILDING 1 TUSCAN GARDENS OFFICE PARK
14TH AVENUE
NOORDWYK
MIDRAND
1689

that she is hereby summoned to:

appear before the Commission personally at the Civic Centre, 158 Civic Boulevard, Braamfontein, Johannesburg on **14 May 2021** at **10:00** for the purpose of giving evidence before the Commission and being questioned about any matter being investigated by the Commission and in particular:

- a) the content of the Rule 3.3 notices sent to you/your attorney and your affidavits in response thereto dated 2 March 2021;
- b) your affidavit in response to the Request for an Affidavit sent to you/your attorney by the Commission dated 2 March 2021;
- c) the interrogatories contained in the Request for an Affidavit sent to you/your attorney on 20 January 2021;
- d) the documentation which was attached to the Commission's Request for an Affidavit sent to you/your attorney on 20 January 2021; and
- e) the further documents sent to you/your attorney on 11 May 2021, which include the transcript/s of your evidence to the Project Veza investigators, as well as the affidavits deposed to by you pursuant to these investigations.

Please take notice that should the Chairperson grant a ruling which permits you to testify on such terms and conditions which appropriately prevents disclosure of your true identity and you subsequently give evidence on such terms and conditions to be arranged by the Commission, that will be deemed to be sufficient compliance with this summons.

Your failure to comply with the above without sufficient cause constitutes an offence under section 6(1) of the Commissions Act 8 of 1947, as amended.

DATED at Parktown on this 11th day of May 2021.



Prof Itumeleng Mosala

SECRETARY:

**Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud
in the Public Sector including Organs of State**



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

11 May 2021

Mr TC Siebert

The Sheriff of Halfway House
614 James Crescent
Halfway House
Midrand
South Africa

By hand

Dear Sirs

URGENT SAME DAY SERVICE OF SUMMONS

***SERVE ON PALESA MATSHEKA, OF P.G MATSHEKA INC, WHICH FIRM OF ATTORNEYS
LEGALLY REPRESENTS MS SHIREEN LATIFF***

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

1. Enclosed herewith is an original Summons in terms of section 3(2) of the Commissions Act 8 of 1947 ("marked "O") ("**the Summons**") and a copy of the original Summons (marked "C"), to be served **urgently** on **Wednesday 12 May 2021** on:
 - Ms Palesa Matsheka of P.G Matsheka Inc **ATTORNEYS**, which firm of attorneys legally represents Ms Shireen Latiff and is authorised to receive the summons on her behalf.

2. Please serve the attached Summons on the following address:

Ms Shireen Latiff
C/O P.G MATSHEKA INC
BUILDING 1 TUSCAN GARDENS OFFICE PARK
14th Avenue
Noordwyk
Midrand
1689

3. Please contact Lerato Radebe on 010 214 0651/060 7491 422 or email lerator@commissionsc.org.za when service is complete, so that we may arrange for urgent collection of the return of service and original Notice. Alternatively, should the return of service be sent via your offices please ensure that such return is sent to the offices of the Commission of Inquiry into State Capture at:

17 Empire Road, Parktown
Hillside House, 2nd & 3rd floor
Johannesburg

Marked for the attention of Adv. Andre Lamprecht and Ms Lerato Radebe

4. We tender your costs for urgent service. Please process all costs through the account of the Department of Justice.
5. Thank you for your assistance.

Yours faithfully



PROF ITUMELENG MOSALA
SECRETARY
JUDICIAL COMMISSION OF INQUIRY INTO STATE CAPTURE, CORRUPTION AND FRAUD IN
THE PUBLIC SECTOR INCLUDING ORGANS OF STATE



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

22 April 2021

Our reference: SSA / AN

To: Ms. Palesa Matsheka

Matsheka Attorney

By email: palesa@matshekainc.co.za

Your client: A State Security Agency (SSA) employee whose *nom de guerre* is “**Ms Sharon**” and later changed to “**Ms Dorothy**”.

Dear Madam

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

MS DOROTHY: EVIDENCE OF DAVID MAHLOBO

1. We enclose the following documents marked “4.1 to 4.4” to be utilised during the resumed testimony of Mr Mahlobo on a date still to be arranged by the Chairperson:
 - 4.1 Transcript of Dorothy’s interview with SSA investigators dated 03 July 2019;
 - 4.2 Affidavit of Ms Dorothy to SSA dated 12 September 2018;

- 4.3 Statement of Dorothy regarding fire- arms and other aspects dated 02 November 2018; and
 - 4.4 Affidavit of Dorothy to SSA dated 12 July 2019.
2. Please note that these documents are provided to you solely for evidence purposes on the strict understanding that the documents have been de-classified for these purposes only and remain classified for all other purposes.
- 2.1. As such, these documents provided to you may not be disseminated, published or provided to any other person or utilised for any other purpose other than the provision of evidence at the Commission.

Yours faithfully,



PROF. ITUMELENG MOSALA

Secretary

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



P.G MATSHEKA INC TM
Attorneys Notaries and Conveyancers

Building 1 Tuscan Gardens Office Park
14th Avenue Noordwyk
Midrand,1686

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+27 76 594 7523

Commission of Inquiry into State Capture
Hillside House, 2nd Floor,
17 Empire Road, Park Town.
Johannesburg,
2193

Our Ref	2021035/PM
Your Ref	Dorothy
Date	10 May 2021

Per Email: shannonv@commissionsc.org.za
Attention: Shannon Van Vuuren
Legal Advisor: Operations & Investigative Support

Dear Sirs

**RE: DOROTHY'S SUMMONS TO APPEAR AS A WITNESS // STATE CAPTURE
COMMISSION OF INQUIRY**

1. We refer to the above matter as well as your correspondence to our office dated 09 May 2021.
2. We acknowledge receipt of summons with tracking reference: SPS18/0339/ARN;
3. We note that our client is summoned to appear personally before the commission on the **14th of May 2021** at **10h00**, to provide oral evidence as

Director: Palesa Matsheka LLB (UP)
(Attorney, Notary, Conveyancer)
Mobile: + 27 (0) 76 594 7523
Email: palesa@matshekainc.co.za

Associate: Motsatsi Nakeng LLB (UL)
Mobile: +27 (0) 79 085 2878
Email: motsatsi@matshekainc.co.za

Associate: Mvelo Dlamini LLB (UKZN)
Mobile: +27 (0) 76 174 6815
Email: mvelo@matshekainc.co.za

Consultant: Adv.Rendani Bvumbi LLB (UL)
Mobile: +27 (0) 79 301 8629
Email: bvumbi@matshekainc.co.za



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Attorneys Notaries and Conveyancers

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contained in her affidavits deposed to on the 3rd of March 2021 and to answer any questions relating thereto.

4. We further note your confirmation that an application for our client's evidence to be heard in camera, shall be dealt with by your legal team and as a matter of urgency.
5. In light of the above, it is our client's instruction to make application, as we hereby do, for the following –
 - 5.1. That our client's identity remain protected at all times by the continuing use of her provided pseudonym, on any and all documentary, as well as all oral reference made to her;
 - 5.2. That our client provide the commission with the requested evidence in camera;
 - 5.3. That the location and or venue for the hearing of our client's evidence be subject to rule 5.2 of the rules of the Commission;
 - 5.4. That any questions asked during such proceedings, should relate only to the information as deposed of in our client's affidavits of the 3rd of March 2021.



P.G MATSHEKA INC TM
Attorneys Notaries and Conveyancers

Building 1 Tuscan Gardens Office Park
14th Avenue Noordwyk
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+27 76 594 7523

- 5.5. And that our client's voice be at all times disguised by the use of a voice alteration device.
6. Kindly take note that our offices will be the address at which all pleadings shall be received on behalf of our client, save for this, we have been informed that the reduced version of the summons are already served to the office of our client's employer.
7. We request that you provide us with a copy of same in and further confirm how our client will be further identified and informed of this by the employer.
8. We thank you in advance.
9. Our client's rights remain at all times reserved.

P.G MATSHEKA INC ATTORNEYS
PER: PALESA MATSHEKA
Cell: 076 594 7523

Director: Palesa Matsheka LLB (UP)
(Attorney, Notary, Conveyancer)
Mobile: + 27 (0) 76 594 7523
Email: palesa@matshekainc.co.za

Associate: Motsatsi Nakeng LLB (UL)
Mobile: +27 (0) 79 085 2878
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Associate: Mvelo Dlamini LLB (UKZN)
Mobile: +27 (0) 76 174 6815
Email: mvelo@matshekainc.co.za

Consultant: Adv.Rendani Bvumbi LLB (UL)
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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

11 May 2021

Our reference: SSA / SW

To: Ms. Palesa Matsheka
Matsheka Attorney
By email: palesa@matshekainc.co.za

Your client: A State Security Agency (SSA) employee whose *nom de guerre* is “**Ms Dorothy**”.

Dear Madam

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

MS DOROTHY: SUMMONS TO APPEAR AS A WITNESS FRIDAY 14 MAY 2021

1. We refer to the Secretariat’s email of even-date enclosing documentation, the summons served on your client to appear and your letter dated 10 May 2021. I am informed that the SSA-evidence workstream intended that our email to you this morning ought to have been sent to you last week, prior to the service of the summons on your client.
2. For clarity, the SSA-evidence workstream wish to place on record that:
 - 2.1. As was indicated in the Secretariat’s email of even-date, it was always contemplated that an application would be brought for your client to testify at a remote secure

location with her face hidden. We have prepared a draft of the required notice of motion and a draft affidavit (which would be required to be deposed to by your client in support of such application) for your perusal and consideration. As your client is represented, it is appropriate that she bring this application. An amended summons indicating this, will be served on your client, an electronic copy of same will be furnished to you as soon as it is available.

- 2.2. We note that you would prefer that your client's voice be disguised by the use of a voice alteration device. This was not sought with regard to Ms K's evidence, who works in a covert environment. Moreover, the use of such a device has been problematic, as it has proved very difficult to understand the witness' evidence. There are also logistical difficulties in securing such a device.
- 2.3. As indicated in our email dated 11 May 2021 and to be included in the amended summons, your client should expect to be questioned on:
 - 2.3.1. the notices sent to you/your client as contemplated in Rule 3.3 of the Rules of the Commission and your client's four affidavits in response thereto dated 2 March 2021 (erroneously referred to as 3 March 2021 in the summons);
 - 2.3.2. your client's affidavit dated 2 March 2021 in response to the Commission's Request for an Affidavit sent to you and/or your client;
 - 2.3.3. the interrogatories contained in the Commission's Request for an Affidavit sent to you and/or your client on 20 January 2021;
 - 2.3.4. the documentation attached to the Commission's Request for an Affidavit sent to you and/or your client on 20 January 2021; and
 - 2.3.5. the further documents sent to you and/ or your client on 11 May 2021, which included the transcript(s) of your client's evidence given to the Project Veza investigators, as well as the affidavits deposed to by you pursuant to these investigations
3. The application for your client to testify with her identity protected needs to be finalised urgently, as it will have to be moved on Friday 14 May 2021 before she testifies. Could we please have your client's signed affidavit by no later than ***midday on Wednesday 12 May 2021***. Should your client authorise us to do so, Advocate Paul Pretorius SC could move this application on your client's behalf, in which case the notice of motion would need to be signed by the Secretariat. Failing this, you or your counsel could move the

application. We trust this is in order and await receipt of your client's signed affidavit in support of her in camera application.

4. Arrangements are being made to arrange a secure location. Your client need not personally present herself at the hearing venue and may wait at the secure location pending the outcome of her in camera application. We will inform you of the location as soon as it has been arranged.

We trust that this is in order. Please do not hesitate to contact Advocate Susan Wentzel on 083 264 8845 should you have any queries.

Yours faithfully,



PROF. ITUMELENG MOSALA

Secretary

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



P.G MATSHEKA INC TM
Attorneys Notaries and Conveyancers

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Commission of Inquiry into State Capture
Hillside House, 2nd Floor,
17 Empire Road, Park Town.
Johannesburg,
2193

Our Ref	2021035/PM
Your Ref	Dorothy
Date	12 May 2021

Per Email: Boipelo Ratshikana
Executive Assistant to the Secretary
boipelor@commissionsc.org.za

Advocate Susan Wentzel
Evidence Leader
Susanw@commissionsc.org.za

Shannon Van Vuuren
Legal Advisor: Operations & Investigative Support
shannonv@commissionsc.org.za

Dear Sirs

**RE: DOROTHY'S SUMMONS TO APPEAR AS A WITNESS // STATE CAPTURE
COMMISSION OF INQUIRY**

1. We refer to the above matter as well as your correspondence to our office dated 11 and 12 May 2021, respectively.

Director: Palesa Matsheka LLB (UP)
(Attorney, Notary, Conveyancer)
Mobile: + 27 (0) 76 594 7523
Email: palesa@matshekainc.co.za

Associate: Motsatsi Nakeng LLB (UL)
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2. Having consulted our client regarding the said letters, we have been instructed as follows;
 - 2.1. Our client welcomes the Commission's plans to have our client's evidence submitted in camera and further encourages the Commission to proceed in accordance with such plans.
 - 2.2. Our client is in receipt of the draft affidavit to be used in support of the motion to lead her evidence in camera and has attended to the necessary amendment of, and deposition to the same.
 - 2.3. The aforementioned affidavit has further been submitted on the morning of 12th of May 2021, in accordance with the request made by the Secretary.
3. Notwithstanding the above, we are further instructed by our client to request that the commission considers a postponement of the hearing date for the following reasons;
 - 3.1. In terms of the initial summons received by our offices on the 09th and thereafter served on our client on the 10th of May 2021 and which we acknowledged receipt thereof to your office, the Commission had previously expected our client to give evidence answering only to the



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affidavits she had deposed to, which affidavits were in response to the Rule 3.3 Notices served on our client.

- 3.2. The Commission has now written to our client on the 11th of May 2021 informing our client of an amended summons, which summons was received by our offices on even date, further request that our client gives evidence answers to additional documents, leaving our client with less than two days to prepare herself for the hearing set to commence on the 14th of May 2021.
- 3.3. The Secretary acknowledges in writing that the said letter outlining the further evidence which our client is expected to answer to on the 14th of May 2021 ought to have been received a week prior to the summons being served on our client.
- 3.4. We are instructed to point out to the Secretary that the documents being referred to in the above-mentioned letter are of a voluminous and bulky nature.
- 3.5. Further to the above, some of the said documents date back to around at least 3 (THREE) years and it is impractical for our client to be expected to respond to these documents without having been granted reasonable time to consider the same.



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- 3.6. The suggested postponement further grants the State Commission an opportunity to organize the requested voice distortion devices.
 - 3.7. Our client notes the response from the Secretary regarding this request and insists that the circumstances of Ms. K are vastly different to that of our client and that her volunteering to give evidence without the same cannot be forced on our client.
 - 3.8. Our client lastly insists that the evidence she is expected to give cannot be made a subject of live transmission to the public, such as the use of live broadcasting devices, including but not limited to live streaming, television, and radio devices.
4. Further to the above, in terms of a letter received by our client from her son's school, our client's son has been in contact with a team player who has tested positive for Covid 19.
 5. The above circumstances further make it difficult for us to consult with our client who is expected to social distance and not be in direct contact with anyone in our offices as we are all taking precautionary measures to mitigate the spread of the virus.



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6. We further assert our assurance to the Secretary that our client is committed to the prompt conclusion of the commission and that this request for postponement is made precisely so that she can participate meaningfully whilst her rights and interests are protected, and it is not made out of malice.
7. We trust the above is in order and await your response thereto.
8. Our client's rights remain at all times reserved.

P.G MATSHEKA INC ATTORNEYS

PER: PALESA MATSHEKA

(Sent electronically and therefore not signed)

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

13 May 2021

Our reference: SSA / SW

To: Ms. Palesa Matsheka

Matsheka Attorney

By email: palesa@matshekainc.co.za

CC: Susan Wentzel SusanW@commissionsc.org.za and Emma Franklin
EmmaF@commissionsc.org.za

Your client: A State Security Agency (SSA) employee whose *nom de guerre* is “**Ms Dorothy**”.

Dear Madam

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

**MS DOROTHY: SUMMONS TO APPEAR AS A WITNESS FRIDAY 14 MAY 2021 // YOUR
CLIENT'S REQUEST FOR POSTPONEMENT**

We refer to your letter dated 12 May 2021 and respond thereto as follows:

1. We appreciate your client's co-operation with the Commission and the timeous delivery of your client's affidavit, in support of the application to be brought on her behalf for her identity to be protected when she testifies at the Commission.

