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20

PROCEEDINGS COMMENCE ON 9 JULY 2019

CHAIRPERSON: Good morning Ms Norman, good morning everybody.

ADV THANDI NORMAN SC: Good morning Mr Chairman.

CHAIRPERSON: Yes are you ready?

ADV THANDI NORMAN SC: Yes I am ready but I do not know what the position of the legal representatives of Ambassador Koloane is. Thank you.

CHAIRPERSON: Yes. Let us hear counsel for the Ambassador.

UNKNOWN COUNSEL: Thank you Chair.

10 **CHAIRPERSON**: Yes.

UNKNOWN COUNSEL: Overnight night we have had the opportunity to consult and to listen to the audio recordings. At this stage my instructions are that we intend to proceed we do not intend to apply for a postponement. In light of the content in the recordings however the Ambassador has requested that he just be entitled to revisit or clarify some of the evidence which he gave yesterday.

CHAIRPERSON: Yes okay no that is fine. He will get that opportunity.

UNKNOWN COUNSEL: Thank you Chair.

CHAIRPERSON: Thank you. Okay thank you.

20 **ADV THANDI NORMAN SC**: Thank you Mr Chairman. Thank you. Ambassador yesterday we left off – we were still going through the report, the JCPS Report and those paragraphs where you were disputing some of the things that are recorded in the report itself.

CHAIRPERSON: Well maybe before that we should – I should just ask the Ambassador a question that I had in mind yesterday but later on

forgot.

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: And then maybe before you can ask him questions after that you give him a chance to clarify those parts of the evidence he gave yesterday that he wishes to clarify.

ADV THANDI NORMAN SC: Yes. Thank you Chair.

CHAIRPERSON: So that as we move on we know exactly what he – what the clarification is.

ADV THANDI NORMAN SC: Yes thank you Chair.

- 10 **CHAIRPERSON:** Ambassador with regard to the letter that your PA wrote to Mr William Matjila you did give evidence to the effect that there must have been a misunderstanding either on her part or there must have been a misunderstanding on her part or you may have failed to articulate what you wanted to convey to her properly because you – you never intended to say that you had approved the request, is that correct?

AMBASSADOR VUSI BRUCE KOLOANE: Yes it is correct Mr Chair.

- CHAIRPERSON:** What I wanted to ask you is whether the reference to the request whether the position is not that the reference to the request
20 is not – was not a reference to the request for a clearance because I think your evidence was premised on the understanding that when she talked about a request in that email she was talking about a request for clearance. Hence you said you had no power to grant a request for a clearance that was the job of the Department of Defence. Certain requirements have had to be met before they could decide whether they

were granting or not granting and you would know nothing about whether those requirements were met. Is my summation of what you were saying correct?

AMBASSADOR VUSI BRUCE KOLOANE: Chairperson I was trying to convey that my aim was to ask my personal assistant to communicate that I wanted the officials there to process the application for the flight clearance.

CHAIRPERSON: Yes you were not – you were saying you were not – you did not want her to convey anything to the effect that you had
10 approved the request for clearance.

AMBASSADOR VUSI BRUCE KOLOANE: Correct Sir.

CHAIRPERSON: Because that fell outside your mandate?

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: Yes. Now my question is whether the reference to the request was not meant to – to be a reference to a request for the visit. So that what she may have intended to say is that as far as this visit is concerned Ambassador Koloane has approved or DIRCO has approved the visit – the request for a visit. You people must now deal with the request for clearance.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** No Chairperson because I had not communicated with anybody within DIRCO who had confirmed that they had approved such and normally that will have to be approved by the branch which deals with the country. In this case it will have been the branch Asia and the Middle East. So I was merely communicating about the request to process the clearance.

CHAIRPERSON: But if there was to be a visit I think one – I think Ambassador Jerry Matjila yesterday talked about two note verbales and said in regard to the visit one the – it might just be a request for a visit to do a visit to South Africa by a foreign head of state or Ministers and once that request has been approved then there might be another note verbale which then comes with details about flights and so on and so on which seemed to suggest to me that there needs to be an approval of the request first and I think either he or another witness made a reference and it may have been you I may be mistaken. Made
10 reference to the fact – I think it is another witness not you that if it is a head of state or Prime Minister or Deputy Head of State who wants to meet with the President of the country the DIRCO would communicate with the Presidents – President to establish whether the President says it is fine they can visit and meet with him. And the one could understand that. Is that something that accords with your understanding of what would happen sometimes with requests for visits where the Head of State in South Africa would be met?

AMBASSADOR VUSI BRUCE KOLOANE: Mr Chairman you are correct. Whenever there is going to be a request by any Head of State to come
20 and visit our President the embassy of that country will then write – well they will normally have a number of meetings building up to the visit but once they have agreed then they will actually officially communicate that the President through the note verbale to the desk that the President would like to pay a visit or a state visit or official visit during the following dates and that information is communicated to

the desk. And then the desk will consult with the Minister who in turn will check with the Presidency whether the President is available or the Deputy President depending on who will met and then once they confirm that the date is acceptable they will also communicate back to the embassy accordingly that that is acceptable. After that then once the date has been set up during the DGF which is the Director General's Forum where – which is chaired the Director General and all the DDG's attend normally that is a platform for us to exchange information about what is happening in the department and then the

10 DDG in this case if maybe it was Asia DDG if it was a Japan Prime Minister coming then he will report that by the way we will have a visit from this day. In some cases he may even ask for assistance from other colleagues. Or if maybe that happens before the DGF happens he will normally then consult the office of the chief of state protocol indicating hey by the way we have got this thing coming I have asked the embassy of that country to start getting in touch with you regarding logistics. And once the – and once that happens the embassy will then send a note verbale to us requesting a meeting. Whether there is a flight available that would be landing in Waterkloof or not they will then

20 communicate requesting a meeting so that we can deal with the logistics. So there are two separate note verbales but the one that goes to the Protocol office is dependent on the first one being dealt with by the desk and agreeing on the date that – of that particular visit.

CHAIRPERSON: So it would be correct would it not be to say that there is approval of the visit that must happen before the defence force

can consider request for clearance leaving out as to who must give approval for now but there is approval of the visit that must happen first, is that not so?

AMBASSADOR VUSI BRUCE KOLOANE: The person who is targeted for that particular meeting by the foreign political principle of course we will have to confirm that they are available on that particular said date. If it is an official visit but if it is a private visit there is no need because there is no targeted person who has to approve but we still have to extend protocol courtesies depending and as well on the level of the
10 person coming if it is a Head of State we provide more courtesies than we would for example if it is just a Minister coming for a private visit as well.

CHAIRPERSON: I – I wonder whether when one looks at that email from your PA it should not be read to mean what she was saying you had done was that the visit as far as DIRCO is concerned was in order. If she was saying that would that be in line with what could be said in the light of the processes that DIRCO has in regard to these – to request for visits and so on or would that be – would that not be in line?

20 **AMBASSADOR VUSI BRUCE KOLOANE:** It will not be in line Chairperson because the Chief of Protocol is not the one who approves visits. It is dealt with by the line functions departments in this case the DDG's of the various branches will be the ones who can only say yes after consulting then say yes the visit has been approved by the principle and communicate that to protocol.

CHAIRPERSON: Hm. I am just wondering whether this is a case where she completely got the whole thing wrong in the sense that she thought you had said you were approving the clearance because that does not seem to – to tie in because the clearance was supposed to be approved by the Defence Force. But what I was thinking is that it is possible maybe that there is something that you may have conveyed to say it was in order from DIRCO's side other than saying the clearance was being approved and that maybe the misunderstanding if any might have been in that you may have intended to say, tell them that from DIRCO's
10 side everything is in order, they must do their side. That is what I was wondering whether that is where the misunderstanding if there is a misunderstanding happened. You meant to say we as DIRCO we think everything is in order but they must do their side.

AMBASSADOR VUSI BRUCE KOLOANE: Mr Chairman there was nothing in DIRCO which said they planned or the application was in order and that the visit was approved by DIRCO.

CHAIRPERSON: Hm.,

AMBASSADOR VUSI BRUCE KOLOANE: At all. And that is why I am trying to indicate that that is not what I was communicating to her.

20 **CHAIRPERSON**: Hm.

AMBASSADOR VUSI BRUCE KOLOANE: I was trying to communicate that she must talk to the people responsible with the processing of the flight clearance to do what they are supposed to do which is to process the flight clearance. But I – again maybe failed to communicate appropriately or she misunderstood what I was saying.

CHAIRPERSON: Hm. Well I understood from Major Ntshisi and or Mr William Matjila's evidence that Mr Ntshisi did indicate or had indicated or conveyed the position that he wanted something in writing. I understood him to be saying and I am – my recollection may be inaccurate understood him to be saying that he wanted something in writing before he could go further with the processing of the request for clearance. And if that part of his evidence is correct it is – it might be difficult to say he wanted something in writing to simply say process the application because once he has received the application I would
10 imagine he would know his duties to process it. He does not need a letter from DIRCO saying process it. He might have wanted something more. What do you say to that possibility?

AMBASSADOR VUSI BRUCE KOLOANE: Mr Chairperson it is possible that he might have wanted something more but that something more will have had to come from the line function dealing with the visit. If it was Asia then they would have actually said yes that date has been confirmed. If it had been communicated or managed itself directly by the particular branch. And maybe Chair also it might help it is please the Chair that the request made by my legal counsel if the Chair deems
20 it good and fit to grant that may be – I talked to it because it might address some of the questions that the Chair is actually trying to get to right now.

CHAIRPERSON: Yes. No that is fine maybe let us do that. Give whatever – all the clarifications you wish to give in relation to any aspect of evidence that you gave yesterday and then thereafter we can

then take it from there.

AMBASSADOR VUSI BRUCE KOLOANE: Thank you very much Mr Chair. First of all I want also to thank you for granting myself and my legal counsel the opportunity to get a copy – or to get the recording because it has helped us and helped me in particular to refresh my memory on some of the issues that had been raised and of course having taken place a long time ago it made some of the things I might not have recollected properly. Hence in some instance I would indicate that I am not sure or I am not certain. But now that we have had a
10 chance to listen to the recording, try to think backwards I would like to draw the Chair's attention as well as the lead counsel's attention to Exhibit FF1 which had been referred to yesterday.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: On page 11.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: The first confirmation or correction I would like to make is that whilst I might have said in my discussion with Mr Ntshisi that there might be six to eight I think I was correctly reminded that I did indeed say to Mr Ntshisi during the
20 telephone discussion that there were four to five Ministers on board.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: And that was based on the information which had been communicated to me by the High Commissioner of the Indian Embassy. Immediately after that sentence he said, Mr Ntshisi said he added that the Minister of Transport Mr Ben

Martins had been given instructions by the President to assist the Gupta family. That the Minister of Defence and Military Veterans has no objection and that at the meeting at the Minister of Transport the CEO of ACSA and the Gupta's he had been told to assist. And that this was a unit case. Here Mr Chair I will like – I mean having listened also to the recording I would like to admit that indeed I did what has now become properly known as name dropping and used that – those sentences merely to – to push the officials who supposed to process the flight clearance to do their job, to do the flight – the processing.

10 And I also want to go on record Mr Chair that that was fundamentally nothing but name dropping and as it is properly known nowadays but that the Minister of Defence – of Transport nor the Minister of Defence nor the President did not at any stage communicate to me that I should in any way deal with this matter as it is expressed. The only time and as I indicated where I had interaction with the Minister Ben Martins was at the meeting which I made reference to which was at OR Tambo where he wanted to solicit our advice together with that of the CEO of ACSA and where we advised that it will not be prudent for the plane to land there and for the reasons which I have already explained. But he

20 even in that meeting did not – I want to repeat he did not say that he was given any orders to assist the Gupta's. And that was just a fault from my side which I take full responsibility for and again I want to stress that it was fundamentally to put if I may use the word, to put pressure on the officials to expedite the process of processing the flight clearance request. And I think again whilst I was not certain as I

indicated but it has already been cleared and again thanks to the Chair authorising the release of the recording that indeed the pre- - the pre-check at the Waterkloof actually happened before the flight clearance was actually issued. And maybe also to clarify Chair what I meant by the fact that this was a unique case. Unique in that as far as I can recollect in the history of South Africa we have never had family chartering a plane with so many individuals and one requesting to land be it either at OR Tambo International Airport or requiring also to land at the Waterkloof. So there were uniqueness in terms of something

10 that has never happened before and there was no precedent in terms of how those kinds of things get dealt with. Did the – I state that it was for the Gupta family. Now that I have been helped by the recording indeed Chair because in the discussion it is a pity not everything is captured here but in the discussion of course we will talk about the Gupta family trying to land at Waterkloof – at OR Tambo and then later on there is an application also for – to attend a similar event. Because I do not think it was hidden that the Ministers are also coming for the wedding. So I – it was sinister that that could happen like that and I think clearly the Gupta's must have negotiated with the High

20 Commission and one made that kind of observation and that is why I actually said this was clearly and also compounded by the fact that as I stated yesterday one of the people who were present with the event or management company to go and do a pre-inspection was a member who worked for the Gupta business so indeed I did also therefore accordingly in that context state that. And I fully concur with the

statement that in that last sentence that the Presidency has never ever even in the – for the total duration of the time I served as the Chief of State Protocol the President or the Presidency has never ever interfered with the process – with the administrative process of facilitating the landing of airplanes nor has it ever interfered in any protocol related activities and the only way that sometimes it will influence that is by only suggesting that the President would like to have a state banquet or dinner or lunch so that we can accordingly adjust the program but in terms of the logistics we take full
 10 responsibility – we took full responsibility for that. So therefore Chair I would like to again repeat that by my own admission that I erred to an error of judgment in using – in wrongly and wrongfully using the names of the Minister of Transport the then Minister of Transport Mr Ben Martins, the current Minister of Defence as well as the Presidency and in this statement that I made to try and exert pressure to the officials at – who were supposed to facilitate the processing of the flight clearance. And I thank you Chair that is the clarification that I wanted to make.

CHAIRPERSON: Yes.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** And I thank the Chair for again authorising that we be given the recording.

CHAIRPERSON: Yes thank you. Ms Norman.

ADV THANDI NORMAN SC: Yes thank you, thank you Chair. Ambassador I so wish that it would be that easy that a senior official like yourself can come here like you did yesterday and tell the Chair

and deny all the things that are read out to you in that paragraph and then once you have listened to the recording everything must be perfect now because now you have since recalled.

CHAIRPERSON: Well maybe ..

AMBASSADOR VUSI BRUCE KOLOANE: If...

CHAIRPERSON: Sorry before you proceed.

AMBASSADOR VUSI BRUCE KOLOANE: Yes.

CHAIRPERSON: Maybe Ms Norman it is not accurate to say he denied everything. He did say he did not recall whether he had made certain
10 statements and it may be that you might wish to ...

ADV THANDI NORMAN SC: Chair.

CHAIRPERSON: To talk about that.

ADV THANDI NORMAN SC: To rephrase.

CHAIRPERSON: Ja

ADV THANDI NORMAN SC: Let us – maybe not ...

CHAIRPERSON: Ja but – he had – there are some he – there may be some things that he denied there are some things that he said he did not recall.

ADV THANDI NORMAN SC: Yes.

20 **CHAIRPERSON**: Remember that I had to explain to him the distinction between denying and saying I do not recall. So I think in regard to some of the things here my recollection that he may have said he did not recall but it may be that there are some on the same page that he denied.

ADV THANDI NORMAN SC: Yes thank you.

CHAIRPERSON: I just want you to – to say – it might be inaccurate to say he denied.

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: To say he denied all of those things.

ADV THANDI NORMAN SC: Yes thank you. Let me rephrase. Ambassador I wish it was that easy that an Ambassador of this country can come to the commission as you did yesterday and when certain things are put to you and you cannot recall some you said they never happened and you would not have said that. And now today once you
10 listened now to a recording then the commission must accept that you made a mistake and now you recall that you name dropped. Well surely yesterday when that sentence about Minister Ben Martins was read out to you when the Minister of Defence and Military Veterans was read out to you if you knew that you had name dropped that would have triggered that recollection, is that correct?

AMBASSADOR VUSI BRUCE KOLOANE: No it is not correct Ma'am because number 1. I may want to make reference to what I said yesterday. On Thursday this week – last week when we were talking to you you indicated that when we requested this recording that we could
20 not get it because it is classified. And you already had it on Thursday because you told us so. Had you given us that because I assumed that it is only proper that if you are going to be bringing witnesses you furnish them with all the necessary information particularly for something that happened more than six years ago? So had we received that recording I am sure that the issues that you are raising

will not have occurred?

