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Our Ref: DEM16/0489/ELZANNE JONKER/ks | Your Ref: | Date: 18 September 2018

DR DE WEE

SECRETARY OF COMMISSION INTO STATE CAPTURE

PER EMAIL: general@statecapture.org.za; enquiries@sastatecapture.org.za

Dear Dr de Wee

REQUEST FOR CONFIRMATION OF CALLING OF CERTAIN WITNESSES

1. As you are aware, we represent the Democratic Alliance, the complainant to the Public Protector.

2. We have been instructed as follows:
 - 2.1 Our client has been heartened by the work of the Commission thus far. It believes the Commission has acted diligently and without fear or favour.

 - 2.2 As already communicated to you, our client wishes to ensure that its complaints are fully and properly investigated, and that all relevant witnesses are called to give testimony before the Commission. In light of publicly available information, and the testimony that has already been led at the Commission, there are a number of individuals whose testimony is vital to allow the Commission to do its work. These include:
 - 2.2.1 Two senior members of the African National Congress, Gwede Mantashe and Jessie Duarte, have been implicated in state capture especially by

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the testimony given at the hearing yesterday, on behalf of Standard Bank. They must be called to give their version of events, and to address the serious allegations against them;

- 2.2.2 The former state and African National Congress (ANC) president Jacob Zuma. He has been directly implicated in allegations by several witnesses before the Commission. The DA understands that the Chairperson has invited President Zuma to submit an affidavit to the Commission. It is unclear whether this means that the Commission does not intend to call President Zuma to testify in person especially in light of Mr Zuma's consistent public denials of the existence of State Capture.
- 2.2.3 Current state and ANC President (and former state and ANC Deputy President) Cyril Ramaphosa. As Deputy President of both the ANC and the state during the height of state capture, it is vital that President Ramaphosa is required to inform the Commission of what he knew or did not know about allegations against the President, various ministers and the ANC;
- 2.2.4 Former Minister of Mineral Resources Mosebenzi Zwane who was publicly implicated in his assistance to the Guptas in the Estina Dairy Farm project as Free State MEC for agriculture;
- 2.2.5 Current minister of home affairs, Malusi Gigaba, who allegedly facilitated the early naturalisation of the Guptas.
- 2.2.6 Former Minister of Finance Des van Rooyen, who former Deputy minister Jonas confirmed was appointed to replace axed Nhlanhla Nene to

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allegedly fast-track the nuclear build deal.

2.2.7 Former Minister of Public Enterprises Lynne Brown, whose tenure coincided with the large-scale looting of state-owned entities;

2.2.8 Former SARS commissioner Tom Moyane, whose disastrous tenure at the tax-collecting agency coincided with the disabling of SARS's investigative capacity and plummeting revenue collection;

2.2.9 Former head of the State Security Agency (and current National Commissioner of Correctional Services), Arthur Fraser, and his political principal, former Minister of State Security (and current Minister of Energy) David Mahlobo, who allegedly used the agency to target those who resisted the state capture project;

2.2.10 The current Deputy President of the state and the ANC, David Mabuza, who was the former Premier of the Mpumalanga Provincial Government. Evidence has established that Deputy President Mabuza was on a Bombardier Global 6000 aircraft owned by the Gupta family from Johannesburg to Moscow on 26 October 2015, as well as its return flight three weeks later on 14 November 2015. This was during Mr Mabuza's time as Premier of Mpumalanga. The other five passengers on the flight were three Gupta employees, a senior Russian mining official and Duduzane Zuma. Trotsky Fuzani, Sehularo Solomon Letshwenyo and Zacharia Kagiso Moteme were all listed as employees of the Gupta-owned mining investment companies, Westdawn and Mabangela. The fifth passenger, Ruslan Goring, is the first deputy director of the Russian State Geological Company (ROSGEO), and is tasked with negotiating

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mining deals between Russia and foreign governments.

3. At this stage, our client wishes to merely inquire whether the Commission has already decided to call the above persons as witnesses at some stage during its proceedings.
4. In the event that the Commission has not yet decided to call these persons as witnesses, our client shall proceed in terms of paragraphs 6 and 7 of the Commission's decision dated 14 August 2018, to make a formal request to the Commission's Legal Team and, if necessary, the Chairperson, for the Commission to call these people to testify.
5. Our client is also compiling a dossier with relevant information and documentation which we are instructed will assist the Commission in its work. Our client will provide that information to the Commission as soon as it is ready.
6. We look forward to your reply.

Yours faithfully

MINDE SCHAPIRO & SMITH INC.

per:



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