2. The legal team advises that it will oppose any application for a postponement of her evidence on 14 May 2021 on the following grounds:
 - 2.1. A summons was issued on 9 May 2021, requiring your client to appear at the hearing on Friday 14 May 2021;
 - 2.2. There is limited time left for the hearings and your client has crucial evidence within the terms of reference of the Commission. Should your client not testify as scheduled, it would be difficult to schedule another occasion for the hearing of your client's evidence;
 - 2.3. The documentation to which you refer was made available to your client's counsel during the course of Mr Mahlobo's evidence on 9 April 2021;
 - 2.4. On 22 April 2021 the self-same documentation was sent to you.
 - 2.5. Although it was anticipated that the letter advising you of the date your client would testify and the aspects and documentation your client should expect to canvass in her evidence would have been sent to you at the end of last week, this letter was sent early on 11 May 2021, again providing your client with the documentation. This documentation had already been provided to you 18 days previously, which provided more than sufficient time for you to consult with your client concerning same;
 - 2.6. The documentation does not implicate your client and serves to corroborate the affidavits provided to the Commission;
 - 2.7. The documents are within the knowledge of your client, consisting of transcripts of her interviews with the SSA investigators and statements and affidavits deposed to by your client pursuant to the investigation.
 - 2.8. The documents are also not voluminous, and your client ought reasonably to have been able to consider them within the available time: -
 - 2.8.1. Although the full transcript of your client's interview with the SSA investigators has been made available to your client, it only intended to refer to limited extracts of the transcript relating the delivery of cash by your client to Minister Mahlobo at his

residence in Pretoria and in Cape Town. In particular, your client's attention is drawn to her transcript at pp, p60 and p61; and

- 2.8.2. Your client's affidavit deposed to on 12 September 2018 consists of four pages and that dated 12 July 2019, five pages; her statement dealing with firearms is four pages, with only one paragraph to which she will be referred relating to Project Mayibuye;
- 2.9. In the circumstances, your client has had sufficient time to consider the documentation; and
- 2.10. The fact that the events to which her evidence relates took place three years ago will in no way change should your client testify on 14 May 2021 or at a later date.
3. With regard to your client's son's alleged exposure to a teammate with COVID 19, the legal team also points out that:
 - 3.1. Your client's application for a postponement is not primarily focused on your client's son's alleged exposure to a team member with COVID 19; nor is a copy of the letter from the school provided or is it alleged that your client or her son are self-isolating;
 - 3.2. During this time of COVID 19, it has become necessary for consultations to be held remotely as a matter of course; and
 - 3.3. It is, in any event, contemplated that your client will testify remotely. Arrangements could be made for her to testify without her video activated from her home.
 - 3.4. In the circumstances, your client's son's alleged exposure to COVID 19 does not preclude your client from testifying as scheduled or justify a postponement of her evidence.
4. In the premises, there is nothing to prevent your client from participating meaningfully in the Commission; nor has any basis been laid to justify her not testifying on the scheduled date, or that should she do so, her rights and interests will be prejudiced.
5. We will communicate with you telephonically regarding the secure location arranged for your client's testimony. Please let us know should your client wish to testify from her home so that the requisite video link can be sent to her to enable her to connect to the hearing

and a bundle will need to be delivered to her. She will also have to have sufficient bandwidth and a stable internet connection to be able to testify remotely. Should she avail herself of this option, please note that no person may be present when your client is testifying. It will also be necessary for you to supply your client with the requisite bundles for her testimony. The link to the bundles will follow shortly after this correspondence.

6. Please do not hesitate to contact Advocate Susan Wentzel on 083 264 8845 should you have any queries.

Yours faithfully,

PROF. ITUMELENG MOSALA

Secretary

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

CONFIDENTIAL



state security
State Security Agency
REPUBLIC OF SOUTH AFRICA

SSA/DG01/4/3

Office of the Director-General

18 January 2021

Ms S Latiff

Cooperation by members / former members of the State Security Agency (SSA) with the Judicial Commission of Enquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State (Zondo Commission)

1. As you are aware, on 23 January 2018 the President of the Republic of South Africa appointed the abovementioned Commission of Inquiry to investigate allegations of state capture, corruption and fraud in the Public Sector.
2. In terms of paragraph 3 of the Commission's Terms of Reference "All organs of State will be required to cooperate fully with the Commission". This includes the SSA and its members.
3. Consequently, if called upon to do so you are hereby directed to provide your full cooperation with the Commission insofar as providing it with any information it requires in the fulfilment of its mandate. This includes any information obtained by you in the course of carrying out your official duties, or by virtue of your being or having been a member of the Agency. No member or former member of the Agency shall be entitled to withhold information from the Commission based on grounds such as classification, the need-to-know principle, or the oath of secrecy undertaken by them.
4. Lastly, the office of the Director General authorises the procurement of legal representation, which should be acquired through the office of the State Attorney and in line with the applicable framework.
5. Thank you.

Mr L Jaftha
Acting Director-General: SSA

Sikhungo Sisekukuphapha Kwembuso
Setho sa Tshireletso sa Mnušo
Ikoro yezokuPhapha kweLizwe

Staatsveiligheidsagentskap
Setho sa Tshireletso sa Puso
UPhiko Lwezokuphapha Kwezwe

I-Arhente yoKhuselo kaRhulumente
Xiyenge xa Vuhlayiseki bya Mfumo

Zhendzedzi la Vhutisireledi la Mvuhuso
Boemedi Ba Tshireletso Pusong

CONFIDENTIAL



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

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Website: www.sastatecapture.org.za

INDEX: SEQ 26/2021

No.	Description	Pages
	<p>NOTICE OF APPLICATION IN TERMS OF RULE 4.2 AND 4.3 (READ WITH RULE 9.2 ALTERNATIVELY RULE 11.1) OF THE RULES OF THE COMMISSION by Itumeleng Mosala on behalf of “FRANK” for his/her evidence to be heard <i>in-camera</i> and for segments of his/her affidavit to be redacted.</p>	
1.	Notice of Application dated 12 May 2021	01 to 03
2.	Affidavit of Itumeleng Mosala dated 12 May 2021	04 to 09

SEQ 26/2021-01

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

In the *Ex Parte* application of:

SECRETARY OF THE COMMISSION

Applicant

NOTICE OF APPLICATION IN TERMS OF RULES 4.2 AND 4.3 (READ WITH RULE 9.2 ALTERNATIVELY RULE 11.1) OF THE RULES OF THE COMMISSION

TAKE NOTICE THAT on a date to be determined by the Chairperson at **10h00** or so soon thereafter as this matter may be heard, the applicant will apply for an order in the following terms:

1. This application may be heard *in camera* and without notice to affected parties.
2. The witness scheduled to testify on 14 May 2021, or on any other date to be determined by the Chairperson, is to be referred to as 'Frank' during his testimony before the Commission and thereafter insofar as the Commission is concerned.
3. The witness' identity shall not be disclosed or published in any manner.
4. The names and initials of the witness shall be redacted from all affidavits and documentation presented in evidence.
5. When the witness testifies before the Commission:
 - 5.1. No photograph or video or other image of the witness may be taken, published or broadcast.
 - 5.2. No person may photograph or publish any photograph or other image of any person engaged in and/or responsible for the protection of the witness when he gives evidence.

SEQ 26/2021-02

- 5.3. The witness need not be present at the Commission's hearing venue (*"the hearing venue"*) when giving evidence but he may instead give his evidence from a separate and undisclosed location (*"the protected witness location"*).
- 5.4. No camera will be permitted in the protected witness location.
- 5.5. No person other than the Chairperson, members of the Commission's legal team, the Commission's safety and security advisor, those necessary to assist or protect the witness when he gives evidence or another person specifically designated by the Chairperson will be permitted to enter the protected witness location without the prior written permission of the Chairperson.
- 5.6. The oath or affirmation will be administered to the witness in the presence of the Chairperson prior to the witness testifying before the Commission.
- 5.7. An audio link from the protected witness location will be provided so that the witness' evidence can be heard in the Commission's hearing venue when such evidence is given.
- 5.8. Subject to the usual rules applicable to the conduct of the Commission's proceedings:
 - 5.8.1. members of the public, including the media, may be present in the hearing venue in such numbers as may be directed by the Chairperson;
 - 5.8.2. sound reaching the hearing venue via the audio link from the protected witness location may be broadcast, and the proceedings in the hearing venue may be filmed and broadcast.
6. Alternatively to the above, requesting the Chairperson to give such directions for the adequate protection of the identity of the witness when he gives testimony.
7. This order may be amended or supplemented by the Chairperson at any time if, in his opinion, that is necessary to protect the witness or any person in

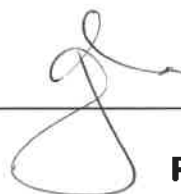
SEQ 26/2021-03

connection with the witness' evidence or to ensure fairness to any implicated person.

8. Further, other or alternative relief.

KINDLY TAKE NOTICE FURTHER THAT the accompanying affidavit of **MR ITUMELENG MOSALA** will be used in support of this application.

DATED AT JOHANNESBURG ON THIS 12 DAY OF MAY 2021.



PROF ITUMELENG MOSALA

The Secretary of the Commission

2nd Floor, Hillside House

17 Empire Road

Parktown

JOHANNESBURG 2017

Email: ltumelengM@commissionsc.org.za

SEQ 26/2021-04

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

In the *Ex Parte* application of:

SECRETARY OF THE COMMISSION

Applicant

AFFIDAVIT IN SUPPORT OF THE APPLICATION IN TERMS OF RULES 4.2 AND 4.3 ALTERNATIVELY RULE 11.1 OF THE RULES OF THE COMMISSION

I, the undersigned,

ITUMELENG MOSALA

do hereby state under oath that:

1. I am an adult male employed as the Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (*the Commission*) with its main place of business situated at Hillside House, 17 Empire Road, Parktown, Johannesburg. My appointment as such is effective from 1 October 2020.
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. Where I make legal submissions, I do so on the advice of the Legal Team of the Commission. I believe such advice to be correct.

 M A
1

SEQ 26/2021-05

THE PURPOSE OF THIS APPLICATION

4. This is an application in terms of rules 4.2 and 4.3 *alternatively* rule 11.1 of the Rules of the Commission pursuant to which I request that the Chairperson invoke his *mero motu* powers to protect of the identity of a witness.
5. On 14 May 2021, or on such other date so determined by the Chairperson, the Legal Team intends leading the evidence of an adult male person employed by the South African State Security Agency (“SSA” or “*the Agency*”), who has been given the pseudonym ‘Frank’ in order to protect his identify (“**the witness**”). The evidence of the witness, summarised below, falls within the mandate of the Commission.
6. On 19 January 2021, the Commission wrote to the witness’ attorney requesting that he provide an affidavit on specific matters with reference to the documents enclosed therewith. This request and the documentation was resent on 21 January 2021.
7. On 9 February 2021, the witness was again called upon to furnish his requested affidavit to the Commission through his attorney. To assist the witness in this process, the witness’ attorney was also sent a copy of the draft affidavit that had been prepared for the witness by the evidence leaders on the basis of the information provided by him to the investigators and evidence leaders during consultation/s held with him during November 2021.
8. On 10 May 2021 a summons to appear on 14 May 2021 was served on the witness. On the same date, the Commission sent recently de-classified documents to the witness’ attorney, which he was informed were relevant to his testimony at the Commission. The witness’ attorney was informed that he should also expect to deal with the Rule 3.3 notices sent to him, as well as the aforementioned documentation previously sent to him.
9. To date, the witness has not delivered an affidavit to the Commission.
10. On 11 May 2021, a corrected summons was prepared for service on the witness at his office of employment and for electronic submission to the witness



2
M-A

SEQ 26/2021-06

personally and to his attorneys, whose details the witness telephonically confirmed on 11 May 2021.

11. Due to the nature of the matters intended to be addressed during the witness' evidence, as well as the nature of his duties at the SSA, I seek an order directing that the proceedings pertaining to his evidence before the Commission be conducted in such a manner so as to protect his identity within the Agency from public disclosure.
12. I accordingly request that the witness' evidence be received by the Commission on such terms and conditions set out in the Notice of Application to which this affidavit is attached or on any such other terms as the Chairperson may determine.

THE NATURE AND IMPORTANCE OF THE WITNESS' EVIDENCE

13. The witness' evidence deals with at least the following matters, summarised below, which are relevant to the Commission's Terms of Reference:
 - 13.1. From 2012 until around 2014, the witness performed work for the Chief Directorate Special Operations ("CDSO") on an *ad hoc* basis, which included work in Angola. This was at the request of the then DDG of Counter Intelligence, Mr Stanley Nosi. The nature of secondment was to assist the newly established CDSO with its management, special investigations and operational areas of interest, such as the Presidential Risk and Support Unit;
 - 13.2. After Mr Thulani Dlomo ("Mr Dlomo") was appointed, Mr Dlomo started involving him in projects and operations undertaken by the CDSO;
 - 13.3. The witness started dealing with Special Operations projects as a Project Manager in around November/December 2014, when he was instrumental in the establishment of two projects which he named Project Construcao and Project Wave;



M.A.

SEQ 26/2021-07

- 13.4. The witness was instrumental in the training of co-workers, both inside and outside of South Africa;
 - 13.5. The witness was involved in the Presidential Support unit;
 - 13.6. The witness generated the Project Establishment Memorandum and Operational Plan for Project Mayibuye;
 - 13.7. The witness informed the investigators and evidence leaders that he would on occasion take large sums of cash to the Office of the Minister, Mr Mahlobo, which he was informed was for Project Mayibuye, including Operation Justice, Commitment and Lock. With regard to:
 - 13.7.1. Operation Justice, the witness informed the investigators and evidence leaders that he was not certain what the money was for, other than that it was meant to deal with issues relating to judges. He indicated that he did not know if the cash monies was actually paid over to judges or not;
 - 13.7.2. Operation Commitment, the witness advised that it was common knowledge at SSA that the monies withdrawn for this operation were for the former President, Zuma;
 - 13.7.3. Operation Lock, the witness stated that this was money for the rental of a safehouse and upkeep of Mr Eugene De Kock.
 - 13.8. The witness also made mention during his consultations with the investigators and evidence leaders, that certain companies were engaged by the SSA and requested to submit false invoices to the Agency to justify cash money withdrawals, including R 12 million for an unknown project linked to the then Minister Mahlobo;and
 - 13.9. The witness has information regarding various other CDSO Projects Special Operations and himself drew large amounts of cash for these projects and operations.
14. The importance of this evidence for the Commission's inquiry is manifest.



M-A.
4

SEQ 26/2021-08

THE GROUNDS FOR THE PROTECTION OF THE WITNESS' IDENTITY

15. The legislative and regulatory framework governing the Intelligence Services requires that the identity of former and present members and operatives of the Agency be protected.
16. The grounds for withholding the identity of the witness from the public arises from the role played by him as a member of the Agency. Evident from the summary of the witness' knowledge of events above, he will be asked about matters involving covert and undercover operations which impact national security. Should his identity become known to the public, it will jeopardise the integrity of the operations and thus pose a risk to national security.
17. To protect and maintain the national security interests at stake in the performance of his duties at the SSA, I submit that it is in the public interest that the witness' evidence be presented before the Commission in such a manner so as to prevent the disclosure of his identity.
18. In the premises, I humbly request that an order be granted in the terms of the Notice of Application to which this affidavit is attached.

M. A.

THE 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 BRAAM FONTEIN on this 12th day of **MAY 2021**.

SEQ 26/2021-09

SUID-AFRIKAANSE POLISIEDIENS
STATION COMMANDER
2021 -05- 12
CLIENT SERVICE CENTRE HILLBROW
SOUTH AFRICAN POLICE SERVICE

MA SEGAL **CAPTAIN**

COMMISSIONER OF OATHS

EX OFFICIO:

FULL NAMES:

MOFFAT ARMSTRONG SEGAL .

PHYSICAL ADDRESS:

1 CARLETON PLACE

HILLBROW

DESIGNATION:

CAPTAIN .