ADV THANDI NORMAN SC: No that does not answer the question. Let us start afresh. First of all I did not have the recording on Thursday. We were told that it was a classified recording and the Chairperson advised you and your team yesterday that the recordings were made available to us on Sunday. So I did not have any recordings on Thursday. Let us just get that clear.

AMBASSADOR VUSI BRUCE KOLOANE: Maybe I misunderstood you when you said that we cannot access it because your words were but
10 sorry you cannot get it because it is a classified document.

ADV THANDI NORMAN SC: No we even said in a response to your lawyers that we did not have the recording. Mr De Beer who communicated with them can confirm that.

AMBASSADOR VUSI BRUCE KOLOANE: I could have misunderstanding that.

ADV THANDI NORMAN SC: But that is not – I am not here to argue that with you. But let us talk about your recollection of the events that happened. You are now – you want the Chairperson to believe that as of yesterday before you listened to the recording you did not know –
20 you could not recollect that you did name drop.

AMBASSADOR VUSI BRUCE KOLOANE: Yes. I did not recollect all the things. That is why and also if I was speaking with certainty I will have responded accordingly but like I said this event happened more than six years ago the incident and I tried to put it behind me for a number of reasons particularly related to my family and that is why

some of the facts – facts related to that are not as vivid to me as they may be to you ma'am.

ADV THANDI NORMAN SC: So if then yesterday your answer to you having used the name of Mr Ben Martins, the Minister of Military and Defence and the President. So if your answer to that question was no you did not say so that would have been a lie?

AMBASSADOR VUSI BRUCE KOLOANE: Yes it would have been a misrepresentation and again because I did not have a recollection of the words that – that were actually there.

10 **ADV THANDI NORMAN SC:** So if then this Commission had not been furnished with the recording it would mean that the Commission would have continued on the impression that you attacked this report because it had factual inaccuracies as you said yesterday and without that recording the Commission would never have known what exactly transpired.

AMBASSADOR VUSI BRUCE KOLOANE: Most probably some of the facts will not have been available not only to the Commission but to myself as well but also to indicate that I did not only exclusively attack the report on the basis of this paragraph but I indicated that the four
20 people who were – who were actually the authors of the – of the report did not at any stage intercede with me as the team of four to interview me. So that was my case as well.

ADV THANDI NORMAN SC: No, no, no but your – your – you – we were dealing with the report and you were identifying the factual inaccuracies in the report.

AMBASSADOR VUSI BRUCE KOLOANE: Indeed. As – as far as my recollection went I identified errors which I thought were not accurate.

ADV THANDI NORMAN SC: Now let us just talk about this namedropping. You not having recollected it. Why were you charged?

AMBASSADOR VUSI BRUCE KOLOANE: I do not understand the question?

ADV THANDI NORMAN SC: Why were you disciplined?

AMBASSADOR VUSI BRUCE KOLOANE: I was disciplined because the – one of the recommendations of the report was that all the affected
10 sister departments must take – must undertake internal disciplinary processes to take appropriate action against those who might have been implicated.

ADV THANDI NORMAN SC: Yes. What were the charges that you faced?

AMBASSADOR VUSI BRUCE KOLOANE: Although I do not remember them off my head but it was basic. One of them was I think breaching the – the procedures if I recall or protocols that have to be followed to process the – the flight clearance – flight clearance application. The undue influence on the other – I think there is a document somewhere.
20 If maybe you could help me ...

ADV THANDI NORMAN SC: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: Because you obviously might know what it is. Where there are three charges which are actually tabled there.

ADV THANDI NORMAN SC: Yes, thank you Chair. May I refer the

witness to FF3?

CHAIRPERSON: *Ja*, do so please.

ADV THANDI NORMAN SC: FF – FF3 please.

CHAIRPERSON: Well I see them in EXHIBIT FF3 and I am looking at the Chairperson's ruling starts at page 25. The charge sheet ...

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: Starts at page – I think – six or seven.

ADV THANDI NORMAN SC: Page 5 Chair.

CHAIRPERSON: Oh, *ja*.

10 **ADV THANDI NORMAN SC:** The charge sheet begins at page 5.

CHAIRPERSON: *Ja*.

ADV THANDI NORMAN SC: Thank you; and then if you go to – it just the – it deals with a letter to you pages 5 and six and then if you go to annexure – to page 7. That is where the annexure is and that is where the charge sheet is.

AMBASSADOR VUSI BRUCE KOLOANE: *Ja*.

ADV THANDI NORMAN SC: Thank you. Now my interest really is in charge one because it – that is where I am going with the question.

AMBASSADOR VUSI BRUCE KOLOANE: On page?

20 **ADV THANDI NORMAN SC:** At page 9. Could you just read paragraph 8?

AMBASSADOR VUSI BRUCE KOLOANE: Should I read it?

ADV THANDI NORMAN SC: Yes please.

AMBASSADOR VUSI BRUCE KOLOANE: "It is alleged that
during the period February 2013 to April 2013 ..."

CHAIRPERSON: I am sorry. That is charge one hey?

ADV THANDI NORMAN SC: Charge one. That is correct Chair.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: *Ja*. You can just mention charge one and then read.

AMBASSADOR VUSI BRUCE KOLOANE: Okay.

CHAIRPERSON: So that even those who do not have the benefit of looking at the document they know which one is charge one.

AMBASSADOR VUSI BRUCE KOLOANE: Okay.

10 **CHAIRPERSON:** Which one is charge two and so on.

AMBASSADOR VUSI BRUCE KOLOANE: Charge one Chair it says and I read:

“It is alleged that during the period February 2013 to April 2013 the employee abused diplomatic channels and took it upon himself to facilitate an illegal request for landing of an international aircraft at the Air Force Base Waterkloof on 30 April 2013 between 06:50 and 07:00.”

ADV THANDI NORMAN SC: Yes and then there were factors to support
20 that charge?

AMBASSADOR VUSI BRUCE KOLOANE: I am not sure I understand the question.

ADV THANDI NORMAN SC: Sorry. This ...

AMBASSADOR VUSI BRUCE KOLOANE: Oh you mean the ones below?

ADV THANDI NORMAN SC: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: Okay. The factors in support of charge one are the following:

“The Indian High Commission failed to provide a note verbale to the department of international relations and cooperation. This is a serious infringement of diplomatic protocol and heralded that this was not state business but a private matter.”

ADV THANDI NORMAN SC: Yes.

10 **AMBASSADOR VUSI BRUCE KOLOANE:** 9.2 says:

“The employee spoke directly to the Command Post Air Force Base Waterkloof which was in conflict of the protocol to be used in that the employee did not follow proper process by communicating with the Head of Defence Force responsible for the affairs of the base.”

9.3:

20 “The employee stated that there will be four to five Ministers on the flight. This will be the equivalent of the members of the Executive Council in South Africa whereas this was not the case and this constituted a misrepresentation.”

9.4:

“The employee in his communications with the Command Post dropped the names and the titles of

the Minister of Transport, Minister of Defence, Military Veterans and the President in an effort to pressurise the Command Post to issue the clearance for such illegal landing.”

ADV THANDI NORMAN SC: Yes. So one of the charges that you faced had the namedropping as part of that charge.

AMBASSADOR VUSI BRUCE KOLOANE: *Ja.*

ADV THANDI NORMAN SC: Which is charge one.

AMBASSADOR VUSI BRUCE KOLOANE: Yes I did.

10 **ADV THANDI NORMAN SC:** So yesterday you did ...

CHAIRPERSON: Well – I am sorry Ms Norman. Would it be – not be better that ...

ADV THANDI NORMAN SC: He finishes?

CHAIRPERSON: He deals with all the charges.

ADV THANDI NORMAN SC: All three.

CHAIRPERSON: So that those who are watching or listening they know what was charge one.

ADV THANDI NORMAN SC: Thank you.

CHAIRPERSON: What was charge two and charge three.

20 **ADV THANDI NORMAN SC:** Yes.

CHAIRPERSON: So that if we have – have to ask him about charges two and three there is clarity in the mind of those who – in the minds of those who would do not have the benefit of the documents ...

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: As to what those respective ...

ADV THANDI NORMAN SC: Thank you Chair.

CHAIRPERSON: Charges related to.

ADV THANDI NORMAN SC: Thank you Chair. Yes. Could you please proceed Ambassador, charge two?

AMBASSADOR VUSI BRUCE KOLOANE: Charge two.

“It is alleged that the employee misrepresented facts in an endeavour to procure the illegal and unlawful and/or wrongful landing.”

The facts in support of this allegation are the following:

10 “The employee represented to the Command Post Sergeant Major Ntshisi in charge of permitting such landing that this was a unique case with the knowledge that it was not. The employee motivated why he could not put the request in writing by innuendos that the (indistinct) to be of assistance to the Gupta family.”

Charge three:

20 “The employee compromised the processes and procedures of his employer in that there was no review and/or recommendation from the political desk in the department on this particular request and the interdepartmental coordination process that normally ensures that did not take place.”

The evidence in support of this charge will be:

“On April, the 9th 2013 the employee presented to

the directorate state visit that the request for flight clearance and landing at Waterkloof Air Force Base for the Indian delegation was telephonically approved by himself. The employee failed to provide an official clearance request requested to do by Sergeant Major Ntshisi at the Air Force Command Post. An individual in the Indian High Commission requested the employee on 24 April 2013 to facilitate arrangements for a private wedding reception at Waterkloof Air Force Base and this amounted to the use of a Senior Government Official to arrange a wedding reception at a strategic entry point which was a major security violation.”

ADV THANDI NORMAN SC: Yes and then this was dated 27 June 2013?

AMBASSADOR VUSI BRUCE KOLOANE: Yes it was dated 27 June 2013.

ADV THANDI NORMAN SC: And you acknowledge receipt on the same day?

AMBASSADOR VUSI BRUCE KOLOANE: Correct. I was called by the DG to his office and I did acknowledge it on the same day.

ADV THANDI NORMAN SC: Yes and how did you plead to those charges?

AMBASSADOR VUSI BRUCE KOLOANE: I pleaded guilty to

administrative negligence and also inappropriate influencing of the officials but I did not plead guilty to actually issuing say for example to some of the things like just to make an example in the – in the charge that is written here.

That the – the request for the flight clearance and landing at Waterkloof Air Force Base for the Indian delegation was telephonically approved by myself because like I said I do not have authority to do so.

ADV THANDI NORMAN SC: Yes and in charge one how did you plead? In respect of charge one how did you plead to that charge?

10 **AMBASSADOR VUSI BRUCE KOLOANE:** I again pleaded administrative negligence because the impression that had been created was that there had not been any application and I had been informed by the Higher Commissioner of India that he had applied and since I had indicated also yesterday that before that they had actually followed the same – a similar process when they were hosting the Head of State.

I was of the assumption that all was done properly - by the book and that is why I followed up because I thought these are the people who already knows how it gets done and I did agree that is my –
20 I erred in that because if – if I were to be Chief of Protocol again which of course I do not envy anymore I will definitely have asked if there was – if all the documents were furnished.

Like I will specifically ask in detail has the following things been furnished but at that time there was an oversight on my side but that is basically what happened.

ADV THANDI NORMAN SC: Yes and did – when you pleaded guilty to charge one did you take into account what is stated in 9.4 which you have already read out which relates to namedropping?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I did and I think I did although I cannot recall it fully but I think I did but also indicated to that meeting maybe the line of questioning was not the same either but I did indicate that at no stage was Minister of Transport, Minister of Defence and Military Veterans of the President did they in anyway communicate with me either by themselves or through their offices or
10 anybody else in the offices that I should assist.

So the only difference is that maybe the line of questioning was not the same and probably the answers I provided are not necessarily going to be consistent with the line of questioning now.

ADV THANDI NORMAN SC: Yes. You see this is what troubles me Ambassador ...

AMBASSADOR VUSI BRUCE KOLOANE: Hm.

ADV THANDI NORMAN SC: Because you had pleaded guilty to namedropping but then yesterday before you listening to the recording this is one of the things that you said you would not have said to – to
20 Warrant Officer Ntshisi.

AMBASSADOR VUSI BRUCE KOLOANE: Hm.

ADV THANDI NORMAN SC: So any person who had been charged knowing that my charges related to namedropping and any person now who is confronted with the report by the DG is saying that there was mentioning of the President, of the Minister of Defence, of the Minister

of Transport that would have triggered a response that Chair inasmuch as I cannot recall that this is how I put it but I know that I did admit guilt that I did namedrop.

That – that perhaps is what I would have expected a response from you to be yesterday.

ADV DON MAHON: Chair if I may?

CHAIRPERSON: Yes.

ADV DON MAHON: I apologise for interrupting my learned friend but

10 **CHAIRPERSON:** Yes.

ADV DON MAHON: I object to the fairness of the question on this basis. The question is put to the witness in the form of the manner in which he pleaded guilty to the charges and it is put to him as a proposition on that basis and he is expected to either admit or deny that recalling from 27 June 2013 whereas in this very same exhibit that we are looking at we can see what the Chairperson's ruling is and we can see that although he pleaded guilty to the charges there were reservations and it would only be fair to the witness rather than asking him to recall back so long ago but to actually put to him exactly the
20 nature of – of what took place at the inquiry.

Rather than putting to him as a proposition you pleaded guilty to namedropping. We should see what in fact took place and that is contained in the Chairperson's ruling.

CHAIRPERSON: Yes. I think they may be wrong to sort out your concern without a ruling. Let me hear what Ms Norman has to say.

ADV THANDI NORMAN SC: Chair there is – there is nothing wrong with the question because the question deals with the recollection. The witness says I did not recollect yesterday but then when I listened to the tape I did. So I am just showing him the materiality of the issue at hand which is namedropping, yes.

CHAIRPERSON: Just repeat the question you put to him so that I can ...

ADV THANDI NORMAN SC: Yes, thank you.

CHAIRPERSON: Hm.

10 **ADV THANDI NORMAN SC:** Ambassador the question I put to you was having being charged and one of the charges like charge one which dealt with namedropping and – and when you started out by clarifying saying that you are clarifying to the Chair you said that you had used people's names to – to exert influence on officials.

So the question is now if then you had done so and you had pleaded guilty to charge one that - but you will correct me if I am wrong - would have triggered that recollection yesterday that when I referred you to paragraph 2.1.15 of what is it that the DGs had said in that paragraph knowing that you had been charged and knowing that you did
20 in fact namedrop as you have told us that would have triggered that I recollect that this is what I said or I recollect that this in fact did happen.

AMBASSADOR VUSI BRUCE KOLOANE: I ...

CHAIRPERSON: May – may ...

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: Maybe let me put it this way without saying there is anything wrong with the way you put it.

ADV THANDI NORMAN SC: Yes, yes thank you.

CHAIRPERSON: I think the question amounts to this. Having faced among others a charge which included an allegation that you had done what you call namedropping and I am not sure that this is namedropping but what you call namedropping and what Ms Norman calls namedropping.

You have hinted that – you had stated that the President
10 knew about this or wanted the Gupta family to be assisted and that the Minister Ben Martins had been instructed to assist and the Minister of Defence had no objection. Knowing that in your disciplinary inquiry this was one of the allegations you had faced and that you had admitted that as I understand the position.

The question is: how could you have forgotten about that yesterday. Have I captured it correctly Ms Norman?

ADV THANDI NORMAN SC: Yes thank you Chair.

CHAIRPERSON: Hm.

ADV DON MAHON: Chair if I may?

20 **CHAIRPERSON:** Yes.

ADV DON MAHON: That is the very problem with respect.

CHAIRPERSON: Yes.

ADV DON MAHON: Is if we look at the Chairperson's ruling ...

CHAIRPERSON: Yes.

ADV DON MAHON: He did not plead guilty to namedropping. He

pleaded guilty only to the charge but excluded specifically the facts and evidence as represented.

CHAIRPERSON: No that is fine but he is – he can say – he can say exactly what you are saying. He can say no I did not plead guilty to that. I pleaded guilty to that and I excluded the facts. That – that is what he can say.

ADV DON MAHON: As it pleases Chair.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: I think Chair my legal
10 counsel has represented what I would have liked to express.

CHAIRPERSON: Yes, okay. So maybe we should start here you pleaded – you pleaded guilty to charge – to all the three charges. Is that right?

AMBASSADOR VUSI BRUCE KOLOANE: If I remember Chair I think I did to all the three charges.

CHAIRPERSON: Yes and you said as I understand from the ruling of the Chairperson you were – were excluding the facts. Is that correct?

AMBASSADOR VUSI BRUCE KOLOANE: Come again sir.

