

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

Case no 80978/2016

In the matter between:

MINISTER OF FINANCE

Applicant

And

OAKBAY INVESTMENTS (PTY) LTD	First Respondent
OAKBAY RESOURCES AND ENERGY LTD	Second Respondent
SHIVA URANIUM (PTY) LTD	Third Respondent
TEGETA EXPLORATION AND RESOURCES (PTY) LTD	Fourth Respondent
JIC MINING SERVICES (PTY) LTD	Fifth Respondent
BLACKEDGE EXPLORATION (PTY) LTD	Sixth Respondent
TNA MEDIA (PTY) LTD	Seventh Respondent
THE NEW AGE	Eighth Respondent
AFRICA NEWS NETWORK (PTY) LTD	Ninth Respondent
VR LASER SERVICES (PTY) LTD	Tenth Respondent
ISLANDSITE INVESTMENTS ONE HUNDRED AND EIGHTY (PTY) LTD	Eleventh Respondent
CONFIDENT CONCEPT (PTY) LTD	Twelfth Respondent

JET AIRWAYS (INDIA) LTD (INCORPORATED IN INDIA)	Thirteenth Respondent
SAHARA COMPUTERS (PTY) LTD	Fourteenth Respondent
ABSA BANK LTD	Fifteenth Respondent
FIRST NATIONAL BANK LTD	Sixteenth Respondent
STANDARD BANK OF SOUTH AFRICA LIMITED	Seventeenth Respondent
NEDBANK LIMITED	Eighteenth Respondent
GOVERNOR OF THE SOUTH AFRICAN RESERVE BANK	Nineteenth Respondent
REGISTRAR OF BANKS	Twentieth Respondent
DIRECTOR OF THE FINANCIAL INTELLIGENCE CENTRE	Twenty-First Respondent

NOTICE OF OPPOSITION
AND STRIKE-OUT

TAKE NOTICE that the applicant

- (1) Opposes the Oakbay respondents' application to strike out paragraphs from the applicant's founding and replying affidavits;
- (2) Opposes the Oakbay respondents' application to file four further affidavits, *inter alia* on the basis that
 - (a) these would constitute a fourth set of affidavits in the matter;

- (b) the application to file them is itself procedurally defective;
 - (c) the application is out of time, well after the closing of affidavits, and on the date directed for the filing of the applicant's heads of argument;
 - (d) the four new affidavits purport to address factual matter raised in affidavits filed by some of the banks, despite the fact that these affidavits the Oakbay respondents elected not to answer;
 - (e) the principal new affidavit, which the remaining three affidavits purport to confirm, has not been properly commissioned; and
 - (f) the purported further affidavits precipitate extraneous factual disputes;
- (3) Seeks leave, only in the event of leave being granted to the Oakbay respondents to file the four aforesaid further affidavits, to file in reply to those affidavits the affidavit by MCEBISI HUBERT JONAS attached hereto;
- (4) In any event applies to strike out the following material, with costs on the scale as between attorney and client, on the basis of the material being inadmissible hearsay, scandalous, irrelevant and vexatious and prejudicial to the applicant's reputation and his conduct of this case:
- (a) the word "dishonest" in paragraph 14 of the affidavit to which RONICA RAGAVAN deposed on 10 February 2017;

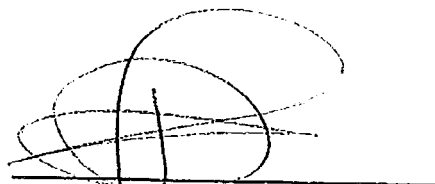
- (b) the words "wheedled [sic] in an effort to achieve some political benefit and media interest" in paragraph 24 of the affidavit to which RONICA RAGAVAN deposed on 10 February 2017;
- (c) the word "mischievous" in paragraph 6 of the affidavit to which AJAY KUMAR GUPTA deposed on 9 February 2017;
- (d) paragraph 12 *in toto* of the affidavit to which AJAY KUMAR GUPTA deposed on 9 February 2017;
- (e) the words "blatantly dishonest" in paragraph 15 of the affidavit to which AJAY KUMAR GUPTA deposed on 9 February 2017;
- (f) the words "same coincidentally in concert with other political manoeuvres" in paragraph 21 of the affidavit to which AJAY KUMAR GUPTA deposed on 9 February 2017;
- (g) the word "dishonesty" in paragraph 24 of the affidavit to which AJAY KUMAR GUPTA deposed on 9 February 2017;
- (h) the word "ill-intended" in paragraph 28 of the affidavit to which AJAY KUMAR GUPTA deposed on 9 February 2017;
- (i) "sinister and ill-motivated campaign" in paragraph 29 of the affidavit to which AJAY KUMAR GUPTA deposed on 9 February 2017;
- (j) the words "mischievous" and "misleading" in paragraph 69 of the affidavit to which RONICA RAGAVAN deposed on 20 January 2017;
- (k) the words "and in placing pressure on big business in South Africa to 'clip the wings' of the Gupta family and their businesses" in