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

**SUMMONS TO:
APPEAR AS A WITNESS**

This summons is issued in terms of section 3(2) of the Commissions Act 8 of 1947, read with:

- **Proclamation 3 published in Government Gazette No. 41403 on 25 January 2018**
- **Government Notice No. 105 published in Government Gazette No. 41436 on 9 February 2018 (as amended)**
- **Rules of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State published in Government Gazette No. 41774 on 16 July 2018**

Tracking reference:

SPS18/0337/ARN

To the sheriff or his/her deputy of Pretoria South East

INFORM:MR PATRICK MSHOTHOLA ("FRANK")

OF

THE STATE SECURITY AGENCY
MUSANDA COMPLEX
DELMAS ROAD
PRETORIA
0181

that he is hereby summoned to:

- a) appear before the Commission personally at the Civic Centre, 158 Civic Boulevard Braamfontein, Johannesburg on **14 May 2021 at 10:00** for the purpose of giving evidence before the Commission as contained in his affidavit deposed to on 18 November 2020 and answering any questions relating thereto.

Your failure to comply with the requirements set out in paragraph a) above without sufficient cause constitutes an offence under section 6(1) of the Commissions Act 8 of 1947, as amended.

DATED at Parktown on this 7th day of May 2021.



Prof Itumeleng Mosala

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
Johannesburg
2193
Tel (International): +27 (10) 214-0651
Tel (Tollfree): 0800 222 097
Email: inquiries@sastatecapture.org.za
Web: www.sastatecapture.org.za

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

10 May 2021

Our reference: SSA / AN

To: "Frank"

By WhatsApp: 079 632 3137

By email: smqiba@gmail.com

Cc: 'teenm@webmail.co.za'

URGENT

Dear Sir / Madam

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

"FRANK": SUMMONS TO APPEAR FRIDAY, 14 MAY 2021

1. A redacted summons was served on Ms Joanna Maleke, in the absence of your client, at the premises of the State Security Agency Musanda Complex, today (10 May 2021), requiring him to appear at the Commission on **Friday, 14 May 2021**. Please could you confirm that your client received a copy of this summons which was also sent to him via WhatsApp yesterday. A unredacted copy of the summons is attached for ease of reference. This summons erroneously advised your client that he would be required to provide evidence regarding his affidavit dated 18 November 2020. We are aware that your client has not deposed to such an affidavit.

2. Your client is required to provide evidence and answer questions with regard to:
 - 2.1. the affidavits and documentation sent to you pursuant to the provisions of Rule 3.3;
 - 2.2. the documentation provided to you on 19 January 2021, which was canvassed with your client during the course of his consultations with the investigators and evidence leaders of the Commission;
 - 2.3. the further documentation enclosed herewith marked as "*Declassified docs_Frank*";
 - 2.4. the issues canvassed in the Request for an Affidavits sent to you on 19 January 2021 and 09 February 2021, to which we have had no response; and
 - 2.5. the draft affidavit prepared by the evidence leaders and investigators on the basis of the information furnished by you during your consultations with the evidence leaders and investigators of the Commission. This was furnished to you on 09 February 2021.
3. Please could you urgently indicate whether you/your client requires that an amended summons be served on him to correct the aforementioned error.
4. Please note that it is contemplated by the Commission that your client will be permitted by the Chairperson to provide his evidence off-site at an undisclosed secure location and that your client will be permitted testify remotely with his face hidden. This would require that your client bring an appropriate application to give his evidence in camera in terms of the Rules of the Commission. As your client is represented, the Rules require that this application be brought by your client. A draft notice of motion and affidavit to be deposed to your client in support of this application will be sent to you shortly for your and your client's perusal and comment.
5. Please let us know if we may be of any further assistance. You are welcome to contact Ms Susan Wentzel on 0832648845.

Yours faithfully,

PROF. ITUMELENG MOSALA

Secretary

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



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

**SUMMONS TO:
APPEAR AS A WITNESS**

This summons is issued in terms of section 3(2) of the Commissions Act 8 of 1947, read with:

- **Proclamation 3 published in Government Gazette No. 41403 on 25 January 2018**
- **Government Notice No. 105 published in Government Gazette No. 41436 on 9 February 2018 (as amended)**
- **Rules of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State published in Government Gazette No. 41774 on 16 July 2018**

Tracking reference:

SPS18/0340/ARN

To the sheriff or his/her deputy of Pretoria South East

INFORM:MR PATRICK MSHOTHOLA

OF

THE STATE SECURITY AGENCY
MUSANDA COMPLEX
DELMAS ROAD
PRETORIA
0181

that he is hereby summoned to:

appear before the Commission personally at the Civic Centre, 158 Civic Boulevard, Braamfontein, Johannesburg on **14 May 2021** at **10h00am** for the purpose of giving evidence before the Commission and being questioned about any matter being investigated by the Commission and in particular:

- (a) the content of the affidavits and documentation sent to you/your attorney pursuant to the provisions of Rule 3.3;
- (b) the documentation provided to you/your attorney on 19 January 2021 and resent on 21 January 2021;
- (c) the further documentation sent to you/your attorney on 10 May 2021;
- (d) the issues canvassed in the Request for an Affidavit sent to you/your attorney on 21 January 2021; and
- (e) the draft affidavit prepared by the evidence leaders and investigators on the basis of the information furnished by you during your consultations with the evidence leaders and investigators of the Commission sent to you/your attorney on 9 February 2021.

Please take notice that should the Chairperson grant a ruling which permits you to testify on such terms and conditions which appropriately prevents disclosure of your true identity and you subsequently give evidence on such terms and conditions to be arranged by the Commission, that will be deemed to be sufficient compliance with this summons.

Your failure to comply with the above without sufficient cause constitutes an offence under section 6(1) of the Commissions Act 8 of 1947, as amended.

Dated at Parktown on this 12th day of May 2021.



Prof Itumeleng Mosala

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

11 May 2021

The Sheriff of Pretoria South East

Mr MN Gasant

1281 Stanza Bopape Street

Hatfield

Pretoria

South Africa

By hand

Dear Sirs

URGENT SAME DAY SERVICE OF SUMMONS

TO BE SERVED ON MR PATRICK MSHOTHOLA PERSONALLY IF UNAVAILABLE SERVE ON AN OFFICIAL PRESENT AT HIS OFFICE

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

1. Enclosed herewith is an original Summons in terms of section 3(2) of the Commissions Act 8 of 1947 ("marked "O") ("**the Summons**") and a copy of the original Summons (marked "C"), to be served **urgently** on **Wednesday 12 May 2021** on Mr Patrick Mshothola of The South African Security Agency (SSA).

2. Please serve the attached Summons on the following address:

Mr Patrick Mshothola

THE SOUTH AFRICAN SECURITY AGENCY (SSA)

Joe Nhlanhla Str , 377 Rietvallei-JR

Musand Complex

Delmas Road

Pretoria

Please contact Lerato Radebe on 010 214 0651/060 7491 422 or email

lerator@commissionsc.org.za when service is complete, so that we may arrange for urgent collection of the return of service and original Notice. Alternatively, should the return of service be sent via your offices please ensure that such return is sent to the offices of the Commission of Inquiry into State Capture at:

17 Empire Road, Parktown

Hillside House, 2nd & 3rd floor

Johannesburg

Marked for the attention of Adv. Andre Lamprecht and Ms Lerato Radebe

3. We tender your costs for urgent service. Please process all costs through the account of the Department of Justice.
4. Thank you for your assistance.

Yours faithfully



PROF. ITUMELENG MOSALA

SECRETARY

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



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

10 May 2021

Our reference: SSA / AN

To: "Frank"

By WhatsApp: 079 632 3137

By email: smqiba@gmail.com

Cc: 'teenm@webmail.co.za'

URGENT

Dear Sir / Madam

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

"FRANK": SUMMONS TO APPEAR FRIDAY, 14 MAY 2021

1. A redacted summons was served on Ms Joanna Maleke, in the absence of your client, at the premises of the State Security Agency Musanda Complex, today (10 May 2021), requiring him to appear at the Commission on **Friday, 14 May 2021**. Please could you confirm that your client received a copy of this summons which was also sent to him via WhatsApp yesterday. A unredacted copy of the summons is attached for ease of reference. This summons erroneously advised your client that he would be required to provide evidence regarding his affidavit dated 18 November 2020. We are aware that your client has not deposed to such an affidavit.

2. Your client is required to provide evidence and answer questions with regard to:
 - 2.1. the affidavits and documentation sent to you pursuant to the provisions of Rule 3.3;
 - 2.2. the documentation provided to you on 19 January 2021, which was canvassed with your client during the course of his consultations with the investigators and evidence leaders of the Commission;
 - 2.3. the further documentation enclosed herewith marked as "*Declassified docs_Frank*";
 - 2.4. the issues canvassed in the Request for an Affidavits sent to you on 19 January 2021 and 09 February 2021, to which we have had no response; and
 - 2.5. the draft affidavit prepared by the evidence leaders and investigators on the basis of the information furnished by you during your consultations with the evidence leaders and investigators of the Commission. This was furnished to you on 09 February 2021.
3. Please could you urgently indicate whether you/your client requires that an amended summons be served on him to correct the aforementioned error.
4. Please note that it is contemplated by the Commission that your client will be permitted by the Chairperson to provide his evidence off-site at an undisclosed secure location and that your client will be permitted testify remotely with his face hidden. This would require that your client bring an appropriate application to give his evidence in camera in terms of the Rules of the Commission. As your client is represented, the Rules require that this application be brought by your client. A draft notice of motion and affidavit to be deposed to your client in support of this application will be sent to you shortly for your and your client's perusal and comment.
5. Please let us know if we may be of any further assistance. You are welcome to contact Ms Susan Wentzel on 0832648845.

Yours faithfully,



PROF. ITUMELENG MOSALA

Secretary

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



state security

State Security Agency
REPUBLIC OF SOUTH AFRICA

SSA/DG01/4/3

Office of the Director-General

14 October 2020

Mr P Mshothola
SO12

Cooperation by members of the State Security Agency with the Judicial Commission of Enquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State (Zondo Commission)

1. As you are aware, on 23 January 2018 the President of the Republic of South Africa appointed the abovementioned Commission of Inquiry to investigate allegations of state capture, corruption and fraud in the Public Sector.
2. In terms of paragraph 3 of the Commission's Terms of Reference "*All organs of State will be required to cooperate fully with the Commission*". This includes the SSA and its members.
3. Consequently, if called upon to do so you are hereby directed to provide your full cooperation with the Commission insofar as providing it with any information it requires in the fulfilment of its mandate. This includes any information obtained by you in the course of carrying out your official duties, or by virtue of your being a member of the Agency. No member of the Agency shall be entitled to withhold information from the Commission based on grounds such as classification, the need-to-know principle, or the oath of secrecy undertaken by them.
4. Furthermore, kindly note that members are to first seek permission, from the office of the Director General, before handing over any classified documents to the Commission.
5. Thank you.

Mr L Jaffa
Acting Director-General



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

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Email: inquiries@sastatecapture.org.za
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INDEX: SEQ 04/2021

No.	Description	Pages
"STEVEN"		
1.	In camera Notice of Application dated 29 January 2021	01 to 03
2.	In camera application supporting affidavit of "Steven" dated 29 January 2021	04 to 07

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

In the *Ex Parte* application of:

STEVEN

Applicant

NOTICE OF APPLICATION IN TERMS OF RULES 4.2 AND 4.3 (READ WITH RULE 9.2 ALTERNATIVELY RULE 11.1) OF THE RULES OF THE COMMISSION

TAKE NOTICE THAT on a date to be determined by the Chairperson and at **10h00** or so soon thereafter as this matter may be heard, the applicant (“*the witness*”) will apply for an order in the following terms:

1. This application may be heard *in camera* and without notice to affected parties.
2. The witness is to be referred to during his evidence before the Commission and after his evidence insofar as the Commission is concerned as “Steven”.
3. The identity of the witness and any information that leads to the disclosure of his identity shall not be disclosed or published in any manner.
4. The names and initials of the witness shall be redacted from all affidavits and documentation presented in evidence.
5. No photograph or video or other image of the witness may be taken, published, distributed in any format or broadcast.
6. No person may photograph or publish any photograph or other image of any person engaged in and/or responsible for the protection of the witness when he gives evidence.

7. The witness need not be present at the Commission's hearing venue ("the hearing venue") when giving evidence but he may instead give his evidence from a separate and undisclosed location ("the protected witness location").
8. No camera will be permitted in the protected witness location.
9. No person other than the Chairperson, members of the Commission's legal team, the Commission's safety and security advisor, those necessary to assist or protect the witness when he gives evidence or another person specifically designated by the Chairperson will be permitted to enter the protected witness location unless they have prior written permission of the Chairperson of the Commission.
10. The oath or affirmation will be administered to the witness in the presence of the Chairperson prior to the witness testifying before the Commission.
11. An audio link from the protected witness location will be provided so that the witness' evidence can be heard in the Commission's hearing venue when such evidence is given.
12. Subject to the usual rules applicable to the conduct of the Commission's proceedings:
 - 12.1. members of the public, including the media, may be present in the hearing venue in such numbers as may be directed by the Chairperson;
 - 12.2. sound reaching the hearing venue via the audio link from the protected witness location may be broadcast, and the proceedings in the hearing venue may be filmed and broadcast.
13. This order may be amended or supplemented by the Chairperson at any time if, in his opinion, that is necessary to protect the witness or any person in connection with the witness' evidence or to ensure fairness to any implicated person.
14. That, in order to protect the identity of the witness, the Secretary of the Commission is authorised to sign this Notice of Application on his behalf.
15. Further, other or alternative relief.

KINDLY TAKE NOTICE FURTHER THAT the accompanying affidavit of the witness will be used in support of this application.

DATED AT PARKTOWN ON THIS 29TH DAY OF JANUARY 2021.



PROF ITUMELENG MOSALA

The Secretary of the Commission

2nd Floor, Hillside House

17 Empire Road

Parktown

JOHANNESBURG 2017

Email: ItumelengM@commissionsc.org.za

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

In the *Ex Parte* application of:

STEVEN

Applicant

AFFIDAVIT IN SUPPORT OF THE APPLICATION IN TERMS OF RULES 4.2 AND 4.3 (READ WITH RULE 9.2 ALTERNATIVELY RULE 11.1) OF THE RULES OF THE COMMISSION

I, the undersigned:

"STEVEN"

do hereby declare under oath that:

1. I am an adult male currently employed as in the Domestic Branch of the South African State Security Agency ("SSA" or "*the Agency*").
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.

THE PURPOSE OF THIS APPLICATION

3. This is an application in terms of rules 4.2 and 4.3 read together with rule 9.2 *alternatively* rule 11.1 of the Rules of the Commission. I bring this application under the name of "*Steven*" in order to protect my identity.
4. Due to the nature of the evidence to be given as well as the nature of my duties at the SSA, I seek an order directing that the proceedings pertaining to my

M.T. 1



SEQ 04/2021-005

evidence before the Commission be conducted in such a manner so as to protect my identity from public disclosure.

5. I accordingly request that my evidence be received by the Commission on such terms and conditions set out in the Notice of Application to which this affidavit is attached or on any such other terms as the Chairperson may determine.
6. I have been duly authorised by the Acting Director-General of the SSA, Mr Loyiso Jafta, to co-operate with the Commission regarding my knowledge of a number of corruption-related issues within the Chief Directorate: Special Operations that are relevant to the Commission's Terms of Reference. I have furnished the Commission with an affidavit detailing my evidence in this regard.

THE NATURE AND IMPORTANCE OF MY EVIDENCE

7. My evidence will detail my knowledge of certain alleged irregular activities within the Chief Directorate: Special Operations insofar as they are relevant to the Commission's Terms of Reference. In summary, my evidence deals mainly with *inter alia*:
 - 7.1. The SSA's use of "jammers" at the State of the Nation Address ("SONA") during February 2015, which blocked the transmission of all electronic, radio and digital signals as directed at the instance of the then Deputy Director General Counter-Intelligence, Mr Thulani Dlomo.
 - 7.2. The involvement of the former Minister of State Security, Mr David Mahlobo ("*Minister Mahlobo*") in the running of intelligence operations and the payment of operatives.
 - 7.3. Minister Mahlobo's attempts to influence the litigation instituted by the South African Editors Forum ("*SANEF*") against the SSA relating to the use of "jammers" at the February 2015 SONA. This was sought to be done through two judges ("*the judges*") who were instructed by Minister Mahlobo to attempt to influence the court before which the litigation was pending.