CHAIRPERSON: You said if I understand the Chairperson's ruling that
20 is the disciplinary hearing Chairperson's ruling if I understand it correctly you said you were excluding the facts. You were not pleading guilty I think to the facts or you – you may have intended to say you were not admitting certain facts. Is that correct?

AMBASSADOR VUSI BRUCE KOLOANE: Correct Mr Chairperson.

CHAIRPERSON: Yes. Now let us hear from you in regard to charge

one where the allegation was that:

“During the period February 2013 to April 2013 you abused diplomatic channels and took it upon yourself to facilitate an illegal request for landing of an international aircraft at the Air Force Base Waterkloof on 30 April 2013 between 06:50 and 07:00 in the morning.”

That allegation you pleaded guilty to that allegation. Is that correct?

AMBASSADOR VUSI BRUCE KOLOANE: Chair if I – I am not again
10 100 percent certain but if I recollect I think the three charges were discussed as – they were mentioned individually but during the engagements and the discussions the three charges tendered to be discussed together and because if you look at them as well they actually overlap in some cases particularly if you look at charge one and charge two.

So whilst I did plead guilty to the charges there were certain components that I did not agree with for example which I then raised during that particular meeting.

CHAIRPERSON: Yes, okay. What we do know there were three
20 charges?

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: What we do know is you pleaded guilty to three charges?

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: What we do know is there was charge one, charge

two and charge three?

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: And what we must take as given is that faced with these charges you would have applied your mind to each one to say what do I say to this one. What do I say to that one? What do I say to that one in preparation for the hearing? Is that correct?

AMBASSADOR VUSI BRUCE KOLOANE: Yes, correct.

CHAIRPERSON: It is correct. Now I - in order to try and understand what it is that you were pleading guilty to or what it is that you were
10 admitting and not admitting. I ask the question look at the allegation in regard to charge one – the allegations at page 26. Then tell me whether you were admitting those allegations under charge one.

Let me leave out the issue of the factors supporting the charge which is mentioned elsewhere. Just that allegation. Did you admit that allegation - that charge or not? I repeat the charge – charge one.

20 “It is alleged that during the period February 2013 and April 2013 the employee abused diplomatic channels and took it upon himself to facilitate an illegal request for landing of an international aircraft at the Air Force Base Waterkloof on 30 April 2013 between 06:50 and 07:00 in the morning.”

AMBASSADOR VUSI BRUCE KOLOANE: Chair if I do recollect quite – I am not sure again because it is a long time ago I had certain issues

with the language and the manner in which the charge itself was phrased. One of the things that I remember for example is that it says on line three “an illegal request” and I was actually asking what is meant by an illegal request because I facilitated a request for landing.

I did not facilitate an illegal request. I facilitated a request for landing and the – the ruling or decision that was granted will not be with me. So for me I raised – I am just making an example of one of the things that I do remember that when I read it now I see that I had an issue with the fact that it is phrased “illegal request”. I am just
 10 making one of the examples of what I can remember.

CHAIRPERSON: Yes but the primary allegation there is that you abused diplomatic channels and took it upon yourself to facilitate an illegal request blah, blah, blah. Let us leave out the illegal request for now. Let us assume if it was just a request would you say that you admit that you – you admit that allegation?

AMBASSADOR VUSI BRUCE KOLOANE: Again I think if I remember Chair on that allegation I indicated that there was a context into which this allegation can be premised and the context of my involvement was based on the assumption that the proper diplomatic procedures had
 20 been followed by the Indian High Commission but it only turned out that indeed it had not because I learnt that for example the note verbale had not been furnished and I took responsibility therefore accordingly that I erred and that I should have checked first whether all the administrative requirements had been met and in that context therefore I feel that I contributed to the situation because there was an oversight

on my side that I did not check that based on the assumption that it had already been submitted given that a few months earlier they had had the Head of State coming to visit and we are therefore accordingly familiar with the – with the processes.

So I am trying to say Chair even during that disciplinary action I had to explain the context in which these things happen which at least helped everybody understand exactly what was said and the phrasing of charge one as it is in its current form does not fully reflect the engagement and the discussion that transpired when this charge
10 one was admitted was expressed to me.

However I then said with those qualifications that I had made I do plead guilty to administrative oversight on my side and also I think something along the lines of influencing of the officials who was supposed to process the – the flight clearance. I did plead to that.

CHAIRPERSON: Well did you abuse diplomatic channels in order to facilitate the request for clearance for the landing of this aircraft?

AMBASSADOR VUSI BRUCE KOLOANE: No. Chair I actually abused the power of my office ...

CHAIRPERSON: Hm.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** In facilitating - by – my office ...

CHAIRPERSON: Hm.

AMBASSADOR VUSI BRUCE KOLOANE: Calling officials who are processing and exerting pressure on them but at no stage did I have control over diplomatic channels because diplomatic channels will refer

to also the correspondence flowing from the Indian High Commission to DIRCO and the (indistinct).

In this case as I – I indicated the diplomatic channel that was utilised for applying for this flight clearance in question was that it was sent directly from the Indian High Commission to the Department of Defence and what I agreed and I accepted then and accept now is that I used my office to follow up on why the flight clearance was not processed and in light of what I have just said this morning to the Chair whilst I had an intuition that obviously there is an involvement of the
10 Guptas here as well I think it will have been appropriate of me in hindsight even if it means I had gone to one of the Senior Officials in Defence and said look of course everything looks good on paper but I have got the following intuition.

You may want to look into it and I admitted to that as well Chair.

CHAIRPERSON: So – so you – you accept that in the process of seeking to put pressure - and you must just tell me if there is a part of what I am saying that you do not agree with – in – do – do you admit that therefore in the process of what you did to put pressure on some
20 officials in the Defence Force you – to put pressure on them either to approve the request for a clearance or to expedite the processing - one of the two you can indicate which one – in the process of putting pressure on them for one of those two you abused your powers in the office that you held at the time?

AMBASSADOR VUSI BRUCE KOLOANE: Chair I do accept that it is a

clear abuse in hindsight and I look in hindsight. It is a clear abuse of my – of my portfolio as the Chief of Protocol to have put pressure on the officials in this case Mr Ntshisi to expedite not to - to expedite the processing of the flight clearance particularly given that I had not myself verified even with him whether all the administrative requirements have been met and also in the context of what I have just said Chair that although there was no documented evidence but I was – I had the intuition that there was something that one could look at in terms of the – one of the members of the Gupta family or business
 10 members being part of the team that went for the inspection.

I should have already sensed that there was something here untoward and communicated that to the, to my counterpart in defence, be it the head of the General charge of the Air Force base or whatever.

CHAIRPERSON: That which you say you had an intuition of that was untoward, what was that?

AMBASSADOR VUSI BRUCE KOLOANE: I was saying, chair, early on we had been talking to the Guptas in the meeting which was held at the OP Tambo International Airport. Where they indicated clearly that they were going to have guests coming for a wedding etc. wherein we
 20 advised that it will not be appropriate and the minister accordingly informed them, Minister Martins. That sorry, I cannot assist you. You cannot land here. Try Pilanesburg or the other airport.

CHAIRPERSON: Lanseria?

AMBASSADOR VUSI BRUCE KOLOANE: And then secondly, when they then applied also for the flight clearance at Waterkloof, they also

did not hide that they had wedding guests coming but in there will also be ministers who will also have some official engagements. And that is why I am saying, no my intuition told me that this is one of the same thing but I am saying, I failed in my duties because I should have communicated such to the, to my counterpart or at least to somebody senior in the Ministry of Defence, Department of Defence so that they could look into the matter.

CHAIRPERSON: That part which you say you failed to communicate to your counterpart, the Defence Force and the Department of Defence.

10 Was it that this was simply a private visit? What was it? I just want to make sure I do not speculate about what you are talking about but that you articulated.

AMBASSADOR VUSI BRUCE KOLOANE: Chair, what I am saying is that I should have, my intuition was telling me that there is far too much coincidence here. That is basically what I was saying but I was not aware whether they were indeed going to have meetings as was stated when we during the Commission that some went to Bloemfontein, others to Cape Town. So I was not privy to the official meetings they were having. I was just making reference to the fact that this seems to
20 be the same people who actually were going, who had actually asked first to land at OR Tambo.

CHAIRPERSON: And if it was the same people, would I be correct to say that your attitude should have been, if you understood that it was the same people, your attitude should have been but we told these people that they must go to Pilanesburg or Lanseria. They should not

come anywhere else. How are they wanting to land in Waterkloof now? Am I correct to think that is what you maybe your attitude should have been if you made the link?

AMBASSADOR VUSI BRUCE KOLOANE: When I said, Chair, when I failed in my duties, I failed in my duties because I should have advised one of the senior managers in defence and said, look whilst it is your principal's responsibility to process either grant or not grant. Be aware of the following and taking them to confidence in terms of what... (indistinct) had gone through with them.

10 **CHAIRPERSON:** Yes.

AMBASSADOR VUSI BRUCE KOLOANE: And left it to him or her to decide if they will grant or not grant because.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: That coincidence in itself does not necessarily mean that they could not have been granted or could have been granted because it falls squarely in the hands of defence.

CHAIRPERSON: But it would have helped to give them a full picture?

AMBASSADOR VUSI BRUCE KOLOANE: Correct, Chair.

20 **CHAIRPERSON:** Yes.

AMBASSADOR VUSI BRUCE KOLOANE: That is why I began I said I admitted that as a government employee, not only just as a DIRCO. It was my responsibility also to assist colleagues even in the government departments if I come across information that could benefit them. I should have communicated that and that is why I admitted if like

negligence on my side on that.

CHAIRPERSON: Yes. Ms Norman?

ADV THANDI NORMAN: Yes. Thank you Mr Chairman. So can we accept then from the responses that you have given the chair that at the time when he used the name of the Minister of Transport, the Minister of Defence and military veterans and the President, you knew that was a lie because none of them has told you anything about this?

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

ADV THANDI NORMAN: So and as senior as you were, you conveyed
10 that lie to these employees in order to put pressure on them as you have already mentioned?

AMBASSADOR VUSI BRUCE KOLOANE: Something I am not proud of but yes it is true. I did put pressure on them to process that.

ADV THANDI NORMAN: Yes, and then from what you have told the Chair already. What is recorded which is what you listened to yesterday is a correct recording of these conversations?

AMBASSADOR VUSI BRUCE KOLOANE: Yes, it is an accurate recording and although I am not an IT specialist but the voice there in sounds exactly like my voice. So I cannot, I do not have any expertise
20 to do verification but the content of the recording is familiar. And therefore I cannot the accuracy of the content of that recording.

ADV THANDI NORMAN: Yes. And would you then except that in those instances where the DG's have quoted to the extent that those quotations are consistent what is contained in the recording then the chair can accept those as being accurate?

AMBASSADOR VUSI BRUCE KOLOANE: Can you say the question again, Ma'am?

ADV THANDI NORMAN: Okay.

LEGAL COUNSEL: Chair, again I am sorry.

ADV THANDI NORMAN: Oh please.

CHAIRPERSON: Yes, I am sorry I did not hear the question. Maybe I should hear it before you object.

LEGAL COUNSEL: Chair, I think we must just make clear what recordings are being referred to because some of the recordings, Mr
10 Koloane was not even a party to.

CHAIRPERSON: Yes. Okay thank you.

ADV THANDI NORMAN: Chair, Mr Koloane understands exactly what recordings we are talking about. Those are the audios that he has listened to that relate to him. I would not be asking him about recordings that do not relate to him. Thank you. I was just saying Ambassador Koloane. To the extent that to the DG's have quoted certain paragraphs, certain things that you may have said. In order for the Chair to find that those are reliable, the chair must listen to the recording and those you would accept then as accurate.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** If you are making reference to the recordings that were given to us last night.

ADV THANDI NORMAN: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: Yes, Ma'am I do.

ADV THANDI NORMAN: Thank you very much. Now let us just...
(intervenes).

CHAIRPERSON: Well, maybe.

ADV THANDI NORMAN: We take the tea adjournment.

CHAIRPERSON: Before you proceed, do you accept Ambassador that if what you say is true namely, the President of the Republic at the time and the Minister of Transport at the time, Mr Ben Martins and the Minister of Defence then who I think is still the Minister of Defence now. If it is true as you say that they never said the things that in the recording or in the conversation you had with Mr Ntshisi. If they never, what you said about them was untrue that was something very, very
10 serious to say about people occupying those positions in the executive. It would be a serious thing if you said about anybody but you were referring to the President of the country, the Minister of Defence, the Minister of Transport. Do you accept that if you said this is what they said when they never said that to you and you knew that they never said that, then what you did by using their names was very, very serious?

AMBASSADOR VUSI BRUCE KOLOANE: Chair, I will agree that it was wrong of me to use their names not only because I just used their names to put pressure on the officials to do what they were supposed
20 to do which is the processing of the flight clearance but also it potentially can taint the reputation and image of the three that you have just mentioned. And it is something that I do take seriously and I do. That is why I admitted responsibility for my actions in that regard and yes it is a serious thing like you said for anyone to use anybody's name out of context.

CHAIRPERSON: As I understand the position, it did not take long after the landing that the media suggested that you had made these statements about the President, maybe and the ministers but I think about the President. Is that your recollection as well?

AMBASSADOR VUSI BRUCE KOLOANE: Although... (intervention).

CHAIRPERSON: That it did not take long before the media was going with the story that you, who had made a statement that number one or the President had a role to play.

AMBASSADOR VUSI BRUCE KOLOANE: It was not very long
10 thereafter but I am not sure about how many weeks or whatever.

CHAIRPERSON: Yes, but it would have been a matter of weeks.

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: Not a number of months. Is that right?

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: Yes. And I would have imagined that when that, when you became aware that now this was all in the newspapers, you and you knew or knowing that this what you had said was not true, you would have taken steps to correct this. Did you take any steps to correct this?

20 **AMBASSADOR VUSI BRUCE KOLOANE**: I did, chair within when I was called by NICOC I categorically stated that none of the three ever gave me any instructions. Maybe my fault which again I think I will still act consistently with is that I have never ascribed to playing into public gallery through the media. I have never, ever granted any interview to any media people on this saga or on any other matter at that. I do not

believe in doing my official business through the media and since there were official structures that were set to deal with the matter I did set the record straight both in the NICOC as well as in the extended NICOC meetings as well as in the committee of the Director generals. In all three I did not mince my work in stating categorically that they did not give me any instructions, the three executives in question.

CHAIRPERSON: Did you admit to them that it was true that you had made these statements but that you were not being truthful when you made the statements?

- 10 **AMBASSADOR VUSI BRUCE KOLOANE:** Chairperson again, I do not remember the exact question. I will have to go back to them. They could have asked a question of saying, did you get instructions from the President and the answer was no. But I mean the line of questioning now is different and I do have, I am sure also the Commission has a copy of the questions that I was asked and the answers that it provided. And if I remember from looking at some of them in this last week.

CHAIRPERSON: Yes.

- 20 **AMBASSADOR VUSI BRUCE KOLOANE:** I think the questions were like, did the Present instruct you to do this or did anybody in the Presidency instruct you to do this. There were even follow-up questions.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: And then I have to provide appropriate answers but had the questions been phrased the way that

you of raising now I would obviously provide answers that talk to the question, the nature in the form of the questions.

CHAIRPERSON: Well, it is possible that they might not have asked you the question whether you had made those statements and only ask you whether you did get instructions.

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: But do you not think as you sit there now that even if they had simply asked you, did you get instructions knowing that you had falsely said, made those statements about those three officials; the
10 President and the two ministers. Did you not think it was important that you take them into your confidence and say, it is true that this is what I said but it was, I was being untruthful? The President and the Ministers had no role in this as far as I know.

AMBASSADOR VUSI BRUCE KOLOANE: No, Chairperson is that maybe if we were sitting in a format of this nature or even in a room having a discussion, a question and answer session maybe that might have happened. But because when I was called into the meeting, I was not told. I was going there under the pretext that I was only going to be meeting one person which is Mr Dhlomo. But when I got there is I
20 indicated, there were a number of people and I asked the legal status and I felt that my rights will be violated if I do not exercise my right to legal representation. And they took a decision then that they will send me the questions in writing and I also then provided answers in writing. So I was only responding to the specific questions that they actually put down on me. And also having consulted my legal counsel, my legal

counsel just advised that try to answer the questions that you have been asked and that is what I did, chair.

CHAIRPERSON: And in the or did you ever communicate either to the then President and the two Ministers any apology that for using their names falsely the way you had. Did you ever communicate to make any communications to say, I know that the newspapers are saying this that I made statements that you had a role to play and I want to admit that I did make the statements but I was untruthful and I apologize to you for whatever wrong I have done. Because now your names are being
10 mentioned in the media as people who had a role in the landing of this aircraft. Did you over the years, over the past six years did you ever do anything like that?