 2


SEQ 04/2021-006

- 7.4. The withdrawal of cash from the Chief Directorate: Special Operations budget for payments relating to Minister Mahlobo's projects.
 - 7.5. The demands for payment made by Mr Thebe Maswabi in relation to the SSA's involvement in the formation of a rival trade union to the Association of Mineworkers and Construction Union ("AMCU").
 - 7.6. Minister Mahlobo's intervention in a renewal of an expired contract concluded with a certain company, allegedly originally referred to SSA by former President Mr J.G Zuma, for the provision of intelligence about food security in South Africa. The contract was finally not renewed.
8. The importance of this evidence for the Commission's inquiry is manifest. My evidence reveals how unlawful activities and financial irregularities within the SSA were concealed through reliance on the covert nature of Special Operations. The evidence also details how SSA resources were used in furtherance of unlawful activities which favoured a politicisation and factionalisation of the SSA in which senior members of the Agency and the Executive engaged in unlawful operations. My evidence provides corroboration of the findings of the High-Level Review Panel on the SSA, chaired by Dr Fholisani Sydney Mufamadi.

THE GROUNDS FOR THE PROTECTION OF MY IDENTITY

9. Given the serious nature of the evidence set out in my affidavit and the nature of my duties at the SSA, I am advised that it would be prudent for my identity to be protected from public disclosure.
10. In the course of my work as at the SSA, I deal with sensitive matters of national security. Should my identity become known to the public, it will jeopardise the integrity of the Agency's operations and pose a risk to national security.
11. The legislative and regulatory framework governing the Intelligence Services requires that the identity of members of the Agency be protected.

12. In the premises, I humbly request that an order be granted in the terms of the Notice of Application to which this affidavit is attached.

I know and understand the contents of this declaration.

I have no objection to take the prescribed Oath.

I consider the oath to be binding on my conscience.

“so help me God”



"STEVEN"
DEPONENT

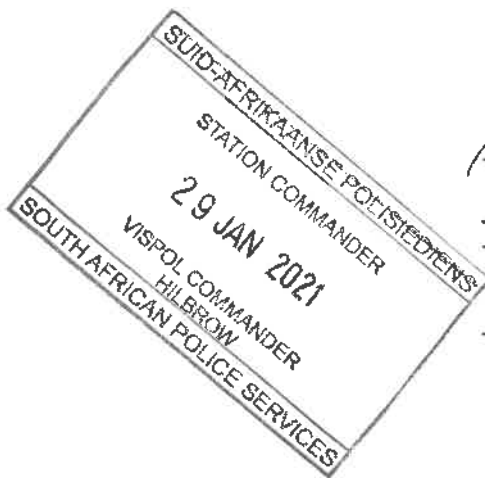
I certify that the deponent has acknowledged that he knows and understands the contents of this statement. This statement was sworn to before me and the deponent's signature was placed thereon in my presence on this the 29 day of January 2021 at Hilbrow

COMMISSIONER OF OATHS

EX OFFICIO

1 Claradon Place

Hilbrow





2nd floor, Hillside House
17 Empire Road,
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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

**SUMMONS TO:
APPEAR AS A WITNESS**

This summons is issued in terms of section 3(2) of the Commissions Act 8 of 1947, read with:

- **Proclamation 3 published in Government Gazette No. 41403 on 25 January 2018**
- **Government Notice No. 105 published in Government Gazette No. 41436 on 9 February 2018 (as amended)**
- **Rules of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State published in Government Gazette No. 41774 on 16 July 2018**

Tracking reference:

SPS18/0338/ARN

To the sheriff or his/her deputy of Pretoria South East

INFORM: MR SIPHO BLOSE (“STEVEN”)

OF

THE STATE SECURITY AGENCY
MUSANDA COMPLEX
DELMAS ROAD
PRETORIA
0181

that he is hereby summoned to:

- a) appear before the Commission personally at the Civic Centre, 158 Civic Boulevard Braamfontein, Johannesburg on **14 May 2021** at **10h00am** for the purpose of giving evidence before the Commission as contained in his affidavit deposed to on 18 November 2020 and answering any questions relating thereto.

Your failure to comply with the requirements set out in paragraph a) above without sufficient cause constitutes an offence under section 6(1) of the Commissions Act 8 of 1947, as amended.

DATED at Parktown on this 7th day of May 2021.



Prof Itumeleng Mosala

SECRETARY:

**Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud
in the Public Sector including Organs of State**



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

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INDEX: SEQ 02/2021

No.	Description	Pages
1.	In camera application Notice of Motion dated 22 January 2021	01 to 03
2.	In camera application supporting affidavit of "Ms K" dated 22 January 2021	04 to 09

SEQ 02/2021-01

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

In the *Ex Parte* application of:

MS K

Applicant

NOTICE OF APPLICATION IN TERMS OF RULES 4.2 AND 4.3 (READ WITH RULE 9.2 ALTERNATIVELY RULE 11.1) OF THE RULES OF THE COMMISSION

TAKE NOTICE THAT on a date to be determined by the Chairperson and at **10h00** or so soon thereafter as this matter may be heard, the applicant (“*the witness*”) will apply for an order in the following terms:

1. This application may be heard *in camera* and without notice to affected parties.
2. The witness is to be referred to during her evidence before the Commission and after her evidence insofar as the Commission is concerned as Ms K.
3. The witness’ identity shall not be disclosed or published in any manner.
4. The names and initials of the witness shall be redacted from all affidavits and documentation presented in evidence.
5. No photograph or video or other image of the witness may be taken, published or broadcast.
6. No person may photograph or publish any photograph or other image of any person engaged in and/or responsible for the protection of the witness when she gives evidence.

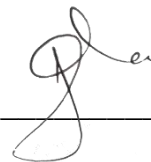
SEQ 02/2021-02

7. The witness need not be present at the Commission's hearing venue ("the hearing venue") when giving evidence but she may instead give her evidence from a separate and undisclosed location ("the protected witness location").
8. No camera will be permitted in the protected witness location.
9. No person other than the Chairperson, members of the Commission's legal team, the Commission's safety and security advisor, those necessary to assist or protect the witness when she gives evidence or another person specifically designated by the Chairperson will be permitted to enter the protected witness location without the prior written permission of the Chairperson.
10. The oath or affirmation will be administered to the witness in the presence of the Chairperson prior to the witness testifying before the Commission.
11. An audio link from the protected witness location will be provided so that the witness' evidence can be heard in the Commission's hearing venue when such evidence is given.
12. Subject to the usual rules applicable to the conduct of the Commission's proceedings:
 - 12.1. members of the public, including the media, may be present in the hearing venue in such numbers as may be directed by the Chairperson;
 - 12.2. sound reaching the hearing venue via the audio link from the protected witness location may be broadcast, and the proceedings in the hearing venue may be filmed and broadcast.
13. This order may be amended or supplemented by the Chairperson at any time if, in his opinion, that is necessary to protect the applicant or any person in connection with the applicant's evidence or to ensure fairness to any implicated person.
14. That, in order to protect the identity of Ms K, the Secretary of the Commission is authorised to sign this Notice of Application on her behalf.

15. This order shall also apply, with the necessary changes required by the context, should the witness be directed to give evidence by way of a virtual hearing as directed by the Chairperson.
16. Further, other or alternative relief.

KINDLY TAKE NOTICE FURTHER THAT the accompanying affidavit of the witness will be used in support of this application.

DATED AT JOHANNESBURG ON THIS 22nd DAY OF JANUARY 2021.



PROF ITUMELENG MOSALA

The Secretary of the Commission

2nd Floor, Hillside House

17 Empire Road

Parktown

JOHANNESBURG 2017

Email: ItumelengM@commissionsc.org.za

SEQ 02/2021-04

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

In the *Ex Parte* application of:

ADELAIDE DUDUZILE MALEKA

Applicant

AFFIDAVIT IN SUPPORT OF THE APPLICATION IN TERMS OF RULES 4.2 AND 4.3 (READ WITH RULE 9.2 ALTERNATIVELY RULE 11.1) OF THE RULES OF THE COMMISSION

I, the undersigned,

ADELAIDE DUDUZILE MALEKA

do hereby state under oath that:

1. I am an adult female and employed by the South African State Security Agency ("SSA" or "*the Agency*"). I work as part of the team that has been tasked with an internal investigation into irregularities within the SSA, and the Chief Directorate: Special Operations ("*Special Operations*") in particular, over the period 2012-2018. This ongoing investigation is called Project Veza. It began in 2018.
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. I have been requested to testify before the Commission on behalf of the Project Veza investigation team. This request was made by the Commission as a result of unforeseen circumstances beyond the control of the Commission which resulted in another member of the Project Veza investigation team not being in a position to testify before the Commission as scheduled. Such SSA member

SEQ 02/2021-05

intends to apply to the Commission for relief which includes that he testifies in camera and that he be referred to as "Mr Y" in proceedings. Mr Y has provided the Commission with an affidavit supported by three lever arch files of documentary evidence pertaining to our Project Veza investigation. The classified documents in these three files have been declassified by the Acting Director-General of the SSA, Mr Loyiso Jafta, and will be handed into evidence as the SSA Reference Bundle.

4. I attended several consultations with the Commission's investigators and legal team as part of the SSA's co-operation with the Commission. This included my attendance at several consultations related to Mr Y's evidence. Unless stated otherwise in my confirmatory affidavit, I am accordingly familiar with both the contents of his affidavit as well as the documentary evidence upon which it is based.

THE PURPOSE OF THIS APPLICATION

5. This is an application in terms of rules 4.2 and 4.3 read together with rule 9.2 *alternatively* rule 11.1 of the Rules of the Commission. I have brought this application under the code name of "Ms K" in order to protect my identity.
6. Due to the nature of the evidence to be given as well as the nature of my duties at the SSA, I seek an order directing that the proceedings pertaining to my evidence before the Commission be conducted in such a manner so as to protect my identity within the Agency from public disclosure.
7. I accordingly request that my evidence be received by the Commission on such terms and conditions set out in the Notice of Application to which this affidavit is attached or on any such other terms as the Chairperson may determine.
8. The cooperation sought by the Commission from the Project Veza team came about as a result of a Request For Information ("RFI") in which the SSA was asked to provide information with regard to its internal investigations into irregularities within the SSA. This RFI was issued by the Acting Secretary of

the Commission dated 3 February 2020 (reference RPS 18/0219/ARN). A number of reports, presentations, and assessments were handed over to the Commission in response to this RFI.

9. Further documentation, presentations, reports, transcripts and other materials relating to unlawful and/or irregular activities within the SSA were produced pursuant to a summons issued by the Commission dated 26 August 2020. Supplementary materials were produced in response to further summonses and RFIs issued by the Commission.

THE NATURE AND IMPORTANCE OF MY EVIDENCE

10. My evidence, particularly in confirming the contents of Mr Y's affidavit, will deal with those aspects of the Project Veza investigation that are relevant to the Commission's Terms of Reference, including:
 - 10.1. The creation and unlawful operations of a parallel intelligence structure within the SSA and the financial irregularities that accompanied it during the period of 2012 to 2018.
 - 10.2. The creation of the parallel intelligence structure details the irregular recruitment and training of SSA "co-workers" (non-SSA members) as well as their infiltration of the Agency. This was facilitated by the restructuring of the Counter Intelligence sub-division, and the Chief Directorate Special Operations ("CDSO") in particular during December 2011.
 - 10.3. The overreach of the SSA's duly authorised mandate through the irregular establishment of the President Security Support unit and the assumption of duties by the SSA that properly reside with the South African Police Service or with the South African National Defence Force.
 - 10.4. The counter-intelligence operations undertaken by Special Operations which exceeded the mandate of the SSA and at times constituted

SEQ 02/2021-07

conduct that undermined the very core of the Constitution, was manifestly unlawful and involved criminality.

- 10.5. The executive interference in operational matters and the irregular operations run out of the Office of the Director-General of the SSA.
- 10.6. The breach of governance and financial controls which involved the CDSO's unlawful contracts with front companies, the irregular use of Temporary Advances, the role of the Chief Financial Officers and Director-Generals in budgeting and planning and the abuse of the Cover Support Unit's resources.
- 10.7. The use of parallel and irregular vetting processes that enabled the infiltration of the SSA.
- 10.8. The illegal use of SSA firearms which details the lack of controls over access to firearms from the SSA armoury, their use and return.
11. The importance of this evidence for the Commission's inquiry is manifest. This evidence reveals how the use of parallel structures and covert operations allowed for the greatest capture of the SSA with the least scrutiny. The evidence also emphasises the need for the unlawful activities that have been uncovered during the investigation to be pursued by law enforcement agencies. It provides detailed corroboration of the findings of the High-Level Review Panel on the SSA, chaired by Dr Sydney Mufamadi, and the evidence to be provided to the Commission by the acting Director-General of the SSA, Mr Loyiso Jafta.

THE GROUNDS FOR THE PROTECTION OF MY IDENTITY

12. Given the nature of the evidence set out in Mr Y's affidavit and my confirmatory affidavit, as well as the nature of my duties at the SSA, I am advised that it would be prudent for my identity to be protected from public disclosure.
13. In the course of my work at the SSA, I deal with matters involving covert and undercover operations which impact national security. Should my identity

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become known to the public, it will jeopardise the integrity of the operations and thus pose a risk to national security.


14. In addition, threats have been made against individual members of the Project Veza investigation team by certain implicated parties. Furthermore, several individuals, including implicated persons who have been assisting the investigation team, have been intimidated. There have also been attempts to interfere with and even sabotage the Project Veza investigation.
15. The grounds for withholding my identity from the public thus arise from both my role as a member of the Agency and my involvement in the Project Veza investigation. To protect the national security interests at stake in the performance of my duties at the SSA and to protect me against the harm threatened against the Project Veza investigation team, I submit that it is in the public interest that my evidence be presented before the Commission in such a manner so as to prevent the disclosure of my identity.
16. The legislative and regulatory framework governing the Intelligence Services requires that the identity of members of the Agency be protected.
17. In the premises, I humbly request that an order be granted in the terms of the Notice of Application to which this affidavit is attached.



ADELAIDE DUDUZILE MALEKA

I certify that the deponent acknowledged that she knows and understand the contents of this affidavit, that she has no objection to taking the prescribed oath and that she considers this oath to be binding on her conscience. I also certify that this affidavit was signed in my presence at Lyttelton on this the 22 day of **JANUARY 2021** and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended by Government Notice R1648 of 19 August 1977, have been complied with.

COMMISSIONER OF OATHS

 M.R. Zwerni W/O

FULL NAMES:

M.R. ZWERNI

STREET ADDRESS:

RASBURY AVENUE

CAPACITY:

LYTTLETON
W/O

AREA:

CENTURION
LYTTLETON

SUID-AFRIKAANSE POLISIEDIENS
STATION COMMANDER
2021-01-22
STATION COMMANDER
LYTTLETON
SOUTH AFRICAN POLICE SERVICE



2nd floor, Hillside House
17 Empire Road,
Parktown
Johannesburg
2193
Tel (International): +27 (10) 214-0651
Tel (Tollfree): 0800 222 097
Email: inquiries@sastatecapture.org.za
Web: www.sastatecapture.org.za

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

**SUMMONS TO:
APPEAR AS A WITNESS**

This summons is issued in terms of section 3(2) of the Commissions Act 8 of 1947, read with:

- **Proclamation 3 published in Government Gazette No. 41403 on 25 January 2018**
- **Government Notice No. 105 published in Government Gazette No. 41436 on 9 February 2018 (as amended)**
- **Rules of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State published in Government Gazette No. 41774 on 16 July 2018**

Tracking reference:

SPS18/0342/ARN

To the sheriff or his/her deputy of Pretoria South East

INFORM: MS ADELAIDE DUDUZILE MALEKA

OF

388 Sand Plover
Hills Game Reserve Estate
Garsfontein
Pretoria
0001

Tel: 078 800 3739

That she is hereby summoned to:

appear before the Commission personally at the Civic Centre, 158 Civic Boulevard, Braamfontein, Johannesburg on **14 May 2021** at **12:00** for the purpose of giving evidence before the Commission and being questioned about any matter being investigated by the Commission and in particular:

- (a) the content of her affidavits deposed to on 31 March 2021 and 11 May 2021.

Please take notice that the Chairperson has granted a ruling which permits you to testify on such terms and conditions which appropriately prevents disclosure of your true identity and should you subsequently give evidence on such terms and conditions to be arranged by the Commission, that will be deemed to be sufficient compliance with this summons.