AMBASSADOR VUSI BRUCE KOLOANE: Chair, I do not recall and of course I might have missed it partly because I, there is a time when I was not necessarily attached to reading the newspapers for a number of reasons but I cannot recall that there was specific reference to Minister Martins giving me instructions.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: There was reference, Mr
20 Martin's meeting that was held at OR Tambo.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: An equally also on Minister Sivuyo Mapisa Nqakula.

CHAIRPERSON: Hm.

AMBASSADOR VUSI BRUCE KOLOANE: And as regards, yes there

were article regarding the President himself.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: And the answer is, no I did not go back to him out of shame because I was too ashamed to even face him understand the gravity of what I had done and therefore, I cannot get myself to look them in the eye and say I am sorry. I had wrongfully used your name to put pressure on the officials to process the flight clearance application and that is basically the truth. I was ashamed like I am ashamed now. I mean although, I am admitting the
10 guilt but it does not make me feel good or any better.

CHAIRPERSON: At the disciplinary hearing you also have to deal with the situation of the statements you had made about the President and the two Ministers. Is that correct? You have to, the discussion included that.

AMBASSADOR VUSI BRUCE KOLOANE: Not in the same context, Chair. If I remember, I think and again here is a long time that it happened. I may not recollect everything but I think the context of the two ministers was about, one Minister Ben Martins was about the meeting we had at the airport. If I remember well again, I do not
20 remember very well. I will have to look at the report if it is here so that I can jerk my memory because although, yes the documents were all given to me and my legal counsel, I must admit I did not read all of them because I just could not read more than so many pages on my own. I mean I focus on some of the areas. I might have left out one which is of interest now to the Chair. So I will have to go back to it and

look at it.

CHAIRPERSON: Hm. Well, we will take the tea break now but part of an earlier question that I think Ms Norman was asking amounts to this. The landing of this aircraft at Waterkloof was something that was talked about in the country for a long time. Mr Ramatlodi gave evidence here earlier this year. I cannot put words into his mouth but whatever he said I understood to mean something like that such aircraft landed at Waterkloof was an abomination. Those are my words not his but my understanding of what he was saying. My understanding he was saying,
10 is that he was saying as a nation we were ashamed that this could happen. Now that landing was such a big issue in the country and it went on for a long time. One would think that knowing what role you had played in regard to the landing, knowing that you had been charged with allegations relating to it at work and you have pleaded guilty and the issue of your using these names was mentioned there as well. How could you forget that indeed you had used these names wrongly or falsely when you spoke yesterday, when you gave evidence yesterday? I think part of, one of the questions she put amounted to saying, how is it possible that having been involved in something so big you would
20 forget that you did actually use these names and made these statements?

AMBASSADOR VUSI BRUCE KOLOANE: Well, Chair first of all I can only say that I am human like everybody else is. There are some things that are pleasant memories that you want to linger on for the rest of your life and there are some that you want to forget and close the door

on them and never, ever get back to them in your life. So I have gone through the process in my life of the latter and there are many things related particularly to that whole process. My family, everything that happened to me, my family in particular and my children in particular that I would like to completely forget. So we tried to find, to go through therapy for me and my wife and my children in particular to try and forget about some of these things. So I think maybe it is just the refusal of the memory bank to deal with some of these realities because they do not bring anything unnecessary pain to me and my
10 wife and my children.

CHAIRPERSON: I think let us take the tea adjournment.

ADV THANDI NORMAN: Yes, Chair.

CHAIRPERSON: And then we will. It is 20 past. We will resume at 11h35.

ADV THANDI NORMAN: Thank you, Chair.

CHAIRPERSON: We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes you may proceed Ms Norman.

20 **ADV THANDI NORMAN SC**: Thank you Chair. Chair just before we adjourned Chair had taken, had asked about the disciplinary, certain matters about the disciplinary, may I just refer the witness to FF3, Exhibit FF3 at page 35.

CHAIRPERSON: Yes thank you.

ADV THANDI NORMAN SC: Thank you. There on that page Chair this

is where the Chairperson of the disciplinary deals with aggravating factors and he alludes to – I see now my page 8, I don't have a page 8, I might have taken it out. Yes, alright thank you.

CHAIRPERSON: Yes, and actually I forgot to raise that with you yesterday, the – I thought there were two pages missing there but it looks like it's one.

ADV THANDI NORMAN SC: Yes it's page 8 we'll have that replace in due course Chair...(intervention).

CHAIRPERSON: Well actually there's no page 6 as well, so those
10 are the two pages.

ADV THANDI NORMAN SC: Yes, thank you Chair, we'll attend to that.

CHAIRPERSON: Can somebody try and get it while we are sitting – while I'm sitting, get those pages.

ADV THANDI NORMAN SC: I'll ask Ms (indistinct) to look into that thank you. Ambassador could you just look at – can I just refer you to paragraph 7, although it will be incomplete but for our purposes just to – because this is a matter that the Chair had asked you about, could you just read what is contained there in that paragraph.

CHAIRPERSON: What paragraph?

20 **ADV THANDI NORMAN SC:** Paragraph 7 Chair at page 35.

CHAIRPERSON: The facts show that Ambassador Koloane abused diplomatic channels and took it upon himself to facilitate the illegal request for the landing of the aircraft. In mitigation, Ambassador Koloane admitted that due to error of judgment he failed to verify if the (indistinct) provided a *note verbale* to the department, that was despite

the fact that is expected to be well versed with diplomatic protocol, he went further by directly speaking to the command post, Air Force Base Waterkloof and stated that there will be four to five Ministers on the flight and furthermore dropped the names of Minister of Transport, Minister of Defence and President in order to pressurise the command post to issue the clearance for the illegal landing of the aircraft. In mitigation, Ambassador Koloane submitted that whilst they are, and thus is why...(intervention).

ADV THANDI NORMAN SC: That is where the – yes so in other words
10 this is one of those factors that you regarded as aggravating factors by the Chairperson of the disciplinary.

AMBASSADOR VUSI BRUCE KOLOANE: Well part of that paragraph because the rest of the paragraph is not here so I'm not sure what the rest of the paragraph will be saying.

ADV THANDI NORMAN SC: Yes thank you and then just at a practical level, then because then you had put pressure as you've already admitted, on these officials might I just refer the Chair to FF4 at page 193.

CHAIRPERSON: Is this connected with the hearing – disciplinary
20 hearing or not?

ADV THANDI NORMAN SC: It is not connected but it is relevant in the sense that it shows that Major Ntshisi approved the clearance on the same day that he received the call.

CHAIRPERSON: Oh maybe before you take him there, Ambassador, may I take you back to the ruling of the Chairperson of the disciplinary

hearing and I'd like to take you to the end of paragraph – of page 32, starting with the last sentence at the bottom of page 32. The Chairperson's ruling is the one to which Ms Norman just referred you to.

AMBASSADOR VUSI BRUCE KOLOANE: Ja.

CHAIRPERSON: Yes, that sentence, the last sentence says,

10 "The employee and then it goes on, on page 33 and says, admitted that he betrayed the trust that the employer entrusted in him by assigning such crucial responsibilities to him. The nation look up on cabinet under the leadership of the President for guidance and sound leadership, particularly on matters of national interest by virtue of their positions and authority. The mention of their names is therefore associated with authority, the employee admitted that he misrepresented the facts in order to secure an illegal landing. This is clearly a dismissible offence",

Do you see that part which I've just read?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I do Chair.

20 **CHAIRPERSON:** I draw attention to that last sentence – well not the last sentence, the second last sentence which says,

"The employee admitted that he misrepresented the facts in order to secure an illegal landing',

I take it that the Chairperson of the disciplinary inquiry in recording that this is what you admitted got that right, is that correct?

AMBASSADOR VUSI BRUCE KOLOANE: Chair it – my

understanding was that in that she said – we debated that and (indistinct) by saying that Chair because the fact that I told Mr Ntshisi that there are four to five Ministers was not misrepresentation for me, I was told so by the High Commissioner of India so I had no reason to dispute it, so I communicated what I had been told which turned out not to be accurate and the argument is, did I misrepresent or I was given wrong information, upon which I then reacted. So we debated that for a very long time but at the end of the day, Chair, I am not in control of writing the final report and she is and she was expressing
 10 her own views which even now I do not necessarily contend were accurate because some of the things that I did, which I admitted, and I admit also in this Commission for example, exerting pressure on the officials to process the application speedily, I agree – accept that responsibility.

CHAIRPERSON: Yes, no, no I think the sentence to which I've drawn your attention, where it says,

“The employee admitted that he misrepresented the facts in order to secure an illegal landing”,

I think the facts that the Chairperson of the hearing that's
 20 writing there is talking about must be your mention of the President's name and mention of the two Ministers because she refers to that earlier in the paragraph, so I just want to confirm that - whether I can accept that one of the things that you admitted in the disciplinary hearing before the Chairperson of the disciplinary hearing was that you had used those three names wrongly, you had mentioned them in order

to put pressure on the officials of the Department of Defence.

AMBASSADOR VUSI BRUCE KOLOANE: Yes I did admit that in the internal disciplinary process and I've also admitted it in this Commission that it was wrongful use of such names, yes Chairperson.

CHAIRPERSON: Yes that's fine, the reason I wanted to confirm that because earlier on, you'll recall I asked a question which sought to understand which facts you admitted and which facts you did not admit in the disciplinary inquiry. So the context here is that from what you have said at the meeting that you talked about where you were given
10 questions and you answered, they asked you whether the President ever gave instructions or knew about the landing, you said no, but you were not asked, as I understand it, whether you had made this statement about either the President or the other Ministers.

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: But what we do now know at least, is that in the disciplinary inquiry you also admitted that you had wrongly used those names.

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: Yes okay thank you.

20 **ADV THANDI NORMAN SC:** Thank you Chair, just referencing paragraph 2.1.15 which we are dealing with of FF1 to the clearance that appears in Exhibit FF4.

AMBASSADOR VUSI BRUCE KOLOANE: Are we looking at FF1 or FF4?

ADV THANDI NORMAN SC: FF1, Ambassador, page – if you go to

page 11 okay and then you just leave that open and then you take FF4 and then page 193, thank you and then in FF1 as you can see the first sentence says it was on the 9th of April 2013 when you called...(intervention).

CHAIRPERSON: Sorry you are way ahead of me, you want us to...(intervention).

ADV THANDI NORMAN SC: Look at FF1 Chair.

CHAIRPERSON: At what page?

ADV THANDI NORMAN SC: At page 11.

10 **CHAIRPERSON:** I've got that.

ADV THANDI NORMAN SC: Thank you and then FF4 Chair, which is the Board of inquiry bundle at page 193 Chair.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: Thank you, I just want to highlight that the date of the call to Major Ntshisi appears to be the same date that the external clearance was issued which is the 9th of April 2013, do you see that Ambassador?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I do.

20 **ADV THANDI NORMAN SC:** Yes and then – then the other dates they follow in RSA4 but the one that's relevant for our purposes which deals with the main aircraft is the one that appears at page 193.

CHAIRPERSON: I'm struggling to see where that date is...(intervention).

ADV THANDI NORMAN SC: The date is right on top just below or next to where the...(intervention).

CHAIRPERSON: 9 April 2013 under the address- beneath the address, I can see that.

ADV THANDI NORMAN SC: That's correct, that's the date.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: And then, Chair will find then the signature of Lieutenant Colonel Van Zyl at the end. We did deal with this with one of the General's that testified.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: Yes, thank you, I just wanted to close that
10 – to show that on the same day the call was made then the same day the clearance was issued.

CHAIRPERSON: Was done yes.

ADV THANDI NORMAN SC: Thank you Chair.

CHAIRPERSON: Yes okay.

ADV THANDI NORMAN SC: Thank you and then, if you may now just ... (intervention).

CHAIRPERSON: Well now while you are doing that let me just confirm Ambassador, it may be understood that maybe so far the conversation that we have been talking about that you had where you
20 mentioned the name of the President and the two Ministers, may have been only the conversation that you had with Warrant Officer Ntshisi, I just want to confirm whether you also told Colonel Anderson, you mentioned these names in the same way when you had a conversation – a telephone conversation with Colonel Anderson at particular stage, whether recorded or not recorded?

AMBASSADOR VUSI BRUCE KOLOANE: Although I do not recall whether I might have used all the three names but I know that we definitely did enter into discussion I think the word – the use of the name of the President might have come up. Again, I am saying, I could say it to Mr Ntshisi, probably I would have said it as well to Colonel Anderson because we had an even more matured and developed professional working relationship having worked together for two and a half years and I had not done so with Ntshisi.

CHAIRPERSON: Yes I think in the recorded conversation that you
10 appeared to have had with Colonel Anderson – no, no I'm sorry, in the recorded conversation that Colonel Anderson appears to have had with Warrant Officer Ntshisi, I think she does say that you told her about number one or the President, did you hear that part in the recorded conversations?

AMBASSADOR VUSI BRUCE KOLOANE: I did hear her making reference to number one, I'm not sure whether she said I told her or she was just saying that this is a very sensitive matter, I'm not sure how to say it because number one is also aware of this, or something like that, but yes she did make reference to number one.

20 **CHAIRPERSON:** Yes she might not have said she got that from you so I just wanted to find out whether that would help in terms of your memory to say no, I think I did say it, if she says she got it from you, you may be right, maybe she doesn't say she got that from you.

AMBASSADOR VUSI BRUCE KOLOANE: Correct Chair, I mean and again by admission I want to state categorically that if I can say it like

that to Mr Ntshisi then the probability that I did say it to Colonel Anderson is extremely high.

CHAIRPERSON: Yes, yes of course the question that arises out of the evidence that you have given this morning in regard to you putting pressure on officials of the Department of Defence is why you would have sought to resort to these measures of mentioning the President's name, mentioning the Ministers names to put pressure on them, just to process the request for clearance irrespective of whether they, ultimately turned it down or not?

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Chair I think the mere fact that, as I said earlier, my intuition told me that the Gupta family might be involved in this and also what confused things is that even the High Commissioner was also a Gupta albeit not related. One I wanted the to process it so that they could give an answer saying yes or no but like I said for me to use the names of the principals was fundamental to make them move at lightning speed and as indicated it was also issued on the same day and again it could have been declined on the same day if it didn't meet the merits and also if the systems within the Department of Defence themselves had also not collapsed because, clearly, there

20 is evidence that – as was presented by General Ngwenya that I think their systems also needed to be jacked up because they had checks and balances which didn't seem to work.

CHAIRPERSON: But what was it – what was in it for you in this whole thing, why would you resort to untruthfully mentioning certain people's names in order to put pressure on officials about something that really

had nothing to do other than you had done your part by passing on the request to the Department of Defence, why couldn't you simply say to whoever may have been putting pressure on you to say, the Defence Department is not dealing with these things expeditiously. Why was it not enough for you to say, look I've no control on their processes we have passed – we have done our part and all I can say is, ask them to please attend to it expeditiously, more than that I can't do.

AMBASSADOR VUSI BRUCE KOLOANE: Well Chair to answer the first part there was nothing in it for me at all, two, why did I push, I mean, I indicated when I said it in my testimony that one of my core responsibilities was servicing strategic (indistinct) relations with all the diplomatic missions in South Africa and India being one of the strategic countries at that we are part of IBSA together, part of BRICS together as well, I think I had an interest to appease him and besides that also build a personal relationship over time because I was interacting with all the Ambassadors, whether on their national days or sometimes just for lunches and things like that, so that really was fundamentally the reason why I wanted to - I think to appear to him to be the most effective guy who can make things happen and again, I admit, without any reservations that it was a wrongful act on my side and that I indicated.

CHAIRPERSON: Thank you.

ADV THANDI NORMAN SC: Thank you Chair and just a follow-up on Chair's question, was it also not because you didn't want this clearance to be declined because otherwise, why use those names?

AMBASSADOR VUSI BRUCE KOLOANE: Yes you can say that because, like I said, mine was to make sure that I'm seen as well by the High Commissioner (indistinct) of India to be a man who can get things to happen and also shortly before – I think after that we were going to be having a BRICS summit so I was really trying to appease him to the best of my ability.

ADV THANDI NORMAN SC: Yes thank you and then – then the aircraft lands at Waterkloof...(intervention).

CHAIRPERSON: Well maybe before it lands, I understand the part that
10 you have just said now Ambassador, that, look you wanted to – you had a certain relationship with the Embassy of India, the two countries have a special relationship and from your side you wanted to be seen as somebody who could get things to happen but the question that Ms Norman asked you, namely, is it not true that you also wanted the result of the request for clearance to be positive? Your answer was, as I've understood correctly, yes that could happen as well is that correct or did I misunderstand?