Your failure to comply with the above without sufficient cause constitutes an offence under section 6(1) of the Commissions Act 8 of 1947, as amended.

Dated at Parktown on this 13th day of May 2021.



Prof Itumeleng Mosala

SECRETARY:

**Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud
in the Public Sector including Organs of State**



**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
Johannesburg
2193
Tel: (010) 214-0651
Email: inquiries@sastatecapture.org.za
Website: www.sastatecapture.org.za

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No.	Description	Pages
APPLICATION FOR CONDONATION FOR NON-COMPLIANCE OF RULE 3.3 OF THE COMMISSION – “MS K”		
1.	Notice of Application dated 13 May 2021	01 to 02
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IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE (“THE COMMISSION”)

In the *Ex Parte* application of:

**THE SECRETARY OF THE
COMMISSION**

Applicant

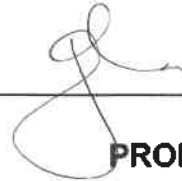
NOTICE OF APPLICATION

TAKE NOTICE THAT on a date to be determined by the Chairperson and at **10h00** or so soon thereafter as this matter may be heard, the applicant will apply for an order in the following terms:

1. That this application may be heard *in camera* and without notice to affected parties.
2. Granting condonation for the non-compliance with Rule 3.3 of the Rules of the Commission in respect of notices not sent to persons who are or may be implicated by the affidavits dated 11 May 2021 and 31 March 2021 (“*the evidence*”) of the witness whose identity is protected by Ruling under the code name of ‘Ms K’;
3. Alternative to the above, any Rule 3.3 notice(s) that is/are required to be issued in terms of Rule 3.3 of the Rules of the Commission in respect of the evidence shall be issued on such terms and directions determined by the Chairperson.
4. Further, other or alternative relief.

KINDLY TAKE NOTICE FURTHER THAT the accompanying affidavit of **MR ITUMELENG MOSALA** will be used in support of this application.

DATED AT JOHANNESBURG ON THIS 13th DAY OF MAY 2021.



PROF ITUMELENG MOSALA

The Secretary of the Commission

2nd Floor, Hillside House

17 Empire Road

Parktown

JOHANNESBURG 2017

Email: ItumelengM@commissionsc.org.za

SEQ 28/2021-03

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

In the *Ex Parte* application of:

THE SECRETARY OF THE COMMISSION

Applicant

SUPPORTING AFFIDAVIT

I, the undersigned,

ITUMELENG MOSALA

do hereby state under oath that:

1. I am an adult male employed as the Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (*the Commission*) with its main place of business situated at Hillside House, 17 Empire Road, Parktown, Johannesburg. My appointment as such is effective from 1 October 2020. I am duly authorised to depose to this affidavit.
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. Where I make legal submissions, I do so on the advice of the Legal Team of the Commission. I believe such advice to be correct.

 M-A.1

THE PURPOSE OF THIS APPLICATION

4. The purpose of this application is to seek condonation for non-compliance with Rule 3.3 of the Rules of the Commission for failing to send notices as required to persons who are or may be implicated by the affidavits of Ms K dated 11 May 2021 and 31 March 2021 (*“the evidence”*), whose identity is protected by the Ruling made by the Chairperson dated 27 January 2021.
5. When it became apparent that Mr Y was not able to testify at the previous hearing and that Ms K would have to testify in his place, she deposed to an affidavit dated 26 January 2021. A copy of this affidavit is annexed marked “K1”. This affidavit was not submitted or relied upon during the course of Ms K’s testimony, as the decision was taken to limit Ms K’s evidence to that of Mr Y as no Rule 3.3 notices could timeously be sent in respect of Ms K’s evidence contained in this affidavit.
6. Both during and subsequent to the hearing of Ms K’s evidence, Ms K was implicitly threatened and the environment within SSA became adversarial, extremely hostile, stressful and threatening to Ms K and the Project Veza investigators, so much so that she has had to book off sick. This appears from the facts set out in Ms K’s supplementary affidavits, annexed hereto marked “K2” and “K3” (which should be regarded as incorporated herein) and are dealt with more fully below. In view hereof, a decision was taken by the legal team not to issue any Rule 3.3 notices in respect of Ms K’s evidence.
7. Ms K is scheduled to present further evidence to the Commission on 14 May 2021 or on such other date as the Chairperson may determine.

GOOD CAUSE FOR THE APPLICATION FOR CONDONATION

8. Rule 3.31 of the Rules of the Commission requires that where evidence implicates or may implicate a person, that person should be notified of the evidence within a reasonable time before the evidence is led.

¹ Rule 3.3 reads:

3.3. *If the Commission’s Legal Team intends to present to the Commission a witness, whose evidence implicates or may implicate another person, it must, through the Secretary of the*

 M.A.²

SEQ 28/2021-05

9. The evidence to be presented implicates or may implicate certain persons in unlawful, illegal and/or improper conduct which falls within the mandate of the Commission. Notwithstanding any such implication, I am informed that it is considered that notifying the implicated parties, most of whom are high profile public persons and/or hold senior positions within SSA, at any time before the evidence is given, may:
- 9.1. result in further attempts to disclose the true identity of Ms K, contrary to the Chairperson's Ruling; and/or
 - 9.2. threaten Ms K's personal safety and security; and/or
 - 9.3. possibly compromise the evidence ; and/or
 - 9.4. cause steps to be taken to prevent Ms K's evidence from being given.
10. In amplification, I am informed that:
- 10.1. Prior to Ms K's appearance before the Commission on 27, 28 and 29 January 2021, notices were issued to all persons entitled to a Rule 3.3 notice pursuant to the evidence of a witness who has been referred to by a pseudonym 'Mr Y', to which her evidence related.
 - 10.2. Despite Ms K's evidence being led under the prescriptive terms and conditions of the Chairperson's Ruling to protect her true identity,

Commission, notify that person ("implicated person") in writing within a reasonable time before the witness gives evidence:


- 3.3.1. *that he or she is, or may be, implicated by the witness's evidence;*
- 3.3.2. *in what way he or she is, or may be, implicated and furnish him or her with the witness's statement or relevant portions of the statement;*
- 3.3.3. *of the date when and the venue where the witness will give the evidence;*
- 3.3.4. *that he or she may attend the hearing at which the witness gives evidence;*
- 3.3.5. *that he or she may be assisted by a legal representative when the witness gives evidence;*
- 3.3.6. *that, if he or she wishes:*
 - 3.3.6.1. *to give evidence himself or herself;*
 - 3.3.6.2. *to call any witness to give evidence on his or her behalf; or*
 - 3.3.6.3. *to cross-examine the witness;*
- 3.3.7. *he or she must, within two weeks from the date of notice, apply in writing to the Commission for leave to do so; and that the Chairperson will decide the application."*

 M-A

SEQ 28/2021-06

attempts were made by unknown persons to publicly reveal both Mr Y and Ms K's identity during the days of her testimony.

- 10.3. In what was viewed as a veiled threat to Mr Y (and implicitly Ms K), pictures of his family were published in the media. As both Mr Y and Ms K work in a covert environment at SSA, it is probable that their identity could only have been known to persons within SSA and thus, it is possible that the publication of their identity came from persons implicated by Mr Y and Ms K.
- 10.4. In the circumstances, premature disclosure of Ms K's further evidence before the Commission – which seriously implicates both the Minister of State Security and the Director of the Domestic Branch of the SSA, as well as other high level present and past members of SSA, may trigger further attempts to reveal her true identity, and in so doing, compromise her safety and security and defeat the object of the Chairperson's prior Ruling.
- 10.5. Moreover, the disclosure of her true identity could have serious consequences for Ms K's safety as she works in a deep cover covert environment, and compromise the covert nature of the operations she is engaged in. Once Ms K has given her testimony, the possibility of further publishing her identity in order to intimidate her and discourage her from further testifying before the Commission, will be diminished as the intended result will not have been achieved.
- 10.6. Following Ms K's first testimony, which concluded on 29 January 2021, the environment in which Ms K operates at SSA has become extremely hostile and threatening:
- 10.6.1. One person known to Ms K called her when she put her phone back on after testifying asking her if she was not afraid of being killed. She believes that the person had been instructed by two Deputy Director Generals at SSA to make this inquiry. Ms K perceived this as a threat designed to intimidate her and thereafter blocked this number to prevent such person from further contact with her.

 M.A. 4

SEQ 28/2021-07

- 10.6.2. Various steps were taken to shut down and discredit the Project Veza investigation led by Ms K. These steps included *inter alia*
- 10.6.2.1. improper interference in the Project Veza investigation;
 - 10.6.2.2. the Director of the Domestic Branch averring that Project Veza was a rogue unit, acting against the interests of SSA;
- 10.6.3. Ms K was told that she was barred from accessing the Musanda Complex where SSA is situated and later learnt that armed security officials carrying automatic rifles (R5s) were manning the main gates to prevent the ID and OIGI obtaining access after they had attempted to execute a subpoena for documents at the premises;
- 10.6.4. Crucial documents pertaining to the Project Veza investigation were removed and her and her co-worker's offices were locked, as set out fully in her supplementary affidavit. Mr Y's offices was also locked and they were barred from access to these offices;
- 10.6.5. Ms K has been charged internally and accused of leaking classified documentation to the Commission in circumstances where such documentation was duly declassified and provided in compliance with a summons;
- 10.6.6. Ms K and her other team member have suddenly and unexplicably been redeployed to their former positions;
- 10.6.7. the appointment of another member in Mr Y's position, while he is convalescing, who Mr Y implicated in the PAN 1 investigation;
- 10.6.8. Ms K was summonsed to appear before the Joint Standing Committee on Intelligence (JSCI) to explain her testimony;
- 10.6.9. the failure to renew Mr Jafta's acting position immediately after he had granted access to the Investigative Directorate (ID) of the National Prosecuting Authority (NPA) to execute the summons;



M-A.

SEQ 28/2021-08

- 10.6.10. the Minister's attempt to prevent Mr Jafta from testifying at the Commission;
- 10.6.11. the re-instatement of seriously implicated persons to their former positions; and
- 10.6.12. her intimate knowledge of the fraud and corruption at SSA and the identity of those involved, including persons in high positions.

CONDONATION IS IN THE PUBLIC INTEREST AND IN THE INTERESTS OF THE COMMISSION

11. The fact that the Minister has uplifted the suspension of persons seriously implicated in the project Veza investigation and allowed them to return to work at SSA would, should they be afforded notice that she would continue her testimony at the Commission, run the risk that Ms K would be further intimidated not to testify or limit her evidence at the Commission. This is exacerbated by the fact that since testifying at the Commission, the environment at SSA has become increasingly hostile to Ms K and the others involved in the Project Veza investigation.
12. Finally, Ms K has made serious allegations against both the Minister of State Security and the Director of the Domestic Branch of SSA, who she has accused of dishonesty, obstruction of justice and evidence tampering. Both the Minister and the Director have made it plain that they are not in favour of the Project Veza investigation and its findings being made public at the Commission. The Minister took steps to prevent Mr Jafta's evidence.
13. The Director of the Domestic Branch is in a position of authority over Ms K and may immediately suspend Ms K and or take other steps to prevent her evidence from being heard, should he become aware that she intends to testify about the locking of the offices of the Project Veza investigators, his refusal to comply with the summons issued by the Investigative Directorate of the National Prosecuting Authority (NPA) for documents relating to the investigation and the effective shutting down of the Project Veza investigation.

 M-A-

SEQ 28/2021-09

14. In the circumstances, I am advised to request that any Rule 3.3 notice required to be issued not be issued *before* the relevant witness gives evidence and be issued after she has testified or at a time and in a manner determined suitable by the Chairperson.

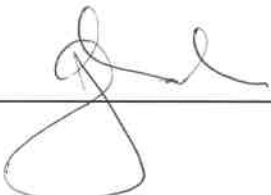
NO IRREPARABLE PREJUDICE

15. The hearings are publicly broadcast live and accessible through various broadcasting platforms.
16. Any prejudice that may be suffered by any implicated party not receiving a Rule 3.3 notice, as contemplated in the Rules, is remediable under the Commission's Rules and in particular, by the issuing of Rule 3.3 notices to implicated persons after Ms K has testified at the Commission. The provisions of Rule 3 would permit such persons to submit an affidavit to the Commission and/or apply to cross-examine Ms K and/or otherwise exercise their rights under the Rules and Regulations of the Commission.
17. Regarding the right to cross-examination of a witness, Regulation 8(3) provides that:
- "(3) Any witness appearing before the Commission may be cross-examined by a person only if the Chairperson permits such cross-examination should he deem it necessary and in the best interest of the function of the Commission."*
18. Regulation 15 provides that "[t]he Commission may determine its own procedures." To the extent that the Regulations do not expressly deal with the conduct of proceedings before the Commission, the matter lies within the discretion of the Commissioner.
19. Implicated persons are further, under Rule 3.5, entitled to apply to the Chairperson for such order as will ensure that they are not seriously prejudiced by the Commission's failure to comply with the period set out in Rule 3.3. To this end, it is respectfully submitted that such application is decided within the discretion of the Chairperson. Similarly, leave to cross-examine is decided within the discretion of the Chairperson.



M.A.

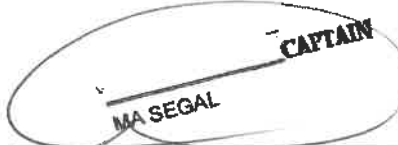
- 20. It is submitted that any possible prejudice to implicated persons must be weighed against the threat to the safety and security of Ms K and the serious risk of Ms K's evidence being compromised or attempts being made to prevent her from testifying at the Commission. The nature of Ms K's evidence is extremely serious and falls within the terms of reference of the Commission. It is in the interest of the public that the evidence of Ms K be heard. Once her evidence has been led, Rule 3.3 notices can be sent to implicated persons and they will have all the rights conferred on them in terms of Rule 3.3 of the Rules of the Commission.
- 21. In the premises, I submit that good cause has been shown and that it is in the interests of the work of the Commission and the public at large that an order be granted in the terms of the Notice of Application to which this affidavit is attached.


 M. A.

THE 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 BRAAMFONTEIN on this 13th day of **MAY 2021**.

SUID-AFRIKAANSE POLISIEDIENS
 STATION COMMANDER
 2021-05-13
 CLIENT SERVICE CENTRE
 HILLBROW
 SOUTH AFRICAN POLICE SERVICE


 MA SEGAL
 CAPTAIN

COMMISSIONER OF OATHS
 EX OFFICIO:

FULL NAMES:
Moffat A. Segal *MA*

SEQ 28/2021-11

SUID-AFRIKAANSE POLISIEDIENS
STATION COMMANDER
2021 -05- 13
CLIENT SERVICE CENTRE HILLBROW
SOUTH AFRICAN POLICE SERVICE

PHYSICAL ADDRESS:

158 CIVIC BOULEVARD

CAPTAIN BLAAMFONTEIN

DESIGNATION:

CAPTAIN

SEQ 28/2021-12

SSA-02-340

YY9-MSK-01

"K1"

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

AFFIDAVIT OF "MS K"

I, the undersigned,

"MS K"

do hereby declare under oath and state that:

1. I am an adult female employed by the South African State Security Agency ("SSA").
2. I am duly authorised by the Acting Director General, Mr Loyisa Jafta, to depose to this affidavit.
3. The contents of this affidavit are, unless stated otherwise or where the contrary appears from the context, within my own personal knowledge or knowledge gained by me in the course of my involvement in the internal investigation of Project Veza, and are true and correct.
4. In performing my duties with regard to the Project Veza investigation, I reported to the witness referred to as "Mr Y", who has deposed to an affidavit dated 30 November 2020 for submission to the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State ("the Commission") pursuant to several Requests for Information ("RFI") and summonses issued by the Secretary of the Commission regarding the internal investigation of Project Veza. A copy of Mr Y's redacted affidavit is annexed marked "K1".



M.A.



SSA-02-341

YY9-MSK-02

- 5. Due to unforeseen circumstances, Mr Y is not able to testify at the Commission. I have been requested to testify in his place by virtue of my involvement in and knowledge of the internal investigation of Project Veza.
- 6. I confirm the content of Mr Y's affidavit in so far as it deals with the Project Veza investigation. I will not, at this stage, testify to aspects of the investigation not covered in Mr Y's affidavit. Should it be necessary, I will raise these further aspects in a supplementary affidavit to be submitted to the Commission.