AMBASSADOR VUSI BRUCE KOLOANE: Working on the assumption that the Indian High Commission had submitted all the relevant
20 documentation, since not long before that incident they had received a head of state through the same process. I assumed that they had done it properly and of course, I had no reason to believe that it wasn't going to be granted and all I wanted was to – I felt that it was just incompetent on the side of the officials and that's why I was pushing them to actually do the processing and yes, of course, I was hopeful

that it would be approved because I was under the assumption that al was kosher in terms of the documentation that had to be submitted.

CHAIRPERSON: Well the part that I wanted to draw attention to is that my understanding of your evidence yesterday and I think it may be that earlier today as well at some stage, your evidence as I understood it seemed to be to the effect that all you wanted was that they should – the Department of Defence should process the request for clearance, what the outcome was neither here nor there for you, you just wanted that they should process the clearance and – but I seem to understand
10 what you've said to be, yes you wanted the outcome to be a positive one as well. So you're getting a chance to just tell me if I've misunderstood anything.

AMBASSADOR VUSI BRUCE KOLOANE: Chair I was one, pushing so that they would process the application for the flight clearance and of course, I do understand, like any other government department there are internal processes, but of course, I was hopeful that it will be granted because it had been granted a few months earlier and I had no reason to suspect that it would not be granted but was just – in my head it was an assumption that there's just some administrative
20 incompetence by the officials who either were just put in somewhere there not really processing it at all and yes to make – to bring about the degree of urgency I wrongfully then dropped the names of the principals but again, you can - I can drop the name of the principal but if the internal processes were followed properly and they decide, sorry we cannot grant, that will not really affect any direct effect or bearing

on the issue because the process would have stopped it from being processed positively, let me put it that way.

CHAIRPERSON: What would you say to the proposition that mentioning the President's names and those Ministers to Warrant Officer Ntshisi and maybe to Colonel Anderson as well, was meant to improve if not guarantee but at least improve the prospects that the outcome would be an approval?

AMBASSADOR VUSI BRUCE KOLOANE: I would say...(intervention).

CHAIRPERSON: And not that they were – not that you used those
10 names just to have the process expedited, irrespective of the outcome?

AMBASSADOR VUSI BRUCE KOLOANE: I would have argued Chair, that mine was to ensure that there was going to be efficient attention to the process itself with the full appreciation that there were internal processes to be followed which could have led in either the acceptance or the decline of the application and yes, like I've indicated I was hopeful that it will be issued so that the India High Commissioner or Ambassador will also see that I've actually acted on the matter expediently to make sure that it's dealt with.

CHAIRPERSON: Thank you, Ms Norman?

20 **ADV THANDI NORMAN SC:** Thank you Chair, there's just some – I've got this nagging feeling which is something that I think I must just deal with, with you Ambassador because every time you give an answer to the Chair's questions, you say, of course there were internal processes, had people followed internal processes then maybe this would not have happened but I just want to understand at what point

did you realise that a wedding party for the Gupta family was going to be the persons that were going to be landing at Waterkloof. I just want to understand in terms of the timeline.

AMBASSADOR VUSI BRUCE KOLOANE: When the High Commissioner told me he also indicated that there would be – he didn't lie, he said there will be people coming for the wedding and therein – in that same plane there will also be Ministers but like I indicated in my earlier testimony in the meeting also at OR Tambo, it was stated categorically that there are actually going to people coming for the wedding but they will be Ministers. So in terms of the timeline, if – and also my intuition you can – I can actually argue that I learnt about it from the first meeting that was held at OR Tambo International Airport.

10

ADV THANDI NORMAN SC: Yes and then in your assessment then, you knew that there were going to be Ministers and there was going to be a wedding party, did you regard that as a aircraft that could land at the Waterkloof Base?

AMBASSADOR VUSI BRUCE KOLOANE: I do not have the right to decide whether an aircraft can land or not at the Waterkloof Air Force Base, I have indicated that there have been some instances where private planes have landed there so – but again it's not in my jurisdiction to decide whether – or in my, it wasn't in my mandate to decide if a plane, private plane or not cannot land because as was stated also by the people from Defence that, under certain circumstances they do consider private planes to land there but it's not me who can make that decision.

20

ADV THANDI NORMAN SC: Yes okay, ja you're quite right you've already indicated that but let – just tell the Chair, if then all of this had to deal with Defence, Defence had to clear this, why was it necessary for you to call Mr Matjila?

AMBASSADOR VUSI BRUCE KOLOANE: I think I indicated that one of the principle mandate for the Chief of State protocol is to mention the maintenance of cordial bilateral relationships by servicing every single diplomatic mission in South Africa and anytime when they have a problem they come – you are the first point of call and also if they're
10 creating a problem you're the first one who (indistinct) the to come and attend to it. So the Indian High Commissioner called me because that is the protocol routine that they will have to follow and that's why I called Mr Matjila.

ADV THANDI NORMAN SC: No but what was expected from DECO, when that call was made what was expected from DECO and why is it that you thought that you had to call Mr Matjila to deal with the process.

AMBASSADOR VUSI BRUCE KOLOANE: I'm not sure, maybe I'm failing to express this madam but what's expected from the Chief of
20 Protocol is to follow-up and establish if there's a problem and if so what the problem is and I made an example also yesterday, that if somebody parks in front of the Embassy all the time, what's expected of me is to call the diplomatic police and say, please can you attend to that matter and give me update once you've done so, so that I can make sure that I can confirm with the Embassy in question – the

Ambassador in question. So the role of protocol, basically is to make sure that whenever a diplomatic mission has a problem, and that he attends to it because some of these small nuisances can actually create unnecessary protocol tensions between two countries. So every time they have a problem they will call the Chief of Protocol.

ADV THANDI NORMAN SC: Yes, no, no I understand that but what I wanted to understand, you must remember you are dealing with the processes yesterday and today, you are saying that I wanted to say to them, look just check why is this process not moving, you know, what
 10 are the problems, but I want to understand at what point then, did you say, DECO has done what it's supposed to do it's got nothing to do with us anymore and we all walk away. At what point did you reach that – did you, at all, reach that stage or did you continue to make this whole flight issue a part of the State Protocol matter?

AMBASSADOR VUSI BRUCE KOLOANE: No, after I had spoken to Mr Ntshisi, I called the High Commissioner of India and I told him that I've spoken to Defence and they've promised me that they are looking into process – into the processing of your application and that they will, apparently be getting in touch with the military attaché, I'm sure the
 20 matter will be attended to, however, if you're not happy, please get back to me and then he called me, I think, a day or two later and said, hey I forgot to tell you my brother, thank you very much we've got the flight clearance issued and that was – basically that was the end of dealing with it then.

ADV THANDI NORMAN SC: And then – so I take it that thereafter you

never had any dealings with this aircraft?

AMBASSADOR VUSI BRUCE KOLOANE: I did not have any dealings with the facilitation process at all.

ADV THANDI NORMAN SC: Okay did you attend – did you go to Waterkloof on the date when this aircraft landed?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I did.

ADV THANDI NORMAN SC: Okay what were the reasons for you to go there?

AMBASSADOR VUSI BRUCE KOLOANE: I got a call from the Indian
10 High Commissioner saying – and also from Colonel Anderson if I'm not mistaken, saying that the plane has landed and – I'd completely forgotten about it and – I was actually on the golf course and I just had to stop playing golf and go and see what was happening there and when I got there saw the many cars and many people had left already from what I was told but it was late when I already got there.

ADV THANDI NORMAN SC: Yes. And did you attend the wedding?

AMBASSADOR VUSI BRUCE KOLOANE: No I did not.

ADV THANDI NORMAN SC: Were you invited?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I was.

20 **ADV THANDI NORMAN SC:** Yes. Then do you have any or even at that time that is in 2013 around May or April did you have any relations with the members of the Gupta family as in being friends, as visiting each other?

AMBASSADOR VUSI BRUCE KOLOANE: I knew them because they attended most of – some of the functions that the President hosted.

For example the State of the Nation Address there used to be a traditional banquet dinner afterwards and the President would invite a number of guests from military veterans to family friends or businesses and my job of course was to make sure that I take care of all the guests of the President as part of my protocol expectations.

ADV THANDI NORMAN SC: Yes. Then – so now that your memory has been refreshed by the audio I take it that when you went through the report where it deals with your interactions with Colonel Anderson, your interactions with Warrant Officer Ntshisi you accept those as they are?

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Correct.

ADV THANDI NORMAN SC: Yes thank you.

CHAIRPERSON: Can I just take you back Ambassador.

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: To Exhibit FF3 that is the volume that has got your disciplinary hearing documents. If you go to page 27 that is the chairpersons ruling there. Excuse me. It says at paragraph 4 – are you there?

AMBASSADOR VUSI BRUCE KOLOANE: Ja.

CHAIRPERSON: Yes. It says at paragraph 4 that the parties asked for
20 the adjournment of the proceedings in order to deliberate among themselves on the point raised by the employee. I think the point you had raised was that the charges were split if I understand correctly. Oh there – ja. And then in paragraph 5 it says: ‘when the matter resumed the employee informed me that he is ready to plead to the charges as captured above with the exclusion of the facts and evidence in support

of the charges.’ That is part of what you emphasised I think.

AMBASSADOR VUSI BRUCE KOLOANE: Ja.

CHAIRPERSON: And then in paragraph 6 it says: ‘the employee pleaded guilty to all three charges,’ Then the chairperson says: ‘I went through each charge in order to satisfy myself that the employee understand the elements of each of the charges. The employee persisted with his guilty plea on each charge.’ You understand that?

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: Have you got any query with what the chairperson
10 recorded there particularly in paragraph 6?

AMBASSADOR VUSI BRUCE KOLOANE: No I do not except to indicate that earlier on when the Chair asked me

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: I did indicate that the heading of the charges itself I agreed with that and I am not talking about the facts but I talk about the sub bullet points.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: But the actual [indistinct] charges.

20 **CHAIRPERSON:** Yes.

AMBASSADOR VUSI BRUCE KOLOANE: I agreed with that and where we had differed.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: Is in some of the

CHAIRPERSON: The factors.

AMBASSADOR VUSI BRUCE KOLOANE: Sub points under those charges.

CHAIRPERSON: Yes, yes. Yes I think there was another part which I wanted to draw your attention to. Okay no I think I may have missed it now.

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: If I see it again we will talk about it.

ADV THANDI NORMAN SC: Thank you Chair.

CHAIRPERSON: Thank you. You may proceed.

10 **ADV THANDI NORMAN SC:** Yes. Thank you Chair. Ambassador there is also Exhibit FF2[b] you have mentioned to the Chairperson that were given a list of questions and you answered those questions. This is part of the bundles that we received from the Public Protector. FF – Exhibit FF2[b] Chair.

CHAIRPERSON: Exhibit FF2[b].

ADV THANDI NORMAN SC: FF2[b] yes Chair.

CHAIRPERSON: Okay. What page?

ADV THANDI NORMAN SC: Thank you. Page 440 Chair. They have started with the answers at page 435 but I just want the Ambassador to
20 identify that these are in fact the questions that he was referring to. At page 440 there are questions for Ambassador Bruce Koloane. Are you there Ambassador?

AMBASSADOR VUSI BRUCE KOLOANE: I am trying to get there.

ADV THANDI NORMAN SC: Alright page 440.

AMBASSADOR VUSI BRUCE KOLOANE: Yes I am there now Ma'am.

ADV THANDI NORMAN SC: Thank you. Are those the questions at page 440/441 that you were referring the Chairperson to?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I think they are.

ADV THANDI NORMAN SC: Yes. So you received these from the DG's because it has got – you have got – when you responded at page 435 you mentioned Ms Sindane.

AMBASSADOR VUSI BRUCE KOLOANE: At page 4?

ADV THANDI NORMAN SC: 435 When you were dealing with your responses dated 14 May.

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Is it in the same document 435?

ADV THANDI NORMAN SC: Same, same, same yes. 435.

AMBASSADOR VUSI BRUCE KOLOANE: Ja.

ADV THANDI NORMAN SC: Okay you have got Attention T N Sindane Director General Justice and Constitutional Development.

AMBASSADOR VUSI BRUCE KOLOANE: Hm.

ADV THANDI NORMAN SC: Yes so these are the responses that you gave to those answers – to those questions.

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

20 **ADV THANDI NORMAN SC:** Yes. Sorry I just want – Just a minute Chair I am sorry I just want to get this.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: Correct. 20 out of 20. And you were asked a question if you go to page 440. Chair 440. If I may direct your attention.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: To para – to page 20.

CHAIRPERSON: Excuse me.

ADV THANDI NORMAN SC: Sorry Chair a note has just been brought to my attention that Mr Koloane's legal representatives are complaining that they did not get the full Public Protector's Report. But may I just establish whether these questions were furnished to them?

CHAIRPERSON: Ja, ja just talk to counsel.

ADV THANDI NORMAN SC: Yes.

10 **CHAIRPERSON**: The two of you can talk and see if you can sort it out.

ADV THANDI NORMAN SC: Yes, ys.

CHAIRPERSON: You can just talk to her.

UNKNOWN COUNSEL: We are not complaining at this stage I just pointed it out.

ADV THANDI NORMAN SC: Just the questions.

CHAIRPERSON: That you did not get the full report?

UNKNOWN COUNSEL: If something arises and I need to object.

CHAIRPERSON: Yes. Okay.

20 **UNKNOWN COUNSEL**: I just noted my learned friend was a bit animated when I objected earlier.

CHAIRPERSON: Ja okay. No, no that is alright.

ADV THANDI NORMAN SC: No thank you. Thank you Chair, thank you. Thank you. The question was asked who stated that the Ministers would be arriving. That is at paragraph 20 of that question at page 440 and then the question was – I take it that you had answered in the

same format of the questions, is that correct?

AMBASSADOR VUSI BRUCE KOLOANE: Ja the answer was the Indian High Commission.

ADV THANDI NORMAN SC: Yes alright. And then – then you asked for example let us take the one question. And then you asked at paragraph 26, was Ambassador Koloane aware that Airbus A330 was given clearance to land? And then your answer to that.

AMBASSADOR VUSI BRUCE KOLOANE: I said yes.

ADV THANDI NORMAN SC: Yes. Thank you. 28 – and then paragraph 10 28 you were asked, who at the Indian High Commission asked Ambassador Koloane for processing assistance? What was the Ambassadors response? What did Ambassador Koloane understand the request to mean? And then what was your response to that question?

AMBASSADOR VUSI BRUCE KOLOANE: The number 2 and the 28 hey?

ADV THANDI NORMAN SC: Yes,yes.

AMBASSADOR VUSI BRUCE KOLOANE: The number 2 and I agreed that I will follow up to check what the cause of the delay was. I understood the request to mean exactly what it meant. Check with 20 relevant authorities.

ADV THANDI NORMAN SC: Yes who is number 2 that you referring to there?

AMBASSADOR VUSI BRUCE KOLOANE: The Deputy – the number 2 in charge in the embassy.

AMBASSADOR VUSI BRUCE KOLOANE: Yes. That would be the

Indian Embassy?

AMBASSADOR VUSI BRUCE KOLOANE: Yes Ma'am.

ADV THANDI NORMAN SC: Yes. And then – and then there is question 30. On all clearances the reason given is delegation why did departmental officials get the impression it was an official delegation? And then what was your answer to that question?

AMBASSADOR VUSI BRUCE KOLOANE: I am not sure I get the question however DIRCO protocol has the responsibility to facilitate arrival for Ministers, Heads of State and government and eminent
10 persons even if they are in a country for private visits.

ADV THANDI NORMAN SC: Yes. So is it correct that on this – on these questions I would imagine because then you were not asked you did not volunteer any information other than to simply to respond to the questions that were put to you?

AMBASSADOR VUSI BRUCE KOLOANE: I am not sure whether I was supposed to volunteer anything Ma'am but I thought the instructions were clear to me. They were just saying we are going to send you questions and can you please provide an accurate response to all these questions. So I just provided responses to the questions themselves
20 that I answered.

ADV THANDI NORMAN SC: Yes. And this – your questions are dated 14 May 2013 and the report that is FF1 the date on the report is 17 May 2017.

AMBASSADOR VUSI BRUCE KOLOANE: Can you say that again Ma'am?

ADV THANDI NORMAN SC: So your report – that is your answers.

AMBASSADOR VUSI BRUCE KOLOANE: Ja.

ADV THANDI NORMAN SC: To the questions. Those answers are dated 14 May 2013.

AMBASSADOR VUSI BRUCE KOLOANE: Right.

ADV THANDI NORMAN SC: Yes and the report that Ms Sindane testified to is dated the 17 May 2013.

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

ADV THANDI NORMAN SC: Yes. So I am going back to what you
10 testified to yesterday that you were not really given a hearing because
before you left a particular meeting you heard Mr Radebe making
announcements on the findings.

AMBASSADOR VUSI BRUCE KOLOANE: I can help clarify that.

ADV THANDI NORMAN SC: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: If it will please the Chair.

ADV THANDI NORMAN SC: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: What I said is as follows: I
was invited – I submitted the answers to them in writing. And then I
was invited to a subsequent meeting by the same team of Ministers – of
20 DG's to come and provide clarity on some of the answers that I had
provided. And I went to that meeting to provide clarity but when I
walked out of that meeting after providing clarity Minister Jeff Radebe
was already reading the report that had been compiled so I was
wondering whether there was – it was an exercise in futility to ask me
to come and provide clarity on the answers when walking out the

Minister was already reading the report.

ADV THANDI NORMAN SC: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: And secondly I also said if it will also help to please the Chair to mention this that I said there were four members according to what Ms Sindane herself said who constituted the JCPS team and I said that Mr Moyane never sat in any of those – of the meetings so I was not sure whether that did not in any way prejudice me that I was not given a chance to sit with them but secondly the answers I gave were not to the JCPS team although she
10 was a member of the bigger team but the JCPS was a properly constituted body of four people. I would have expected that under normal circumstances they will also call the people and say, according to the report received from the DG's this is what is being said, do you have anything to say? Or this is what somebody else says which contravene or contradicts your testimony, do you have anything to say on that? I was saying that exercise was never done and I felt that in terms of the rules of procedure one would have expected that that is what they would have done. Again it is an assumption. Maybe they were told only take reports from others and do not bother to cross – to
20 engage with them. I do not know but I am saying I was just stating a fact for the record that I never once got subjected to in front of the team of the four people who were members of the cluster I coincidentally interacted with them through other structures except of course for Mr Tom Moyane.

ADV THANDI NORMAN SC: Yes. But you would agree that this was

interaction between you and JCPS team members, Ms Sindane in particular?

AMBASSADOR VUSI BRUCE KOLOANE: I would not say...

ADV THANDI NORMAN SC: You were given questions.

AMBASSADOR VUSI BRUCE KOLOANE: Chair I would not say JPCS members because that was a NICOC – it was an extended NICOC team so I did not want to conflate the extended NICOC team with JCPS because she stated categorically that the JCPS team was chosen by Ministers and that those were four people only. So the – I am not sure
10 therefore how to relate to what you are suggesting Ma'am.

ADV THANDI NORMAN SC: What I am saying is there was a point when Ms Sindane whom we know was part of the JCPS cluster investigators where she had given you a list of questions and you responded to that list of questions.

AMBASSADOR VUSI BRUCE KOLOANE: I think maybe there must be context that is put into this because it presupposes that the JCPS cluster after meeting through the extended NICOC meeting then went on its own to set up the questions. The questions were raised – all these questions were raised with me initially verbally in that extended
20 meeting. I then asked what was the legal status of the meeting because I could look – I could see the pattern of the questions. That was not in the JCPS cluster but it was in the extended NICOC meeting. And then they promised that they will give me those questions in writing. They could have asked her to then do that but I am saying these are the questions which had emanated or which came up directly

in the interaction between myself and the extended NICOC [indistinct].

ADV THANDI NORMAN SC: Okay. But what is correct is that whoever gave you the questions you responded to those questions?

AMBASSADOR VUSI BRUCE KOLOANE: That is correct.

ADV THANDI NORMAN SC: Yes thank you. And in those questions you were dealing with the one issue which is the facilitation of the landing of the Waterkloof – at the Waterkloof base?

AMBASSADOR VUSI BRUCE KOLOANE: I was just dealing with the questions that I had been asked.

10 **ADV THANDI NORMAN SC:** yes.

AMBASSADOR VUSI BRUCE KOLOANE: Ja.

ADV THANDI NORMAN SC: And those questions related to that incident?

AMBASSADOR VUSI BRUCE KOLOANE: No it is not because it also talks about the arrival phase.

ADV THANDI NORMAN SC: No but arrival of what Sir?

AMBASSADOR VUSI BRUCE KOLOANE: I am saying Ma'am if you look at the questions and the answers.

ADV THANDI NORMAN SC: Yes.

20 **AMBASSADOR VUSI BRUCE KOLOANE:** It is got questions which are pre-arrival.

ADV THANDI NORMAN SC: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: And pre-arrival phase and then it has got questions which says arrival phase as well.

ADV THANDI NORMAN SC: Yes but that is arrival of the aircraft at

Waterkloof.

AMBASSADOR VUSI BRUCE KOLOANE: Correct so not only the pre-arrival but it was the pre-arrival as well as the arrival phase.

ADV THANDI NORMAN SC: Yes but the incident is one, is that correct? It deals with the...

AMBASSADOR VUSI BRUCE KOLOANE: Arrival of the aircraft yes

ADV THANDI NORMAN SC: That is correct. Thank you. Okay. Then – thank you if you could just take that away. Thank you Chair I think we have – sorry – I think we have dealt with the questions on the matters
10 that we wished to raise with the witness but there is one remaining issue. The audio transcript has not yet formed part of the evidence before you and we were hoping that we would ask for leave to play a five minute audio which relates to Ambassador Koloane because the other 22 minutes there is certain conversations there but we could listen to both because Major Ntshisi is present and the bulk of what is contained in the second audio relates to Major Ntshisi.

CHAIRPERSON: I am not sure what you are saying. I expect that the recordings that we – that we have got which Ambassador Koloane and his legal team have listened to that they would be played, is there a
20 problem with that?

ADV THANDI NORMAN SC: No Chair that is what I am requesting.

CHAIRPERSON: Yes let us play them.

ADV THANDI NORMAN SC: Yes thank you.

CHAIRPERSON: Ja.

AMBASSADOR VUSI BRUCE KOLOANE: Thank you Chair.

[AUDIO RECORDING BEING PLAYED]

ADV THANDI NORMAN SC: I am sorry.

CHAIRPERSON: I am sorry.

ADV THANDI NORMAN SC: I am sorry Chair I think it is too loud.

CHAIRPERSON: Ja it might be too loud but we need to also indicate which conversation.

ADV THANDI NORMAN SC: It is.

CHAIRPERSON: We are starting with.

ADV THANDI NORMAN SC: Yes thank you.

10 **CHAIRPERSON:** Which one so that everybody knows which – who are the participants in the conversations.

ADV THANDI NORMAN SC: Thank you Chair.

CHAIRPERSON: But do you need a five minutes adjournment to try and get the right level of audio?

ADV THANDI NORMAN SC: Thank you Chair we would appreciate that.

CHAIRPERSON: Which will make it ...

ADV THANDI NORMAN SC: Audible.

CHAIRPERSON: Properly audible.

ADV THANDI NORMAN SC: Yes Chair thank you.

20 **CHAIRPERSON:** Okay.

ADV THANDI NORMAN SC: Thank you very much.

CHAIRPERSON: We are going to adjourn for about five minutes to allow the legal team and technicians to find the right level of the volume so that we can hear the recording. We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV THANDI NORMAN SC: Thank you. Thank you Chair for the indulgence.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: Thank you. Chair ...

CHAIRPERSON: Have you found the right level?

ADV THANDI NORMAN SC: Yes Chair thank you.

CHAIRPERSON: Yes.

10 **ADV THANDI NORMAN SC:** I beg leave Chair to – to hand up a transcript which was done last night of the first recording.

CHAIRPERSON: Okay.

ADV THANDI NORMAN SC: Yes which is recording number six and that is a conversation between Ambassador – I have given to the witness yes thank you – which is a conversation Mr Chairman between Ambassador Koloane and Major Ntshisi. At the time he was a Warrant Officer.

CHAIRPERSON: The whole of this relates to that conversation?

ADV THANDI NORMAN SC: To that conversation. That is correct

20 Chair and may ...?

CHAIRPERSON: And you ask that it be marked as EXHIBIT FF13B?

ADV THANDI NORMAN SC: As – as. That is correct Chair.

CHAIRPERSON: The transcript of the conversation between Major Ntshisi and Ambassador Koloane will be marked as EXHIBIT FF13B.

ADV THANDI NORMAN SC: As – as Chair pleases thank you.

CHAIRPERSON: Thank you.

ADV THANDI NORMAN SC: Thank you Chair.

CHAIRPERSON: Did you find the two pages that were missing?

ADV THANDI NORMAN SC: Chair Mr De Beer will – will contact him as soon as we are finished. He has made – he is looking for it.

CHAIRPERSON: Well I wanted them before we finish.

ADV THANDI NORMAN SC: With – with the witness? I will ...

CHAIRPERSON: *Ja*.

10 **ADV THANDI NORMAN SC:** I ask somebody to go over ...

CHAIRPERSON: *Ja*.

ADV THANDI NORMAN SC: To him.

CHAIRPERSON: Okay, alright.

ADV THANDI NORMAN SC: Thank you Chair. Yes may we then play ...?

CHAIRPERSON: Then play the recording.

ADV THANDI NORMAN SC: Yes thank you.

CHAIRPERSON: Let us hear which one that is now. That is between Ambassador Koloane and Warrant Officer Ntshisi – Major Ntshisi. Is
20 that correct?

ADV THANDI NORMAN SC: That is correct Chair.

CHAIRPERSON: Okay, alright.

ADV THANDI NORMAN SC: Thank you.

CHAIRPERSON: Hm.

(Audio being played)

ADV THANDI NORMAN SC: Thank you Chair.

CHAIRPERSON: Is – is that the end of the conversation between the two?

ADV THANDI NORMAN SC: Yes that is the end of the conversation. That is correct Chair.

CHAIRPERSON: Yes okay.

ADV THANDI NORMAN SC: And then the second conversation also is – it relates to Major Ntshisi and I think there is a bit between Major Ntshisi and Ambassador Koloane but on a very limited issue. If –
10 if you could continue with playing number seven.

(Audio being played)

CHAIRPERSON: Is that ...?

ADV THANDI NORMAN SC: It continues.

CHAIRPERSON: Is that the end of one?

ADV THANDI NORMAN SC: Yes that – that one – sorry Chair. Could you – could you just put it on hold, thank you. Chair that was an interaction between Major Ntshisi and an assistant to Colonel Anderson.

CHAIRPERSON: Okay.

20 **ADV THANDI NORMAN SC:** He was – he was requesting to speak to Colonel Anderson on that ...

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: But he could not, yes thank you.

CHAIRPERSON: Okay. The next one will be who and who?

ADV THANDI NORMAN SC: The next one Chair - I hope my sequence

is correct. I think it is going to be between Major Ntshisi and Colonel Anderson because she returned then the call.

CHAIRPERSON: Yes, okay.

ADV THANDI NORMAN SC: Thank you.

(Audio being played)

ADV THANDI NORMAN SC: Thank you Chair. Thank you Chair. The next one is going to be a conversation between Ambassador Koloane and Major Ntshisi.

CHAIRPERSON: Okay.

10 **ADV THANDI NORMAN SC:** Thank you.

(Audio being played)

CHAIRPERSON: Was that the last one?

ADV THANDI NORMAN SC: No, no Chair.

CHAIRPERSON: Okay.

ADV THANDI NORMAN SC: Thank you.

CHAIRPERSON: The next one is between who and who?

ADV THANDI NORMAN SC: The next one Chair will be between Major Ntshisi and Captain Corty.

CHAIRPERSON: Okay.

20 **ADV THANDI NORMAN SC:** Yes.

(Audio being played)

ADV THANDI NORMAN SC: Thank you Chair. The next one will be between Lieutenant General – Brigadier – I am so sorry – General Lombard and Major Ntshisi.

CHAIRPERSON: Yes, okay.

ADV THANDI NORMAN SC: Yes thank you.

(Audio being played)

ADV THANDI NORMAN SC: Chair I apologise. That was between Major Ntshisi and Ambassador Koloane.

CHAIRPERSON: Your mic is not on.

ADV THANDI NORMAN SC: I beg your pardon Chair.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: That was between Ambassador Koloane and Major Ntshisi.

10 **CHAIRPERSON:** Yes.

ADV THANDI NORMAN SC: With Major Ntshisi reporting as to how far he is.

CHAIRPERSON: *Ja* (intervenes).

ADV THANDI NORMAN SC: Then the next one Chair will be between Brigadier General Lombard and Major Ntshisi.

CHAIRPERSON: Yes.

(Audio being played)

20 **ADV THANDI NORMAN SC:** And Chair this will be between Major Ntshisi and a certain lady called Sarah – a certain lady called Sarah. I think there is somewhere her surname. (Indistinct) I think. No, no it is not. No it is just – just referred to as Sarah yes. Thank you Chair.

(Audio being played)

CHAIRPERSON: Have we not heard the relevant part?

ADV THANDI NORMAN SC: Yes Chair but we could – this – this ...

CHAIRPERSON: *Ja.*

ADV THANDI NORMAN SC: Really is a personal conversation.

CHAIRPERSON: *Ja, ja.* If we have heard the relevant part we do not need to hear personal stuff. Okay. If any of the relevant parties want to listen to the whole conversation then maybe they can do so but we have heard the relevant part.

ADV THANDI NORMAN SC: Yes thank you Chair.

CHAIRPERSON: *Ja.*

ADV THANDI NORMAN SC: (Indistinct) transcript of – of the – the
10 other conversations including the first one which was transcribed.

CHAIRPERSON: *Ja, your – your mic – your mic.*

ADV THANDI NORMAN SC: I do not know why I keep on doing that.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: Thank you. Thank you Chair. May this be handed in as FF13C and I will give to my learned friends a copy, thank you. FF13C and then may the recordings be marked FF13A?

CHAIRPERSON: Take – take that.

ADV THANDI NORMAN SC: Thank you.

CHAIRPERSON: Why is this written interviews emergency and not
20 conversation between somebody and somebody else?

ADV THANDI NORMAN SC: I have just noted that the transcribers that – that would be corrected Chair. In fact I will ask the transcribers to do sort of an index to identify all the conversations.

CHAIRPERSON: This is a – this is a transcript of the conversation it seems between Major Ntshisi – then Warrant Officer Ntshisi and

Colonel Anderson. Is that right?

ADV THANDI NORMAN SC: That is correct Chair.

CHAIRPERSON: And it will be marked as EXHIBIT FF13C?

ADV THANDI NORMAN SC: As Chair pleases.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: Thank you. Chair, may we then adjourn for ...

CHAIRPERSON: We ...

ADV THANDI NORMAN SC: Take the long adjournment.

10 **CHAIRPERSON:** We are at 1 o' clock ...

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: But I think we are closed to finishing with Ambassador Koloane.

ADV THANDI NORMAN SC: That is correct Chair.

CHAIRPERSON: If that is so I suggest we try and finish so that when we adjourn then we adjourn for the day.

ADV THANDI NORMAN SC: Adjourn for the day. Yes Chair thank you.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: No thank you Chair.

20 **CHAIRPERSON:** Would that suit you Ambassador?

AMBASSADOR VUSI BRUCE KOLOANE: It will Chair.

CHAIRPERSON: Yes ...

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: And I am sure your counsel ...

ADV THANDI NORMAN SC: Oh.

CHAIRPERSON: Is happy with it as well.

ADV THANDI NORMAN SC: Thank you Chair, yes.

CHAIRPERSON: Ja. Let us do that.

ADV THANDI NORMAN SC: Yes thank you Chair. Maybe just one question Chair from our side. Ambassador in the transcript as you listened to the ...

CHAIRPERSON: I am sorry. You – you were also talk – you also said you were asking that the recording that the recording be marked (intervenes).

10 **ADV THANDI NORMAN SC:** Oh the audio – F ...

CHAIRPERSON: But where is the recording?

ADV THANDI NORMAN SC: The recording Chair will have to be given to the Registrar in a flash disk – in a memory stick.

CHAIRPERSON: When you do that ...

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: That is when we will ...

ADV THANDI NORMAN SC: We will enter it.

CHAIRPERSON: I will – I cannot enter something that is not here.

ADV THANDI NORMAN SC: Yes thank you Chair.

20 **CHAIRPERSON:** Okay.

ADV THANDI NORMAN SC: Alright, thank you. Ambassador in the transcript between - the conversation between you and Major Ntshisi there is somewhere where he is saying that it is not possible – the transcript at page 5. That is FF13B.

“The challenge that I cannot put all the detail I am

giving you in writing.”