I know and understand the contents of this declaration.

I have no objection to take the prescribed Oath.

I consider the oath to be binding on my conscience.

"So help me God"

"MS K"

I certify that the deponent has acknowledged that he knows and understands the contents of this statement. This statement was sworn to before me and the deponent's signature was placed thereon in my presence at Sandton SAPS on this the 26 day of January 2021 at _____.



[Signature]
 COMMISSIONER OF OATHS

EX OFFICIO

[Signature]
 MORNINGSIDE
 SANDTON SAPS
 W/O

M.A.
[Signature]

SEQ 28/2021-14

"K2"

AFFIDAVIT OF Ms K (Demi)

I, the undersigned;

Ms K (Demi)

do hereby declare under oath and state that:

1. I am an adult female employed by the South African State Security Agency ("SSA"). I am the **XXX**: Chief Directorate Counter-Intelligence; a position I was instructed, by Adv Mofhe to return to following my testimony at the State Capture Commission. Prior to that I was engaged full-time as the Project Manager of the project established by the then Acting Director General ("DG") of the SSA, Mr Loyiso Jafta ("Jafta") to investigate irregularities in SSA, particularly in the Chief Directorate: Special Operations ("CDSO") over the period 2012 to 2018, which has been termed "Project Veza".
2. The contents of this affidavit are, unless stated otherwise or where the contrary appears from the context, within my own personal knowledge or knowledge gained by me through feedback provided to me by colleagues, and are true and correct.
3. I depose to this affidavit owing to incidents of suspected evidence tampering or interference with areas that contain documentary evidence relating to both the PAN and Veza investigations, that I witnessed in SSA. These documents are material to the commission of crime that we investigated.
4. I can confirm that on and around 10 March 2021, I received a call from one of the Veza investigators informing me that locks to his office, wherein the Veza investigation documents were stored, were changed. I therefore called an

M.A.



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- official within SSA Internal Security XXX to enquire about the matter. He indicated to me that he and his colleagues were instructed by his seniors to padlock certain offices, change the locks of our investigators' office and hand over the keys to someone in senior management. He was very apologetic about that, but indicated that he and his colleagues made sure not to enter the said offices and kept record of what they were instructed to do.
5. It is noteworthy that the list of offices padlocked included Mr Y's offices including the office number XXX on the XXX floor which he occupied as XXX Special Operations, as well as his former secretary's office. This I assumed was due to the adjoining door between the two offices. I took photos to prove that the offices were indeed padlocked. It is also important to point out that in the intervening period one of the people implicated in Veza, Mr Barry was appointed to the position of General Manager: Special Operations on a permanent basis.
 6. Subsequent to the Sec 28 Summons served on Mr Loyiso Jafta in his capacity as Acting Director General of SSA, by the National Prosecuting Authority's Investigative Directorate (ID) on 11 March 2021; the Joint Standing Committee on Intelligence (JSCI) met at Musanda on 15 March 2021. Following that meeting I was informally informed by Mr XXX that a resolution was taken that the Office of the Inspector General of Intelligence (OIGI), the SSA and ID were to compile a Memorandum of Understanding (MoU) relating to the modalities of giving the ID and OIGI access to the documents as outlined in the Summons as well as the securing of same.
 7. On 25 March 2021, I went to Musanda for a meeting scheduled with my new Supervisor which was scheduled for 13:30. I however decided to arrive two hours earlier. As I was walking past the passage where the afore-mentioned office is located, I saw that my colleague, Kim was standing in the corridor chatting to Mr Y's former secretary XXX, whose office was amongst those that were previously padlocked.
 8. I noticed that XXX's office was opened as well as Mr Y's office, albeit through the adjoining door. There was also someone who was cleaning both



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- offices. I pointed out to XXX that the office should not have been opened because it was part of the offices that the OIGI and ID were supposed to access in the presence of SSA. I then went into her office, stood there and took a photo and video to prove that the office was indeed accessed.
9. While I was taking the photo XXX (also very involved in CDSO illegal activities) threatened to report me for taking photos, and I encouraged her to do so as it was a crime scene. I also encouraged her to record the names of everyone who enters that office for her own protection.
 10. On the same day at around 12:00 or so, I received a call from the office of XXX, requesting that Kim and I come to his office, which we did. We were placed in a waiting area as DB03 was still in a meeting.
 11. While awaiting to meet with DB03, Mr Barry, whom I was meeting for the first time, came and spoke to us. After we were introduced, he mentioned that he heard that we took photos of his office into which he was in the process of occupying. I therefore told him I would prefer that the matter be discussed in a meeting setting, as I assumed that he was there to also join the meeting with DB03. However, by the time we got the opportunity to meet DB03, Mr Barry was not present.
 12. XXX (DB03) accompanied by a lady from his admin staff, met with us. He first asked about me not handing over the keys to XXX campus, another Veza office space that was locked. Once that was concluded, he took a small piece of paper out of his pocket from which he read out a report from XXX relating to me taking photos of the office.
 13. I therefore gave DB03 the background relating to the MoU of which he was aware because, he was part of the group that blocked the ID from leaving on 11 March 2021, he was also present at the JSCI meeting and he also confirmed that he is supposed to oversee the MoU process. I then reminded him that no party was supposed to enter any of the relevant premises without the other being present and he indicated that he understood that the accessing of same by SSA was in bad faith. He said he understood and informed us that he would report the entire incident to Adv Moufhe and asked us if we had reported the



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matter to DG, to which we responded in the negative because we hadn't yet reported to anyone at that point.

- 14. I subsequently sent the video to Mr Y, the Acting DG Jafta, the ID and the IG to alert them of the breach of the said MoU and the possibility of evidence tampering.
- 15. On 26 March 2021, I did not go to the office but requested Kim to go past the 3rd floor office and check whether it had been padlocked following our discussion with XXX. Her feedback to me was that the padlock on the said door had been completely removed. I then advised her to take photos thereof. This to me indicated a deliberate act of tampering with evidence, sabotaging the criminal investigation and undermining the NPA Summons.

Ms Y (Demi)

I certify that the deponent acknowledged that she knows and understand the contents of this affidavit, that she has no objection to taking the prescribed oath and that she considers this oath to be binding on her conscience. I also certify that this affidavit was signed in my presence at PTD on this the 3rd day of **MARCH 2021** and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended by Government Notice R1648 of 19 August 1977, have been complied with.

COMMISSIONER OF OATHS

FULL NAMES: W. K. PHOENIX

STREET ADDRESS: 244 Johnny Claassen Str

CAPACITY: POLICE OFFICER

AREA: PTD



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"K3"

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

SUPPLEMENTARY AFFIDAVIT OF ADELAIDE DUDUZILE MALEKA

I, the undersigned,

Ms K

do hereby state under oath that:

1. BACKGROUND

1. I am an adult female employed by the South African State Security Agency ("SSA").
2. At the time that I testified at the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State ("the Commission"), I was the incumbent Divisional Head (Operational Analysis): Chief Directorate Counter-Intelligence, but was not actively engaged in this position as I had been appointed full-time as the Project Manager Project Veza which had been established to investigate irregularities in SSA, particularly in the Chief Directorate: Special Operations ("CDSO") over the period 2012 to 2018.
3. Since testifying at the Commission, I have been redeployed in my former position as the Divisional Head (Operational Analysis): Chief Directorate Counter-Intelligence.
4. I am duly authorised to depose to this affidavit as per permission granted to me in January 2021 which, according to my knowledge, has not been rescinded.
5. The contents of this affidavit are, unless stated otherwise or where the contrary appears from the context, within my own personal knowledge or knowledge gained by me in the course of the above-mentioned investigations, and are true and correct.



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2. THE PURPOSE OF THIS AFFIDAVIT

6. Mr Y deposed to an affidavit dated 30 November 2020 for submission to the Commission. Due to unforeseen circumstances, Mr Y was not able to testify at the Commission and I was summonsed to testify in his place by virtue of my position as Project Manager of Project Veza and my personal knowledge of the Internal Investigations conducted by SSA under Project Veza. Pursuant to this summons, I gave evidence at the hearings between 27 January 2021 and 29 January 2021.
7. Although I had deposed to a separate affidavit, qualifying and expanding on certain of the issues canvassed by Mr Y in his affidavit, as this was found to implicate further individuals, thus requiring further Rule 3.3 Notices to be issued, owing to time constraints I was requested to limit my evidence to that dealt with by Mr Y in his affidavit. It was contemplated that I would provide the Commission with a supplementary affidavit in order to expand upon certain of the averments made by Mr Y.
8. As the Project Manager of Project Veza, I was intimately involved in the investigation and in certain instances, had more direct knowledge thereof than Mr Y. My investigation team and I conducted the investigative work and interviewed the witnesses pursuant to which we compiled reports which were submitted to Mr Y and the DDG. These reports informed much of the content of Mr Y's affidavit.
9. In this affidavit, I propose to deal with the further aspects alluded to by me during the course of my testimony and to elaborate on certain issues dealt with by Mr Y in his affidavit. I will also deal with the events which have transpired since I testified at the Commission and the circumstances under which the Project Veza investigation was effectively shut down by Advocate Muofhe, the Director of the Domestic branch of the SSA. To this effect I and the other members of the investigation team were redeployed to our positions.



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3. THE CHALLENGES FACED BY THE INVESTIGATORS DURING THE COURSE OF THE PROJECT MOMENTUM AND PROJECT VEZA INVESTIGATIONS

Project Veza's Predecessor: Project Momentum

10. Stemming from the Budget Vote address delivered by the former Minister of State Security, Ms Dipou Letsatsi-Duba on 18 May 2018, an internal investigation under code name "*Project Momentum*" was established in June 2018 to address allegations of corruption within the SSA.
11. Limited progress was made under Project Momentum, I believe for the following reasons:
 - 11.1. First, information and documentation was deliberately withheld from the investigators;
 - 11.2. Second, there was little co-operation from the persons who were implicated in the investigation.
 - 11.3. Third, it was discovered that certain members of the Project Momentum investigation team were sabotaging the investigation and had forewarned persons who were being investigated that their communications were being intercepted pursuant to Directives issued in terms of the Regulation of the Interception of Communications and Provision of Communication-Related Information Act 70 of 2002 ("Act 70"); and
 - 11.4. Fourth, there was limited support internally for the investigation.
12. I must point out that much of the documentation relating to the CDSO which informed much of the content of Mr Y's affidavit and our investigative reports about the irregularities within the CDSO, were discovered by chance during an inspection of a walk-in safe at the SSA Headquarters for other purposes. These documents referred to ought to have been disclosed to the investigators of Project Momentum, but they were not, and it is my view that they were deliberately hidden.



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13. The safe in which the documents were discovered was controlled by the General Manager: Cover Support, a position previously located under the office of Mr Arthur Fraser, the erstwhile DG of the SSA, albeit unofficially. Certain of the members of the CDSO informed the investigation team that after Mr Fraser was appointed, he closed down the CDSO and requested that all the documents concerning the operations of the CDSO be handed to his Office. These documents were then put in the safe by the aforementioned General Manager.
14. After Mr Lloyd Mhlanga was appointed as the Acting Director of the Domestic Branch of the SSA, he and Mr Y obtained access to the keys of the safe and stumbled upon the original documentation pertaining to the operations which had been conducted by the CDSO.
15. In addition, a SSA member with the pseudonym 'Helen', who was seriously implicated in our investigations was found attempting to remove original documentation implicating her, from the premises of SSA during April 2018: 'Helen' was the Office Manager in the Office of both former DGs of SSA, Ambassador Kudjoe and Mr Fraser. It can be concluded that these documents were removed from her office and mainly related to covert operations run from Mr Fraser's office. The documents which were confiscated from 'Helen' proved to be crucial to our investigation which revealed that:
 - 15.1. During the period that Ambassador Kudjoe was appointed as the DG of SSA and Mr David Mahlobo was appointed as the Minister of State Security, the Office of the DG became involved in covert operations, purported to be the '*President's projects*', allegedly pursuant to a directive from Mr Mahlobo and the Deputy Director General: Counter-Intelligence, Ambassador Thulani Dlomo. The Minister received large amounts of cash from operatives during this period, on average in the region of R4.5 million per month, R2.5 million of which was reportedly for onward transmission to former President Zuma.
 - 15.2. After Mr Fraser was appointed as the DG in September 2016, 'Helen' retained her role as Office Manager in his office. Although Mr Fraser closed down the CDSO established by Ambassador Dlomo, 'Helen' continued to withdraw large sums of cash and delivered it to Mr



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Mahlobo; the evidence revealed that the DG's Office under Mr Fraser continued to run the operations which had been run through the CDSO. During this period the expenditure for the Office of the DG increased from approximately R42 million to R303 million between the 2016/2017 and 2017/18 financial years

- 15.3. Although 'Helen' was not an operative, according to the financial records of the SSA, she withdrew R244 million in cash during the period she worked in the office of the DG between 2014 and 2018.
- 15.4. There is also evidence that 'Helen' assisted former Ministers of SSA, Minister Mr Bongo and Mr Mahlobo in pursuing political objectives by utilizing the resources and funds of SSA under the guise of covert projects. 'Helen' also withdrew R19 million prior to the ANC National Conference held at Nasrec during 2017. It was suspected by members of the internal SSA investigation team that these funds may have been used to influence the voting of ANC members at the conference. I wish to point out that 'Helen' made numerous withdrawals during this month and the withdrawal of R19 million was but one of these withdrawals. As I no longer have access to the books and records of the CDSO for this period, I am unable to verify how much was withdrawn by 'Helen' during this period.
- 15.5. While the documents seized from 'Helen' were crucial to Project Momentum's investigations, her case was initially dealt with separately by a member of Internal Security, although he was also a member of both Projects, Momentum and Veza investigation teams. At the insistence of Mr Mhlanga and myself, the documents seized, as well as an inventory thereof, were obtained by the Project Veza team for analysis and further investigation.
16. I wish to stress that when 'Helen' was apprehended trying to remove documentation, we, as the investigators, were not aware that any operations were being conducted from the DG's office and thus, this was not our focus. I and two other analysts had only joined the team on 5 December 2018.



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The Project Veza Investigation

17. Due to the challenges faced by the investigation team discussed above, the investigation conducted under Project Momentum was reinforced and re-launched by the then Director: Domestic Branch, Mr Lloyd Mhlanga and the then Acting DDG: Counter Intelligence, Ms **lan**, on 5 December 2018 under the name, 'Project Veza'. Accordingly, when I was asked to lead the investigation team in December 2018, this was under the newly established Project Veza. Subsequent to the departure of Mr Mhlanga and Mr **lan**, the then Acting Director General, Mr Loyiso Jafta, reaffirmed and approved the continuation of Project Veza and reconstituted the team thereby, removing team members who were found to have been compromised and suspected of sabotaging the work of the team.
18. Notwithstanding the institutional support provided to the Project Veza team by Mr Jafta, we continued to face lack of co-operation, obstruction and deliberate sabotage of the investigation both from those implicated and the Director of the Domestic Branch, Advocate Muofhe, and the Executive. Regrettably, Project Veza did not have the support of some elements within SSA, who seek to preserve the *status quo*, as opposed to supporting our efforts to identify wrongdoing and remedy it.
19. What we also found was that the SSA's current organizational and administrative tools which are available in order to conduct internal investigations are not geared to effectively deal with the level of organised crime discovered during the course of our investigations. This was exacerbated by the fact that we did not have powers of compulsion and the fact that our investigative processes were seemingly scuppered by the Executive.
20. It appears to be the attitude of some of the current senior management within SSA and the Executive that malfeasance should be dealt with internally and not by law enforcement agencies, purportedly in order to preserve national security; notwithstanding that criminality cannot be hidden under the rubric of secrecy and classification. It has been disheartening to have found that even our internal disciplinary powers and recommendations have been undermined in that those implicated who had been placed on suspension, have been



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allowed to return to work without sanction.

21. There have been many instances of persons deliberately trying to sabotage our investigations and Executive overreach in the investigation and the disciplinary process:

The threats against the investigators

22. As indicated by Mr Y, there have been threats made by certain implicated persons against members of the investigation team, as well as against officials who have assisted the investigation team.
23. These threats and intimidation have continued since the testimonies by SSA officials have been given to the Commission; our names were submitted to Internal Security (IS) to block our access to the SSA Head Quarters and security officials started carrying R5 automatic assault rifles while manning the gates. I view this as an intimidation tactic to silence us as, well as the other SSA officials who may want to expose the criminality that is apparent. Most importantly, I view this as an attempt to intimidate the Investigating Directorate (ID) of the National Prosecuting Authority (NPA) and the Office of the Inspector General of Intelligence (OIGI), who are known to be pursuing the criminal investigations referred to law enforcement agencies and carrying out their respective mandates. This has included the issuing of summonses for documents, dealt with below.