Was there a reason for not putting those details in writing?

AMBASSADOR VUSI BRUCE KOLOANE: Yes ma'am. I think before the recording I explained that I had wrongfully used the names of the Ministers and the President and I was not going to risk putting that in writing because I knew that it was wrongful misrepresentation basically.

ADV THANDI NORMAN SC: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: And I have admitted that earlier on too.

10 **ADV THANDI NORMAN SC:** Yes, thank you Chair. I think – I think we have covered most of the – of the areas we needed to cover with Ambassador Koloane, thank you.

CHAIRPERSON: And the two pages that I have not got?

ADV THANDI NORMAN SC: The two pages, unfortunately they haven't come to hand Chair, but I had requested that – because Mr De Beer apparently does not have them and then I've asked that they must just approach DIRCO with those.

CHAIRPERSON: There might well be something in those pages which might be relevant.

20 **ADV THANDI NORMAN SC:** Yes.

CHAIRPERSON: Which I might want to – might wanted to have raised with the witness.

ADV THANDI NORMAN SC: Yes.

CHAIRPERSON: Ambassador, Ms Norman suggested to you this morning, after you had given clarification of your evidence of yesterday,

that it may not be true that when yesterday, you gave the evidence that you gave, with regard to mentioning the name of the President and the Ministers, it may not be true that you did not remember to the extent that your evidence may have suggested that you did not remember whether you had made those statements or not or she might have been saying in regard to some of those statements you actually denied having made them and she was suggesting if that was the case that it could not be true that you denied in the genuine belief that you did not make those statements. I'm putting this in my own words but my
10 understanding is that it reflects the gist of what she was saying, Ms Norman am I right?

ADV THANDI NORMAN SC: Yes that is correct chair, thank you.

CHAIRPERSON: You understood that suggestion from her?

AMBASSADOR VUSI BRUCE KOLOANE: Yes Chair I did and I found it to be her own or subjective assessment of the situation.

CHAIRPERSON: Yes.

AMBASSADOR VUSI BRUCE KOLOANE: Which cannot be backed up with any, you know, tangible evidence it's all speculative, that's what she thinks but I also indicated that when people go through very
20 unpleasant experiences in their lives and they go through therapy, one of the reasons is because they want to close that chapter and so some of those things don't linger on for the rest of their lives and just for the record Chair, I also want to indicate that it was myself, through my legal counsel who requested the recordings, it's not that we were offered, we requested them because we wanted to refresh and despite

the fact that the information contained therein incriminates me directly or puts me directly responsible in terms of trying to influence officials. We did not make an effort to try and postpone or do anything untoward, all we did is, we used that to jack up the memory and I didn't come here to lie, I came here to tell the truth and that's why thanks to the Chair, authorising that we be given that, I had the benefit of refreshing my mind through the use of a memory stick and I was able to provide a correction, that's why I requested that in the beginning of the session. So I believe Chair that with all due respect, she is entitled to her

10 opinion like I am as well entitled, on my own opinion on any other matter but I will not, therefore want to give it any status in my assessment.

CHAIRPERSON: Well I think you have a good understanding of what she was saying as she was putting to you what, either she makes out of your evidence in that regard or what she could be saying, that's how somebody else might look at it and you have indicated what your reaction is to that. Now in the end, I must listen to all sides and look at all perspectives and make findings as to what the position is. It is therefore important that I get your perspective and different perspective

20 as clearly as possible. So part of the questions I'm going to ask you now – part of the reason is, I just want to make sure I understand your perspectives properly. Now you would have known, I think we dealt with this, you would have known within weeks after the incident had happened, that the nation, through the media was being told that you made statements suggesting that the President of the country, at least I

can't remember what the Ministers had, had a role in this thing, do you remember that? You would have known after a few weeks that, that's what the media was saying is that right?

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: I guess that you would have also appreciated that in the disciplinary hearing the issue of your use of the names of the President and the Ministers was raised again, is that right?

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

CHAIRPERSON: And it ought to have been something that had an
10 impact on you to know that if your version is true that the Ministers and the President had never had a role in this thing, it ought to have been something that had an impact on you that the nation was being told that you made these statements that, for example, the President had a role and yet you knew that, that was not true and you knew that you had said that, is that correct?

AMBASSADOR VUSI BRUCE KOLOANE: Yes, I did Chair and I must
also, again maybe reiterate that at that moment my confidence in the media had been eroded because they had made all sorts of allegations about me without any tangible evidence, an example was an allegation
20 that the Gupta's bought me a property for 6million dollars in Mauritius and all sorts of things. So I knew if I went to the same people who have been peddling lies like that, they were not going to publish an article which contradicts what they're actually peddling and also, like I said, I had also just had too much of the media writing, I mean everything that – to be quite honest, the Chair will also be aware that

before I even sat in some of the Committee meetings where I was asked questions, I had already been tried and found guilty in the media, it's a method of common cause, everybody knows about that and all sorts of permutations were presented etcetera and that's why I could not go to the media I do not – like I said I do not believe in playing in the public gallery but indeed – in hindsight, maybe I should have at least have written a letter or letters to the President and expressed my apology because I was just too scared or ashamed to go and approach – and see him in person and again, it's something I may consider doing,

10 now that the Chair has actually, you know, raised that with me belated as it is, I will still at least endeavour to write the letters to the three, that is the President and the two Ministers to express my unwavering apology for what I had put them through. I know it's late, maybe even too late but at least to take heed of the Chair's wise recommendation, I will definitely take that under consideration and I can assure the Chair that such letters will be drafted by myself and sent to them as an expression of apology but if they then say, no I must go and meet them in person, I will but right now I'm just too ashamed to even go sit and look at their faces.

20 **CHAIRPERSON:** Well I wasn't making any recommendation that you should do anything, I was just asking whether you ever considered anything like that because, on your version, the media was saying something that was true to the extent that it was saying, you had made statements that suggested that at least the President had a role, you knew that, that was true that you had made the statement but on your

version you knew that no such statement had been – no such thing had been done by the President.

AMBASSADOR VUSI BRUCE KOLOANE: Chair maybe I must first apologise for saying you're making recommendation, you were asking and I was saying from that I extrapolated that actually maybe it's something I ought to be doing, so I do apologise for misrepresenting the suggestion or the statement that you were making but as to the issue of what the media was saying Chair, I do fully concur that, you know, it was wrong of me to do it in the first place but what also got me
 10 even more concerned and worried is that every single thing that I was – was in the newspapers were matters that I was discussing in a (indistinct) forum and if issues coming from (indistinct) start leaking to the media then the confidence you know starts being raised into question. The highest security cluster in the country leaks things in less than 24hours after the meeting, you realise that, no matter what you do, or whatever you say, it's going to fall onto dead wood because the mere fact that it leaked it was a deliberate thing that somebody from within that committee decided to leak that kind of information because I've never said it in a public forum, it was leaked when it was
 20 actually within the (indistinct) frame. So for me the issue was, if the institutions which you believe is the custodian of secrecy and all the norms and values that come with that, starts leaking information, it makes you wonder whether you can actually, you know, win or succeed if you even go make an effort to go talk to the media and that they could have accused me of trying to deal with the issue of the

investigation through the public domain in the media. So there were all those issues that I had to take into consideration, I'm not saying I'm justifying or I was right in so deciding but I'm explaining the circumstances under which I took a decision to just keep quiet and not talk to anybody, definitely not the media.

CHAIRPERSON: Now I heard of the – I heard of you giving evidence in the Commission, you had the opportunity of going through relevant documents that the Commission has, to refresh your memories, is that correct?

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Yes some Chair, I did but I'm not a legal brain so I've also been struggling to comprehend some, but I did identify the ones I thought might be relevant, so I didn't go through all of them.

CHAIRPERSON: Yes would it be correct to say that after all the questions that you would have known that you would be asked one that is very prominent would be whether you had made those statements suggesting that the President and the two Ministers had played a role in regard to the landing of the aircraft.

AMBASSADOR VUSI BRUCE KOLOANE: Chair when I was talking to
20 my legal counsel before I read any document, I just said to them, well I believe that there are the things that the Commission wants to establish because there was an internal disciplinary process that took place on this matter so all I was doing was speculating about what else will the Commission be looking for, other than the issues that were dealt with already by the independent disciplinary committee which was chaired

by some Advocate, I think from a bar somewhere in Pretoria which dealt with that. So I didn't focus too much on that, maybe it was my fault, I was trying to speculate what else will be something that they're looking for.

CHAIRPERSON: Can I take it, from what you've just said that you did identify the documents relating to the disciplinary process that you went through as some of the documents that would be important for you to go through?

AMBASSADOR VUSI BRUCE KOLOANE: No Chair I didn't because I
10 thought that because the Commission also had access to that and they will know that, that had taken place I thought that there was something over and above what transpire during that process that the Commission might have uncovered or wanted to raise with me because I didn't come here with a preconceived idea of the questions that I'll be getting and what the envisaged outcome from this exercise will be.

CHAIRPERSON: Well I take it that you would have said you want to be as ready as possible for any questions that you may be asked at the Commission in going through the documentation, is that not the position?

20 **AMBASSADOR VUSI BRUCE KOLOANE:** Yes that is correct Chair.

CHAIRPERSON: And I would have thought that the documents relating to the disciplinary hearing would have been high on the list of documents that you would need to go through to refresh your memory in terms of what had transpired there, what did you say there or what was found by the Chairperson with regard to those charges.

AMBASSADOR VUSI BRUCE KOLOANE: Chair I think I had the benefit that my legal counsel had looked at those documents, so when I met with them, they did talk to some of those issues, so I then put priority into reading documents I had not seen before so that, at least, I will understand what is happening.

CHAIRPERSON: And the other documents that you talk about, would that have been the report of the justice cluster investigation team?

AMBASSADOR VUSI BRUCE KOLOANE: Correct Chair I went through the – because I'd never received it before, being contacted by
10 the Commission, the report of the JCPS cluster, so I had to go through that as well.

CHAIRPERSON: You went through that report?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I did Chair.

CHAIRPERSON: Yes and the report of the – the report and documents relating to the SANDF Board of inquiry, did you also go through those?

AMBASSADOR VUSI BRUCE KOLOANE: Chair those I got very late and my legal counsel had looked at them so we just had a discussion around some of the contents of that internal inquiry or Board that was conducted in Defence yes.

20 **CHAIRPERSON:** Yes now when you went through the justice cluster investigation team report, of course you would have come across that part of the report to which Ms Norman drew your attention yesterday where it was suggested that Mr Ntshisi had said you said to him that the President had a role to play in this – in regard to the issue of the request for clearance and the landing of the report and that the two

Ministers – that Minister Ben Martins had been instructed to assist and that the Minister of Defence had no objection. You saw that part as you were preparing?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I did Chair.

CHAIRPERSON: Yes and are you saying when you saw that part, you still did not recall that in fact, you had invoked the names of the President and the two Ministers in order to put pressure on officials of the Department of Defence to either expedite the process or grant the request?

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Chair I was not sure, I was wondering whether I did or I didn't because there are certain things, like any society there are certain cultural or social practices that tend to dominate and when you are talking to some of your friends you speak differently in terms of what you say and how you say it compared to when you're talking to somebody who's a total stranger and like I indicated before I had never ever in my life, met or seen Mr Ntshisi so it was the first time that I spoke to him telephonically that day when I made the enquiry. So it was in my head like, could you have said this to someone who's a total stranger and that's why I was
20 not certain Chair, whether I actually said it and that's why I'd requested my legal counsel that we request the audio recording so that we'll be able to jack our memory.

CHAIRPERSON: And did it not occur to you that in the disciplinary hearing one of the allegations had been that you had invoked these names to try and put pressure on the officials of the Defence

Department and did it not occur to you, to go back to that documentation and say, let me see what I said or what was said here?

AMBASSADOR VUSI BRUCE KOLOANE: Well I might have just browsed through some of these but like I was saying, Chair, I thought through the question section I might remember some of the things but I think my principle focus was attending more to new documents that I'd never ever come across because I thought it would be extremely prejudicial if – to myself if I did not read the files, the thick file of documents that I'd never ever come across in my life and focus my
10 attention more on the documents that, at least had crossed my desk before. So it could have been a miscalculation on my side but I just didn't want to come to you and the Commission in front of you Chair and the Commission and not have had a chance of even at least having a glance at some of the documents in question.

CHAIRPERSON: You didn't think it would be prejudicial to not go through the documents relating to, for example, the disciplinary hearing, see what was said there and what you said, you didn't think it would be prejudicial for you not to do that and then give an answer that might turn out not to be what you had said?

20 **AMBASSADOR VUSI BRUCE KOLOANE:** Chair, again, I just want to indicate that when we made my opening remarks yesterday I did indicate that we wanted to give full cooperation to this Commission and I further indicated that unfortunately we received the bulk of documentation very late and Chair if you look at all the files that we have been given yourself, that have also been given and I've only had a

few days, literally to look at – I could have create – appealed for at least justification through my legal counsel to have this session extended by another whatever, it could have to allow me to go over the documents accurately, but because I also had the benefit of the legal counsel I agreed to cooperate and for somebody whose not a legal brain, having to go through all of these documents I can assure you Chair, and you know it yourself it's a mammoth task and in the number of days that I've spent here because Wednesday and Thursday I spent my days right inside the session listening to the session, so effectively

10 I only had a Friday and part of Saturday with my legal counsel to engage on these issues but still I have said to my legal counsel and they have also wisely advised me that they do not believe that it's wise for me to want to appeal for an extension so that we can – for whatever reason and despite the shortcoming. So that we had identified and that's why we came for – and I'm trying to explain that Chair because if you look at the files and the number of documents I've had to go through I think even people who are students studying, if you give them all of these documents and want them to pass an example in the same period of time that I've been, it will really be very unfair on

20 them.

CHAIRPERSON: Well I just want to emphasise again I'm asking you all of these questions because it's important for me to understand various perspectives, what's possible, what could have happened, what could have made you give certain answers and so on. So to be fair to you but to be fair to whoever might be thinking of something different or

a different interpretation to yours. So I – one of the things that was said by Warrant Officer Ntshisi in the conversation in the recording that we listened to – one of the things that you said to him, as I recall, is that this case was a unique case, you remember that?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I do Chair.

CHAIRPERSON: Yes why – what was unique about this case?

AMBASSADOR VUSI BRUCE KOLOANE: I think I tried to respond to that question earlier Chair, but I'll ...(intervention).

CHAIRPERSON: Yes you did but I just to...(intervention).

10 **AMBASSADOR VUSI BRUCE KOLOANE:** And Chair, what I was saying was for me there was a question in my head of saying is this just sheer coincidence or is there a correlation because not too long, in February they had – we had been called to a meeting wherein the Guptas indicated they wanted to land in OR Tambo, where, in the presence of the Minister of Transport, CEO of ACSA and myself where we advised against it and they indicated in that meeting it's because they were going to be having a wedding reception and again when the application from the High Commissioner of India was sent to – directed to Defence, they did not hide that they were actually going to be

20 hosting these people for a wedding reception but that they had Ministers on board who were coming. So for me – that's why I thought there's far too much coincidence here and that's why, earlier, I admitted that maybe I failed in my duties because I should have advised somebody senior in the Department and say, look, whilst I'm not saying grant or not grant but this is my observation and at least share that

information with them.

CHAIRPERSON: My understanding is that you may have said this is a unique case to suggest that whatever may be – they have been his understanding whether in this type of situation you should grant or refuse, this is a case which he needed to treat with special considerations, is my understanding of what was meant by unique case correct?

AMBASSADOR VUSI BRUCE KOLOANE: I'll say to a certain degree yes it is correct because like I said earlier Chair that I also wanted, not
10 only for him to process but also I was hoping that it will be a successful processing of that application.

CHAIRPERSON: Well I was going to go to that aspect of hoping, it may be that when I review all the evidence at some stage, look at your evidence, look at the evidence of Major Ntshisi, look at what was recorded and listen to it again and look at the evidence of other witnesses, it may well be that I have to ask myself the question, whether your case is a case where when you said yesterday in regard to certain statements that you could no longer remember whether you made them or not, whether this was a case where you genuinely could
20 not remember or did not remember or whether it was a case of somebody who was hoping that there would be nothing that could contradict him and if there was nothing, that's how it would stay but once he saw or he had the recordings he then realised that this could not work. So I may have to look at which one of the two the position is, you understand?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I do understand.

CHAIRPERSON: Yes and I'm just mentioning that, part of why I'm asking these questions is to try and make sure that I have your full perspective, your side of the story and with regard to saying, this is a unique case I get the impression that it was more the result that you were looking at, a favourable result but you have emphasised a number of times that your focus was on the process but you have said, there was hope the result would be a positive one.