The interference with the investigation by Advocate Muofhe

24. The Acting Director: Domestic Branch, Advocate Muofhe, has interfered with and actively obstructed the work of Project Veza. Advocate Muofhe, while he was Minister Letsatsi-Duba's advisor, sought to persuade Mr Mhlanga, the then Acting Director: Domestic Branch, to withdraw his referral of the criminal conduct uncovered during the course of our investigations to the Directorate of Priority Crime Investigation (DPCI). At a meeting called by Advocate Muofhe during 2019, attended by Mr Mhlanga and Mr **Ian**, including Mr Y and myself, he demanded that we hand over all of the evidentiary documentation relating to Project Veza to the Ministry, which I refused to do unless he provided me with an instruction in writing, which was not forthcoming.



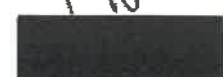


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25. A few weeks after this incident, Mr **Ian** was instructed to return to his foreign posting. Around this time, and after Adv Muofhe had attempted to persuade Mr Mhlanga to withdraw the referral of the matters investigated to the DPCI, Advocate Muofhe opened a criminal case against Mr Mhlanga for alleged 'double dipping' relating to the payment of his salary by DIRCO, from where he had been seconded, and the SSA, for which, I believe he provided a proper explanation and was cleared by the IGI. Suffice to say, the NPA declined to prosecute the matter. This was however, used as a basis to suspend and subsequently remove Mr Mhlanga. These actions in essence eroded the governance structure of Project Veza.
26. After Advocate Muofhe replaced Mr Mhlanga as Director: Domestic Branch, he made it clear, through an operative with the pseudonym 'Steven', who had replaced Mr **Ian** as the project sponsor, that he did not support our investigation. Recent events are testimony to this.
27. I am aware that Advocate Muofhe attempted to outsource the investigation to a private forensic company, Bowman Gilfillan. The submission compiled by Advocate Muofhe requesting the appointment of the attorneys, Bowman Gilfillan was prepared on 19 December 2019. In support of the requested approval for the appointment of these attorneys to conduct this investigation, it was falsely stated that no investigation had been conducted since the release of the High-Level Review Panel Report in early 2018, which was not true: Project Momentum and Project Veza had actively pursued the investigation of the irregularities at the CDSO. Further, Advocate Muofhe's statement, could not have been made in ignorance, as he had been briefed on Veza investigations, both in his capacity as Special Advisor to former Minister, Ms Letsatsi Duba, and as Director of the Domestic Branch of the SSA. He was also present during the JSCI briefing in November 2019. He therefore misled the State Attorney's office when he requested assistance in appointing a forensic firm.
28. After we served a notification of investigation and subsequently interviewed the Head of the Cover Support Unit, who had the keys to the safe in which much of the CDSO documentation was hidden, Advocate Muofhe instructed a member of the team to desist from contacting or interviewing any person within

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the Domestic Branch and directed that his Office be the only contact point with such members. Had this instruction been implemented, it would have effectively closed down the investigation, by encouraging non-cooperation from implicated officials. Fortunately, this instruction was not ratified by Mr Jafta, which in turn, resulted in the team reporting to Mr Jafta.

29. The project Veza team has, since its inception, always indicated in its Project Plan, as well as in various briefings to the Minister, the Office of the Inspector General of Intelligence (OIGI), the Staff Council, the Joint Standing Committee on Intelligence (JSCI), its multi-disciplinary and multi-stakeholder approach taken to address the entrenched organised crime networks found to be operating at the SSA. This included collaboration with the Organised Crime Section of then NPA, the DPCI, the Financial Intelligence Centre (FIC) and later, the ID.
30. Due to the lack of progress on the DPCI investigations and the North Gauteng Director of Public Prosecutor's view that this matter fell within the mandate of the ID, the criminal matters uncovered during the course of our investigation were subsequently referred to the ID in October 2020 by Mr Jafta.
31. The probe into the SSA by the State Capture Commission, and the related requests for information and subpoenas issued to the SSA, were reported by the Veza team to the JSCI in August 2020. Furthermore, the interference in the investigation by Advocate Muofhe dealt with above was reported in depth to the Joint Standing Committee on Intelligence (JSCI). In addition, the lack of progress in relation to the criminal case opened with the DPCI in April 2019, was reported to the JSCI as one of the constraints experienced by our investigation team.
32. Two weeks prior to the SSA related evidence being led at the Commission, I received a call from Mr Jafta to report to the office. It is in this meeting that he informed me that Minister Dlodlo had requested a briefing on what was going to be presented at the SCC. He thus instructed me to be on standby to brief the Minister as we awaited confirmation of the date of the briefing from the Minister. This did not materialise for reasons unknown to me.
33. However, on the day that Dr Mufamadi appeared before the Commission, I



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received a call from Mr Jafta's Acting Office Manager informing me that the Minister had postponed the meeting to the following week. I was confused as to what the point of the briefing would be, as it would be after the SSA evidence. I therefore posed this question to the Acting Office Manager, who said he was also confused.

34. Later that day I received a call from Mr Jafta saying the he had been trying to secure a briefing with the Minister, but she kept changing the times. I believe that he later had an opportunity to meet the Minister that same evening to discuss his affidavit; I do not know any further details about that meeting. I was, therefore, shocked on the day that Mr Jafta was scheduled to appear at the Commission, when the Minister attempted to block his testimony, citing as a reason that there was no consultation and that Mr Jafta was undermining her authority. A further cause for confusion for me was that several people including SSA Legal Services were aware that the President had given permission to both Dr Mufamadi and Mr Jafta to testify before the Commission.

The interference in the investigation since the testimony of Dr Mufamadi, Mr Jafta and myself during the last week of January 2021

35. It is noteworthy that despite my testimony having been given in camera with the intention of concealing my identify, during my testimony on 28 January 2021, I received a photograph of myself which was circulating on social media revealing my identity, coupled with defamatory and disparaging remarks about my person and my career, which sought to discredit me and consequently, my testimony. Mr Y's identity was also revealed and pictures of his family were also circulated on social media, as a veiled threat against Mr Y, at a time that he was hospitalized and in a coma. Blatant falsehoods were also spread on social media about him, obviously also in an attempt to discredit him and the contents of his affidavit which had been confirmed by me during my testimony.
36. On 31 January 2021, I became aware that Mr Arthur Fraser had opened a case of perjury against myself and others that had testified at the Commission. I was surprised by this, as he had the right to apply to cross examine me and other witnesses implicating him in terms of Rule 3.3 of the Rules of the Commission. This will be dealt with at the appropriate forum.



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37. Following this, the Project Veza investigation team was required to attend a meeting with the Audit and Risk Committee of the SSA (ARC), which had convened a special meeting on 11 February 2021 to deal with the evidence that had been presented at the Commission, particularly the R125 million audit query raised by the Auditor General's report and referred to by Mr Jafta during his testimony, which was unaccounted for during the period that Mr Fraser was the Director General of the SSA. The meeting also questioned, not only the progress of the investigation, but the legitimacy of Project Veza itself and the methodology employed by it. Although the agenda of the meeting indicated that Mr Jafta would be making a presentation at the meeting, he was not present at the meeting. The ARC requested a copy of the affidavit of Mr Y which had been presented to the Commission which we indicated was in the custody of the Commission. Needless to say, we found the request made to be suspect and inappropriate. Should it be required, the recording as well as the transcript of this meeting are available.
38. Subsequent to the meeting, the ARC Chairperson, **XXXX**, prepared a report for the Minister of State Security. This report was shared with Mr Jafta for his comment who in turn requested that the Project Veza investigation team provide comments on the report to enable him to respond to it, as he was not present at the meeting.
39. The various members of the team who were present at the meeting with the ARC were astounded at the conclusions drawn by them, as it did not accurately reflect the substance of our engagement or our representations to it during the meeting.
40. The reason for my raising this issue was my concern that there seemed to be a concerted effort by the ARC to discredit the evidence presented at the Commission, without going through the proper procedures prescribed in the Commission's Rules to refute evidence presented to the Commission. Furthermore, they focused on issues that related to 'Helen' and the two CFO's. The team even gave the ARC copies of the Final investigation report on the two CFOs. Meanwhile, no attention was given to the financial irregularities and weaknesses detected by the Veza team. The chair also kept referring to the transcripts from the Commission.



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41. Soon after this, a Parliamentary Question was sent to the SSA via the Ministry, relating to Project Justice, which had been raised in the evidence at the Commission. The question asked for details on what had transpired and which Judges had received cash from the SSA. The Parliamentary question itself was peculiar, given that it was asked by a member of the JSCI, who I assume knew about the scheduled JCSI meeting which was due to take place two weeks later.
42. In response to this question, the Project Veza team prepared a response for Mr Jafta to submit to Ministry, indicating that as the investigation was ongoing, it was not prudent to discuss details at this stage, but stressing that the issue could be canvassed further at the JSCI, who had been briefed previously about this. On the morning of the parliamentary Q&A session, the Ministry requested further details about this project, which were subsequently furnished by way of submission by an SSA official, confirming the existence of the project and its stated objectives. I later received a call from the Acting Office Manager in Mr Jafta's Office, informing me that the Minister wanted the entire project file. I felt this was not appropriate, as the investigation was ongoing and she is the person charged with authority to decide appeals from implicated parties subject to the disciplinary process.
43. Despite this, the Minister, in her response to Parliament, stated that the allegations made about this Project were based on 'peddler information'. This is not true: our investigation revealed that an operation under the name, 'Operation Justice', was conceived to influence the judiciary and that monies were allocated on a monthly basis towards this operation. Of particular concern, was the publishing of the Minister's response on the SSA intranet, quoting my evidence at the Commission. This was particularly so as the publishing of the Ministry's responses to Parliamentary questions is a rare occurrence. I know this because the Veza team provided numerous inputs to responses by the Ministry via the DG's office, none of which were ever published on the SSA intranet. It is for this reason that I believe the intention was to discredit me, not only in Parliament, but also within SSA, full knowing that I have no platform to challenge the averments.
44. Following the above developments, Mr Jafta asked the team to compile a full



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presentation about Project Justice for consideration by the JSCI at their meeting scheduled to discuss this. Mr Jafta also asked us to wait outside the venue and be ready to present our presentation, should this be required. We were however not called in. I was later informed by an individual close to the JSCI that the Committee was told that I was not around when there was a suggestion that I should be called into the meeting; this notwithstanding that we were waiting outside the venue for almost the entire day. If this is indeed accurate, I believe that I was prevented from addressing the meeting to ensure that the 'peddler information" narrative was upheld; the team was also denied the opportunity to make their representations to ensure that the Minister's statement that there was no documentary evidence of the existence of Operation Justice, was not contradicted.

45. During the same week, an instruction addressed to Mr Jafta from the Ministry, which was shared with the team, directed him to transfer the Project Veza investigation to Advocate Muofhe, who we were told had appointed the law firm, Bowman Gilfillan, to conduct a forensic investigation at a rate of R15 million for one financial year to do exactly what Project Veza had been doing. This, I concluded from the projected output from their scope of work, which was merely involved preparing charge sheets.
46. The Ministry's instruction that the matter be referred to Bowman Gilfillan was also problematic as it paid little regard to the fact that Advocate Muofhe's submission had been declined in April 2020 by the finance section and Mr Jafta, who is the Accounting Officer of the SSA. No further action was taken on this submission until the instruction from the Minister to Mr Jafta during March 2021 to take away the investigation from the internal Project Veza investigators and give it to Bowman Gilfillan subsequent to the appearance of the SSA witnesses at the Commission.
47. Shortly after this instruction had been given to Mr Jafta and our input had been sought by him to prepare a response, I received a call from a colleague, who was the analyst on Project Veza, who informed me that she had received a call from the Office Manager of Adv Muofhe, instructing her to hand over the keys for the team's work space (Bravo Campus) to himself, as they were preparing a venue for a forensic team to start working. She indicated that the






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Office Manager had told her that a meeting had been held the day before with Adv. Muofhe to prepare for this team's arrival, following the Minister's instruction. He indicated that the forensic team was currently being screened and would be urgently vetted notwithstanding that the vetting process usually takes more than 6 months to complete. He further indicated that the Minister was planning to make the announcement regarding the appointment of this forensic team at the Parliamentary reply session scheduled for later that afternoon.

48. The aforementioned analyst indicated that I had the keys and had requested that the Office Manager contact me directly. I immediately called Mr Jafta to appraise him of the development. Mr Jafta indicated that he was surprised by this development and the involvement of an operative, who had retired from the SSA at the end of February 2021.
49. On the morning of 4 March 2021, I received a call from the Office Manager, who indicated that Advocate Muofhe and this retired operative had requested a meeting with me relating to the Bravo campus. I then enquired whether it related to the Bowman Giffilan issue, to which I received no response. I also enquired whether the meeting was about the keys which they had sought to our office space and it was confirmed that the proposed meeting was about the office space to be made available to the external investigators. I suggested that the Office Manager request work space for the team from the head of our logistics department. He was not satisfied with this response and again insisted that I attend the meeting. I then informed the Office Manager that it would not be the correct protocol for me to meet Advocate Muofhe, who was very much senior to me, in the absence of the person I was now reporting to, Mr Jafta. I indicated that once they had secured the attendance of Mr Jafta, I would attend the proposed meeting. I subsequently advised Mr Jafta of the conversation. I also sent an sms to the Office Manager to enquire whether the meeting was going ahead. I did not receive any response to my sms.
50. On 10 March 2021, on checking my internal email, I found a letter from Advocate Muofhe alleging that I had refused to hand over the keys, for an 'unexplainable' reason. I immediately responded, apologising for only seeing his email, which was dated 8 March 2021, on 10 March 2021, and putting

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forward my version of what had actually transpired.

51. I then informed Mr Jafta of this and it was agreed that the key would be handed over to his Office.
52. At this stage it is important to note that in October 2020, the SSA had referred matters of suspected criminality to the NPA. Thereafter, several meetings were held between the SSA and the NPA. On 9 March 2021, following the finalisation of the scoping document, a meeting was held between the OIGI, whose investigation into the operations conducted by the CDSO and the Cover Support Unit (CSU), overlapped with the Project Veza and the ID investigations. It was resolved that in order to safeguard the processes that needed to follow, the documents pertaining to the investigations be transferred to the OIGI, which had the requisite security clearance, to be safeguarded.
53. This meeting coincided with a request from the Office of the Director Foreign Branch, Mr Robert McBride, to return the keys for the office where all the documents had originally been stored, which had been assigned to him. In view of Mr McBride's request on 10 March 2021 (the same day that I had received the letter from Adv. Muoffne), I and two other Project Veza team members, transferred some of the documents from Mr McBride's office to another of our offices, which we deemed safer. Within 15 minutes of our having moved the documents, we found that Internal Security (IS) had placed a security lock on the office that we had moved the documents from (which had been allocated to Mr McBride).
54. The locking of the office from where documents were removed was reported to Mr Robert McBride, as we had a prior engagement for that morning to hand over the keys and brief him on progress with regard to the investigation. During this meeting, a member of staff from Mr McBride's office indicated that she had seen the Office Manager and the retired operative outside the office with the lock. Mr McBride tasked her to advise the Office Manager to account for the locks as the office had been allocated to the Foreign Branch. I am not aware what transpired thereafter, but can state that the office remained locked.
55. On the morning of 11 March 2021, the investigator whose office we stored the documents in, reported to me that, on attempting to access his workspace, he



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could not, as the locks were changed. I called several members of IS to find out what was happening, and was informed that they had been instructed to lock certain offices (including those occupied by Mr Y) and change the padlocks to Bravo campus. The change in locks at Bravo campus completely prevented us from accessing our workspace, the documents necessary for our investigation, as well as the equipment (computers and printers) that had been assigned to the aforementioned analyst and me. We have still not been able to retrieve our computers and printer.