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

10 **CHAIRPERSON:** You understand and that's where you stand?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I understand exactly what the Chair is saying and I also hope that the Chair will take into account the timing of when myself and my legal counsel were provided with all the documents we had to go through and look at the bulkiness of that to also appreciate that, for somebody like myself who's not a legal brain, I want to repeat, going through all of these files plus the three that are here and all of this, it's a difficulty and that I did Chair want to appear before the Commission so that – because when the Commission invited me, the first one letter was just basically saying I
20 must come and listen to the testimony of Ms Sindane so that I can exercise my right to question her or cross-question or cross-examine of course following the procedure as was explained to me by legal counsel that had to be followed to request such and all of that and that's what I understood I was suppose to come and do and then two days before flying in I got another correspondence saying that I have to come to –

two or three days I can't remember, that I actually have to come and testify but it all happened within – the correspondence was all within a week of each other and I know that my legal counsel also wrote to the Commission to try and clarify what – I don't know is it rule 303 or whatever the case may be, what it means and the references and – so there was that to and fro in terms of communication. So the actual process of starting to really prepare for coming down, happened, for me Chair, effectively on Tuesday – no on Monday afternoon when I got an email saying, can you confirm which airport you fly from, from where
10 you stay to Johannesburg do you need transport to pick you up, that was on Monday, I responded in the afternoon, I got a ticket saying, tomorrow you're flying in. So I was flying in on Tuesday, arrive here Tuesday evening, Wednesday and Thursday I was sitting here in this very same room listening to the other testimonies. So all of that also took away the time I could have utilised to go through some of the documentation myself but I just thought I must put that on record as well so that the Chair will be aware that, whilst I'm not in any way insinuating that the Commission is not fair, but I'm just raising issues which were worrisome issues for me when I considered everything else
20 and – which almost prompted me to pursue my legal counsel to consider requesting a postponement but in hindsight I also thought that the national duty and some of the important conferences that is going on, starting from tomorrow, effectively, where – which are very critical for the work we do, also in security council etcetera, I thought, you know, we would not also want to come with an unreasonable request to

the Chair and say we want a month or two month extension because that will appear as though we're running away from seeing the Commission conduct it's business properly and efficiently and finishing as and when they would like to. So that's why we agreed and again I must admit, my legal counsel also wisely advised me that it may be to my best interest, nor to their best interest either, that's why we're here but we just thank the Chair for giving us all the recordings – for authorising to get the recordings because they helped, they were very helpful.

10 **CHAIRPERSON:** Thank you, Ms Norman.

ADV THANDI NORMAN SC: Chair I apologise...(intervention).

CHAIRPERSON: Anything arising?

ADV THANDI NORMAN SC: Yes Chair just to put – because I think it's only fair to place this before the Chair.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: These are notes that relate to a meeting that Ambassador Koloane had with the investigators for the Commission at the Haig on the 29th of May 2019. I'm just thinking, there's three matters which he might want – which are matters that are in the public
20 domain which he might want to comment on, you know, with your leave Chair, I beg leave to just – it will – it shouldn't take more than five minutes to do that.

CHAIRPERSON: Okay.

ADV THANDI NORMAN SC: Thank you, Ambassador is it correct that you had a meeting with some of the investigators from the Commission

on the 29th of May 2019 at the Haig?

AMBASSADOR VUSI BRUCE KOLOANE: Yes it is.

ADV THANDI NORMAN SC: Yes and your counsel has confirmed that a copy of the notes that the team made from that meeting was made available to you?

AMBASSADOR VUSI BRUCE KOLOANE: Correct.

ADV THANDI NORMAN SC: Thank you, I beg leave Chair to hand up the notes and I ask that they're marked Exhibit FF14. I just want to draw your attention – thank you Chair.

10 **CHAIRPERSON:** The document appearing to be notes made when certain investigators of the Commission, which looks like Mr (indistinct) and Mr Lionel Groenewald interviewed Ambassador Koloane on the 29th of May 2019, that document will be marked as Exhibit FF14.

ADV THANDI NORMAN SC: As the Chair pleases, thank you Chair. Ambassador because these are matters that are out there in the public domain and I think it's fair that you must comment, you had commented to the investigators and gave them your version on those allegations that were put. I'd like to direct your attention to page 14 paragraph 54...(intervention).

20 **CHAIRPERSON:** I'm sorry are you referring to the same Exhibit?

ADV THANDI NORMAN SC: Same – I beg your pardon, yes Chair Exhibit FF14 and then the page Chair is page 14.

CHAIRPERSON: Yes.

ADV THANDI NORMAN SC: Thank you Chair, and then paragraph 54, you answered a question there Chair – Ambassador where you aske

about allegations which were in the press relating to negotiating business deals on behalf of the Guptas and KPG Greenhouses whilst you were still occupying that position as the Ambassador in the Netherlands, could you just briefly tell the Chair what your response was to that question?

AMBASSADOR VUSI BRUCE KOLOANE: Yes Chair, I was asked the question and I confirmed that, indeed one of the Gupta associates or Gupta related companies wrote to me or to – on my capacity as Ambassador and asked if I knew of a company called KPG Greenhouses
 10 because they're interested to have a meeting and can I assist them in setting up a meeting and they'll send me the information about the company because I didn't know the company and one of the duties of Ambassadors Chair is that we service all South African citizens irrespective of race, gender, colour, religion or creed or any particular affiliation. So since the Guptas had then, I don't know whether that status has changed now, they were also *bone fide* South Africans, I had a responsibility not to discriminate but to ask my team to assist in setting up that meeting for them and that meeting was arranged for them and they went to meet with the particular company and
 20 subsequent to that, because agriculture is one of our key sectors that we're focusing on in the Netherlands, I've also arranged meetings for other people to go to the same company so there was no exclusivity afforded to them. When the – I did not go with the Guptas for that meeting – to the Gupta (indistinct) to that meeting but when the, then MEC for Economic Development in Eastern Cape MEC Somyo came to

visit the Netherlands together with the CEO of Eastern Cape Development Corporation and some other members of the Board, and they told us they're also interested in the agricultural space we also arranged meetings for them and also went with them to that meeting and we subsequently facilitated that, that same company come and visit them in the Eastern Cape in (indistinct) and they even – MEC Somyo assisted them to identify potential raw material suppliers that they'll require in the processes but there's also other companies, I think about five or six companies that we have actually linked with them because

10 Agri business and Hydroponics is one of the centres we were interested in.

ADV THANDI NORMAN SC: Yes thank you and then in paragraph 60 you were also asked about the coal asset at Mpisi near Empangeni. Could you just explain to the Chair what that was all about?

AMBASSADOR VUSI BRUCE KOLOANE: Chair that was nothing else but just an introduction, there is a gentleman – I come from Northern Natal I know my surname, Koloane could be deceiving and people may think I'm from Limpopo but I'm not and having grown up in KZN I know a lot of people there and some of them happen to be in the business

20 space and one of the guys who knew me told me that he has a coal asset and that he has done a lot of geological report and survey or geological survey and he's now looking for potential investors and he had seen me talking to one of the Gupta members when we were having the State of the Nation Address banquet dinner and he asked if I could introduce him to him or introduce him to them so that they could

consider whether they would invest with him in the business or not and that's exactly what I did, just introduction.

ADV THANDI NORMAN SC: Yes thank you and then again you were asked about allegations of arranging for private accommodation for two friends at the Gupta's luxury Clifftop Lodge.

AMBASSADOR VUSI BRUCE KOLOANE: Correct, I did there is – I was – I've been privileged Chair to serve government in different capacities in my young life, one of them was that I was working in Japan as the Minister for Economic Cooperation basically charge with
10 promoting trade and investment market excess issues etcetera in Japan and when I was there I interacted with a lot of people of course also in the same space and there was a lady and her partner who were also there at the time doing their - I think it's part of their MBA Exchange Programme that we were working with. So we became very good friends and one day – and we have been in touch, ever since with them and when she sent me an email saying, no we're looking at going to South Africa we want to go to a safari and I remembered that, oh by the way, the Guptas had at some stage at one of these events offered they told me that they've got one of the best lodges and I said to them, well
20 can you please write to these people and consider if, you know, you could go there, ask them what are the prices and also I said to the Guptas I'll be happy if you give them a good rate.

ADV THANDI NORMAN SC: Yes and then lastly Ambassador the allegations that you solicited golf sponsorship from the Guptas for your wedding anniversary.

AMBASSADOR VUSI BRUCE KOLOANE: No it's a lie that it's on my wedding anniversary. Every year, except last year, for the last say, 10/11 years I've been doing charity golf tournament in my small hometown called Pietermaritzburg and all I do is, I write to all the people that I know have got businesses and I write, not only to one, I write to many people to see if anybody will be willing to provide a sponsorship, unfortunately they did not come to the party.

ADV THANDI NORMAN SC: Yes and then just lastly, Chair, if I may just refer the Ambassador to Exhibit FF5, the email that makes
10 reference to the wedding party, I wouldn't want a situation where there's an allegation that you made no reference to your wedding anniversary, at least you clarified that before we part ways. It's FF5, it's an email – sorry at page 252, thank you. Is that – do you recognise that email?

AMBASSADOR VUSI BRUCE KOLOANE: Yes I do.

ADV THANDI NORMAN SC: Okay and it's dated the 29th of January 2016, what do you say there to Ashu – it was Ashu Tjwala, is that correct?

AMBASSADOR VUSI BRUCE KOLOANE: That, "this year marks 20
20 years since I married my wife and (indistinct) December in Pietermaritzburg on my celebration".

ADV THANDI NORMAN SC: Yes as part of?

AMBASSADOR VUSI BRUCE KOLOANE: Can I read again?

ADV THANDI NORMAN SC: Yes, yes sir.

AMBASSADOR VUSI BRUCE KOLOANE: "As part of my celebrations"

I said.

ADV THANDI NORMAN SC: Yes could you just read the entire email.

AMBASSADOR VUSI BRUCE KOLOANE: “This is besides the party I’ll have at home with family, I’m writing to you to request your support in sponsoring some prizes that I could use during the golf tournament. Should you be in a position to help any indication of type of prizes you might be able to sponsor, will help in the (indistinct). I look forward to hearing from you”.

ADV THANDI NORMAN SC: Yes so this tournament was linked to
10 your celebrations for your wedding?

AMBASSADOR VUSI BRUCE KOLOANE: I could have said that because it was coinciding with that, but general I’m just saying I’m going this golf tournament for the last 11 years or except for the last two years, I think last year or two where I’ve been doing them every year for a charity benefiting some of the people who stay in what you call the drop centre where it’s – there’s a place in my township where you’ve got people who are – often because of HIV and aids and whatever money we raise from there we then go and pay the supermarket and the butchery that they supply the with food every week
20 or every second week, because if we give people the money, somebody says they’re looking after the interest of the people and they use it. So it’s – for me it’s because I do it every year, except for the last two years because the state of the – the weight of the rand has been very weak.

ADV THANDI NORMAN SC: Yes so it has not incorrect therefore to

say it was linked to your wedding anniversary celebrations?

AMBASSADOR VUSI BRUCE KOLOANE: Well you can say that.

ADV THANDI NORMAN SC: Yes thank you, thank you very much Chair.

CHAIRPERSON: Just one last thing Ambassador, in the conversation that Colonel Anderson had with Warrant Officer Ntshisi, among other things she said if DIRCO approves the visit then you – I'm putting it in my own words, you can grant, you should grant clearance you remember that part in the recording?

10 **AMBASSADOR VUSI BRUCE KOLOANE:** Yes I do Chair.

CHAIRPERSON: Yes I note that there she talks about, if DIRCO approves and my mind goes back to that email from your PA saying Ambassador Koloane has telephonically approved.

AMBASSADOR VUSI BRUCE KOLOANE: Chair again, I may just want to reiterate that protocol does not approve visits that are incoming or outgoing because that is the principle domain of line function so the approval will not come from protocol but will come from the relevant Minister, if there's a Minister who want to visit, of agriculture from another country then our Minister of Agriculture will have to consent on
20 the dates and then we communicate that information to the Embassy and once they confirm the timing of arrival etcetera, the commercial airline, we facilitate protocol officers to assist at the – through the protocol lounge at OR Tambo or if it's Waterkloof again, we activate accordingly but the actual approval – and I can only say for me it's a misunderstanding of the internal workings of how DIRCO operates but

definitely the approval does not come from protocol because we do not deal with the substantive issues and we therefore can't say, yes come, when we don't deal with those kind of issues.

CHAIRPERSON: But I think you may have said in your evidence earlier that there would be other sections of DIRCO which is supposed to approve.

AMBASSADOR VUSI BRUCE KOLOANE: Yes Chair, those sections is what I referred to as the various branches we have in DIRCO a branch that deals with Africa and then we run the deals with Asia and the
10 Middle East on bilaterals. Another one dealing with Europe and then another dealing with America, besides the one that deals with multilateral issues. So if a visitor is coming from Latin America the DDG who heads the branch America, and Latin America will be the one who will then be ultimately responsible for receiving or sending that *note verbale* which confirms that but it doesn't come from protocol and they don't send it through protocol either, they communicate directly with the Embassy's and the only time we get involved, therefore is when we have to implement the actual logistical arrangements.

CHAIRPERSON: No thank you very much. Thank you very much
20 Ambassador for coming to give evidence, you are now excused.

AMBASSADOR VUSI BRUCE KOLOANE: Thank you Chair will I be allowed also Chair to – seeing that there is already a precedent set will I also be allowed to fly out tonight back to my mission in the Netherlands and of course avail myself for any future inquiries be they in an email form or otherwise?

CHAIRPERSON: No thank you, you may fly out this evening if there's anything the Commission will be in touch with you and as you indicate you will cooperate.

AMBASSADOR VUSI BRUCE KOLOANE: Thank you very much.

CHAIRPERSON: Thank you very much.

ADV THANDI NORMAN SC: Thank you Chair, that will be the last witness for the day but Chair we are not closing Waterkloof and we will indicate to the Chair, maybe in chamber as to what else needs to be done.

10 **CHAIRPERSON:** Well I did indicate that I'd like Major Ntshisi to be recalled.

ADV THANDI NORMAN SC: Yes Chair there's just a slight complication which we'll explain to you in chambers.

CHAIRPERSON: No that's fine it might not be – it might not necessarily be tomorrow but I think I would like to have him recalled to the witness stand so that he can clarify certain aspects of his evidence but I also want to know what is the position with Colonel Anderson?

ADV THANDI NORMAN SC: Chair we were advised by the investigators that Colonel Anderson is – now lives in Botswana and she
20 was represented by – at some point by Griesel Attorneys and then, I think a couple of weeks ago, those attorneys indicated to the Commission that if you want to make contact with her we must do so directly and then a letter was written to them asking about their mandate and whether their mandate has terminated. I have not followed upon that Chair but ...(intervention).

CHAIRPERSON: But why was a letter asking – sent asking whether their mandate had terminated when they said write directly to her?

ADV THANDI NORMAN SC: That was the very reason Chair because you can't represent someone and then later on you say to the Commission, we'll direct these correspondence to her it's either they act or they don't.

CHAIRPERSON: If they won't accept correspondence relating to her it means that they give permission.

ADV THANDI NORMAN SC: No Chair but...(intervention).

10 **CHAIRPERSON:** Go directly.

ADV THANDI NORMAN SC: They had meetings with the Commission which dealt with the issues that related to Colonel Anderson.

CHAIRPERSON: Yes but what I'm saying is, if they represented her and they say from now on write directly to her, they are saying we have no further communication we are not going to be communicating with you on her behalf but anyway where is the process of establishing whether she can come and give evidence?

ADV THANDI NORMAN SC: Chair from what they had indicated to the Commission at the time when they said they were representing her they
20 said she was not prepared to come but then we need to follow up on what I – because we've been engaged with the hearings we have not followed up to see how far that process is.

CHAIRPERSON: Okay if that – ja if that could be followed up that would be important.

ADV THANDI NORMAN SC: Yes Chair.

CHAIRPERSON: Okay not that's alright.

ADV THANDI NORMAN SC: Thank you.

CHAIRPERSON: That's where we end for today.

ADV THANDI NORMAN SC: That's correct Chair.

CHAIRPERSON: And tomorrow it's evidence relating to I think, is it Transnet?

ADV THANDI NORMAN SC: I think my colleague Sello is leading evidence tomorrow yes.

CHAIRPERSON: Okay alright, we are going to adjourn the
10 proceedings now and tomorrow we'll start at 10 o'clock, we adjourn.

INQUIRY ADJOURNS TO 10 JULY 2019