56. I would like to point out that during the course of our lawful investigation, save one member whose office was locked in order to safeguard information and ensure the chain of evidence, no other member, either suspended or under investigation, were ever subjected to such treatment.
57. On the morning of 12 March 2021, the ID and OIGI, had informed us that a summons in terms of S28 of the NPA Act had been prepared and would be served on the DG of the SSA. Later that afternoon, a team comprising members of the ID and OIGI, served the summons on Mr Jafta, who authorised that access be given to the officials in order to implement the summons. I and the said analyst were requested by Mr Jafta to point out the areas where the documents were secured. We duly complied. However, although Mr Jafta had instructed the IS members who were present at the main gate to comply with the summons, they were not able to open the offices pointed out by us as they had been locked the previous day and the keys had been removed from the safe keeping of the regular key custodian on the instructions of senior management.
58. As the ID attempted to gain access to the secured documents, they were intercepted by Advocate Muofhe, who indicated that he would not allow them access to the information. At this point it is important to point out that in terms of the SSA reporting lines, IS reports to the DDG Counter Intelligence, who reports to Director: Domestic Branch. It was explained to Advocate Muofhe that this was tantamount to obstruction of justice. Advocate Muofhe indicated that the ID was being used by the DG (Mr Jafta) (for reasons not given) and referred to Project Veza as a rogue unit forming part of Mr Thulani Dlomo's outfit and was not legitimate. He furthermore, indicated to the ID officials



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present that he wanted everyone involved with Project Veza charged. Advocate Muofhe appeared to be of the view that he was senior to Mr Jafta, as he had been appointed to a position higher than that of Mr Jafta prior to his appointment as the Acting DG, without regard to the level of authority conferred on the Office of the DG.

59. Whilst Advocate Muofhe was obstructing the implementation of the summons, I was informed that the main-gates to the Musanda Complex were locked and all members entering and exiting the premises were prevented from doing so.
60. When the ID were preparing to leave the building, Advocate Muofhe drove down to the main gate. Subsequently, Adv Moufhe, together with the then newly appointed General Managers of IS, CDSO and DDG Counter Intelligence, attempted to prevent the ID from exiting the premises of the SSA. A criminal case docket in an unrelated case was found in the vehicle of a member of the ID and his non-declaration of this document was used as pretext for the prevention of the ID leaving the premises. Mr **Barry**, one the implicated members under Project Veza and newly-appointed GM CDSO, was also present during this process.
61. I point out that both Mr **Garth** and Mr **Barry**, who were seriously implicated in the PAN 1 and PAN 2 investigations, were permanently appointed by the Minister as General Managers of Operational Coordination and Special Operations respectively. This is despite the fact that their involvement in impropriety had been disclosed to the JSCI in August 2020, of which the Minister would have been aware. What is of particular concern is that Mr Y will now have to report to Mr **Garth**, who he had investigated, both during the PAN 1 and Veza investigations. Mr **Barry** was also appointed into the post occupied by the operative with the pseudonym, 'Daryl', while, although on suspension, he still occupied this position. These posts were not advertised and are a subject of numerous complaints within the SSA. Furthermore, the appointments were not approved by the Accounting Officer, but implemented nonetheless. Apart from these appointments, the CFOs who were found to have facilitated the misappropriation of the funds of the SSA and against whom criminal cases are being investigated, have been returned to their respective positions. I view this as Executive overreach, which will permit



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the continuation of the criminal networks within the SSA and have the effect of further entrenching corruption. This is because it has been made plain by the reinstatement of these implicated members, that there will be no consequent management.

62. On 16 March 2021, one of the analysts on the team, received a letter from Advocate Muofhe, instructing her to return to her post with immediate effect. I have seen the letter and there are no reasons offered for this instruction.
63. Subsequently, on 23 March 2021, I received a similar instruction to return to my post of Divisional Head (Operational Analysis): Chief Directorate Counter-Intelligence. This was telephonically communicated to me by the staff officer in our Chief Directorate, indicating that there was correspondence addressed to me from Advocate Moufhe relaying the aforementioned instruction.
64. I was informed that a Memorandum of Understanding (MoU) between the OIGI, ID and SSA would be crafted in order to facilitate the ID's access to the documentation and evidence listed in the NPA's Section 28 Summons. I was further informed that the MoU dealt with issues of access to the locked offices, stipulating that none of the three parties would access the locked offices or the documents without the presence of the other parties.
65. Despite the above agreement, I witnessed incidents of suspected evidence tampering, which I have deduced from the accessing by SSA officials of the areas that contain documentary evidence relating to both the PAN and Veza investigations in the absence of representatives of the ID or the OIGI. This includes the opening and accessing of an office previously occupied by Mr Y, which was one of the offices previously padlocked by the IS. The office was being prepared for the occupation by Mr Barry, a close associate of Mr Arthur Fraser and implicated person in PAN 2. I have reported this matter to the ID.
66. I have little doubt that the steps taken against Mr Jafta, me, some members of the Veza team and Mr Y have been taken solely to shut down and discredit the Project Veza investigation. We have been accused of leaking classified documentation to the Commission, notwithstanding that all the information was provided pursuant to subpoenas issued by the Commission and was



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declassified by Mr Jafta.

Executive overreach in the investigation and the disciplinary process

67. There have been several examples of Ministerial overreach, which contributed to the difficulties which we faced in attaining a sustained and institutionalised clean governance culture within the SSA. The current Minister of State Security, Ms Ayanda Dlodlo, re-instated several SSA officials who were implicated in wrongdoing in our investigations and were suspended. This following her refusal to accede to an application made by SSA to deviate from the time period within which to finalise all the disciplinary processes against such members within 18 months. The reasons advanced were the delays attributed to the lack of cooperation that has been faced by the investigators, as well as the fact that last year, five months were lost due to COVID-19. It had been thought that such an application brought by the HR Labour Relations Office on behalf of the DG to the Minister for a deviation from the aforementioned prescripts would be a formality in the circumstances. Indeed, in the past, deviations from this procedural rule under less trying circumstances have been granted.

Further instances of Executive overreach in the disciplinary process have occurred:

68. 'Helen', who, as aforementioned, was seriously implicated by Project Veza and discharged from SSA, has been reinstated, after appealing her discharge to the Appeals Board to whom the Minister delegated her powers. Notwithstanding that the majority of the Board reportedly voted to uphold the decision to discharge 'Helen', the Minister and the Chairperson of the Appeals Board, Ms XXXX, who is also an advisor to the Minister, have overturned this decision. This was done two days before Mr Jafta's contract as DG was due to expire and it was thought that his contract may not be extended at the time.

69. Another incident that occurred, which in my view amounted to Executive overreach, involves a member who worked under Mr Fraser and failed to properly settle her Temporary Advance (TA) and was directed to repay the money by the then Acting Chief Financial Officer, these repayments were



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deducted from the member's salary. The member appealed this decision to the Minister, who subsequently directed that the money deducted from the member's salary be re-paid with 15% interest. It is not clear how the 15% interest was calculated. The Minister further instructed that disciplinary action be taken against the Acting CFO. The then Acting DG Jafta requested Minister Dlodlo to keep the instruction in abeyance so as to allow further investigation of the TA. During the said investigation, it was established that the member was busy trying to get assistance from some finance officers to reconstruct the claim, which was irregular. Attempts to contact the affected member in pursuance of an investigation were unsuccessful, as her response was that the Minister had issued an instruction that the monies be repaid to her; hence she would not cooperate with any investigation about this.

70. The impression the Project Veza team had was that our limited powers to conduct the investigation, thereby ensuring accountability, were undermined, as the implicated members knew that they have the ear and the protection of the Minister. The effect was that there was no consequence management and persons have been permitted to act unlawfully and commit theft and fraud with impunity. Of serious concern is the blatant disregard for the recommendations of the High-Level Review Panel in relation to investigation. This was disheartening for the investigators, who had worked tirelessly for two years in pursuing Project Veza objectives, as well as to the numerous members within SSA who have dedicated their lives to preserving national security.
71. With the absence of will within SSA, Executive overreach and the lack of support from the Ministry, it is difficult to see how realistically, the long-term vision for Project Veza could have been attained; this notwithstanding the support of the Mr Jafta whose powers were curtailed in terms of the Intelligence Services Act 65 of 2002 by the Minister. The Minister's actions made it clear that she did not support the Project Veza investigation, which I deem to be in defiance of the President's instruction to implement the HLRP recommendations.
72. It is in these circumstances, it is submitted that it is necessary that law enforcement agencies, with powers of compulsion, continue the investigation and prosecute those who are found to have acted unlawfully under the guise



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of covert operations.

THE ABUSE OF THE SSA AND ITS MANDATE

Primary enablers

73. At an executive level, the abuse of the SSA and its mandate occurred primarily under the political leadership of Ministers Siyabonga Cwele, David Mahlobo and Bongani Bongo, and was executed or implemented primarily – although not exclusively – by Mr Mruti Noosi, Ambassador Thulani Dlomo, Ambassador Sonto Kudjoe and Mr Arthur Fraser. I have excluded Mr Dennis Dlomo from this list, although I appreciate that he was instrumental in the restructuring of SSA which enabled the abuse.
74. Ambassador Langa should also be mentioned as he signed off on Project Hollywood and Project Lungisa in respect of which R500 000 to R800 000 per month was paid to fictitious companies. He also signed Mr Arthur Fraser's Security Clearance certificate albeit that the process was irregular.

ILLEGAL COUNTER-INTELLIGENCE OPERATIONS

75. I have the following further to add concerning certain of the projects and operations run through the Office of the Minister and the CDSO:

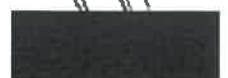
75.1. Project Academia

75.1.1. It is my view that there was more to Project Academia than indicated by Mr Y in his affidavit; it was not only about the #FeesMustFall campaign.

75.1.2. The #FeesMustFall movement was a legitimate project already being pursued by SSA after the protests turned violent. The Project Veza team thus questioned the need for engaging Mr Murray under a separate Special Operation. It was also uncertain to whom Mr Murray was reporting and providing information to and to what end. In view of this, Mr Murray's activities were probed by Mr Mhlanga, Mr Ian and Mr Steven, Mr Y and the Veza team.



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- 75.1.3. Mr **Murray** is suing the SSA for R14 million for the 2018/2019 financial year. He has been pursuing this matter since 2019, claiming that he was providing funding for the fees of 110 students. He indicated that he selected the students and no specifications were provided by the SSA. Mr **Murray** also indicated in a meeting with several Managers at which I was present, that he was seamlessly receiving cash payments of R800 000.00 per month from various members of the SSA during the 2016/17 and 2017/2018 financial years, which he purported to have deposited into his **XXXX** Foundation account.
- 75.1.4. There is no indication what benefit these alleged students were providing to SSA. Mr **Murray** was not able to provide a contract or project establishment document to recruit students, entitling him to the vast amounts claimed by him. Information provided by Mr **Murray** on the payments for the said students was investigated for purposes of verification on the instructions of Mr Jafta. The findings of this verification process revealed that some of the students on Mr **Murray's** list of beneficiaries were actually NSFAS recipients; furthermore, some students owed the Institutions at which they were studying fees from previous years, some amounting to about R200 000,00. As Mr **Murray** had clearly not been paying these student's fees, the question arose as to what he had utilised the monies received from SSA during from 2016 to 2018 years for. It was thus suspected that he may have misappropriated the funds. It is noteworthy that Mr **Murray** has approached several Ministers, including Minister Dlodlo, who requested the then Acting DG for a response to this complaint, which we provided for Mr Jafta's consideration. It should also be noted that SSA officials that were mentioned by Mr **Murray** as people who paid him and/or received his products, were approached by Mr Mhlanga, Mr **Ian** and Mr **Steven** to confirm and clarify

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the SSA's relationship with Mr **Murray** and the payments made by them. Although these individuals confirmed working with Mr **Murray**, they did not compile any report in this regard; neither could they produce the project establishment documents and contract to justify these payments.

75.2. Project Mayibuye

75.2.1. Testimony has been already given that Minister Mahlobo was intimately involved in Project Mayibuye and received R4.5 million per month in cash from members of SSA for this project, which included Operation Justice and Operation Commitment. An amount of R2.5 million per month appears to have been paid to the Minister for onward transmission to the former President, President Zuma. All in all, a total amount of R4.51 million per month was taken to the Office of the Minister by various operatives, which included an amount of R2.5 million under Operation Commitment, R1.3 – R1,8 million under Operation Justice and R200 000 in respect of Operation Lock.

75.2.2. During the interviews which we had with the some implicated individuals, we were told that they personally delivered money for Operations Justice, Commitment and Lock to Minister Mahlobo and in certain instances to Mr **Jay**, the then head of Ministerial Services. We were told that it was common knowledge that the amount for Project Commitment was for former President Zuma.

THE CREATION OF A PARALLEL INTELLIGENCE STRUCTURE

76. The recruitment and training of co-workers

76.1. The rationale for recruiting and training of the so-called co-workers and the restructuring of SSA was to build a presidential protection unit. I am unsure that the term 'co-worker' means as it was used interchangeably with terms like 'agents' and 'sources'. These co-workers were engaged without going through SSA's normal

MA - [Signature]

recruitment and vetting procedures, were not governed by SSA's operational direction

- 76.2. There was no record of what these co-workers in fact did, as the information or intelligence collected by them was not channelled through the official structures at SSA. They did not divulge to the investigation team what their duties were.
- 76.3. Some co-workers were registered as sources in a source list parallel to the SSA source index. Their source codes were created within CDSO, thus creating opportunities for withdrawing cash by CDSO members for "source remuneration". A case in point is a SSA CDSO member who admitted during an interview that she paid 72 sources, but only knew of seven sources. She indicated that the rest of the sources were known by Mr Thulani Dlomo. It was in pursuit of this ruse that co-workers/ sources were given blank acknowledgement of cash receipt forms to sign and copies thereof made by the aforementioned CDSO member.

THE BREACH OF GOVERNANCE AND FINANCIAL CONTROLS

77. Weak financial controls and a culture of complicity

- 77.1. One cannot underestimate the role played by the CFOs in the malfeasance that took place within the SSA. At the end of the day, the wholesale looting of funds by the CDSO would not have occurred without the involvement of the CFOs.
- 77.2. Before they approved the projects, they ought to have performed their fiduciary duties in accordance with the Public Finance Management Act. Instead, one of the CFO's de-activated controls allowing funds to be withdrawn even though the funds for the project were depleted and bypassed the Budget Controller. CFO's permitted agents to withdraw funds when previous Temporary Advances taken by them had not been settled.
- 77.3. The financial and governance weaknesses should have been addressed by the ARC; however, it appears that the ARC, or some of



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its members, were either incompetent or complicit in the criminality by turning a blind eye to all the risks and financial weaknesses. The Project Veza team identified and shared all weaknesses in the SSA financial systems as well as proposed solutions with the ARC members. These were however, not even mentioned in the report the ARC submitted to the Minister.

CONCLUSION

78. While I acknowledge the support provided to the investigation team by the JSCI, Mr Jafta, the Inspector General of Intelligence and previous sponsors of Project Veza, I knew that our investigation would not be successful without the full support of all senior management and the Executive. My fears have proved correct as the Project Veza has been effectively shut down by Adv. Muofhe and the Minister.
79. It is my view that the investigation is now best pursued by Law Enforcement Agencies. I have been informally informed that there are current processes underway to secure another forensic firm to investigate corruption within SSA at an amount of R50 million through SSA's Supply Chain Management. If this is accurate, I believe it will be another opportunity to loot SSA funds, whilst creating an impression that the malfeasance and corrupt networks entrenched within the SSA are being dealt with, thus keeping Law enforcement Agencies in abeyance. Furthermore, the criminal matters dealt with by the Veza investigation, coupled with the evidence obtained through investigations by the State Capture Commission, are sufficient to expedite the ID investigation and subsequent prosecutions. The Resolution that enables the NPA to utilize evidence from the SCC is a case in point.
80. I know and understand the contents of this declaration.

I have no objection to take the prescribed Oath.

I consider the oath to be binding on my conscience.

"So help me God"

Ms K



M.A.





Ms K

I certify that the deponent has acknowledged that she knows and understands this contents of this statement. This statement was sworn to before me and the deponent's signature was placed thereon in my presence at Garsfontein on this the 11 day of May 2021 at 11:25



[Signature]
COMMISSIONER OF OATHS
EX OFFICIO
[Signature]

Dorothea Vorster

277 Johnny Claassenstr

Garsfontein

[Signature]

M. A.