paragraph 76 of the affidavit to which RONICA RAGAVAN deposed on 20 January 2017;

- (l) the words "fear of repercussions" in paragraph 77 of the affidavit to which RONICA RAGAVAN deposed on 20 January 2017;
- (m) paragraph 89 *in toto* of the affidavit to which RONICA RAGAVAN deposed on 20 January 2017;
- (n) the words "the obvious inference is that this application was his retaliation against the Gupta Family" in paragraph 101 of the affidavit to which RONICA RAGAVAN deposed on 20 January 2017;
- (o) the words "but part of the Minister's ongoing plan to discredit the Gupta family and to eliminate the from South African business" in paragraph 111 of the affidavit to which RONICA RAGAVAN deposed on 20 January 2017;
- (p) the words "the Minister issued this application with the intention to harm the Oakbay Group and to eliminate the Group and the Gupta Family from South African business" in paragraph 113 of the affidavit to which RONICA RAGAVAN deposed on 20 January 2017;
- (q) the words "purportedly on the back of the statement by the Minister urging businesses to 'clip the wings' of the Gupta family" in paragraph 187 of the affidavit to which RONICA RAGAVAN deposed on 20 January 2017; and

- (r) the word "calculated" in paragraph 191 of the affidavit to which RONICA RAGAVAN deposed on 20 January 2017.

SIGNED AT PRETORIA ON FEBRUARY 2017



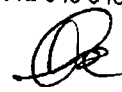
STATE ATTORNEY

Attorney for the applicant
SALU Building
255 Francis Baard Street
Pretoria
Tel: 012 309 1575
Fax: 012 309 1649
Email: TNhlanzi@justice.gov.za
Ref: 2427/16/Z32

TO: THE REGISTRAR
High Court, Pretoria

AND TO: VAN DER MERWE & ASSOCIATES
Attorney for 1st, 2nd, 3rd, 4th, 6th, 7th,
11th, 12th and 14th Respondents
62 Rigel Avenue North
Waterkloof
Pretoria
Ref: Mr GT VD Merwe/st/078
Tel: 012 343 5432
E-mail: simone@vdmass.co.za

VAN DER MERWE EN ASS
RIGEL LAAN 62
WATERKLOOF RIDGE - PRETORIA
TEL: 012 343 5432 / 087 654 0209
FAKS: 012 343 5435 / 086 500 7587

 14:01
16/02/17

AND
TO: JIC MINING SERVICES (PTY) LTD
Fifth Respondent
JIC House, 106 A
16th Road
Midrand

AND
TO: THE NEW AGE
Eighth Respondent
52 Lechwe Street
Corporate Park South
Old Pretoria Main Road
Midrand

AND
TO: AFRICA NEWS NETWORK (PTY) LTD
Ninth Respondent
Fourth Floor, Sandown Mews
88 Stella Street, Sandton

AND
TO: STEIN SCOP ATTORNEYS INC.
Attorneys for 10th Respondent
Ground Floor
18 Melrose Boulevard
Melrose Arch, Johannesburg
Tel: (011) 380 8080
Email: glenn@steinscop.com
sian@steinscop.com
Ref: G Stein
C/O BROOKLYN PLACE
Cnr Bronkhorst and Dey Street
Brooklyn, Pretoria
Ref: Bridget Moatshe

AND**TO:**

JET AIRWAYS (INDIA) LIMITED (INCORPORATED IN INDIA)
Thirteen Respondent
5th Floor, Bedford Centre Office Tower
Smith Road
Bedford Gardens
Johannesburg

AND**TO:**

EDWARD NATHAN SONNENBERGS
Attorneys for 15th Respondent
150 West Street
Sandton
Email: dlambert@ensafrica.com
Ref: M Katz/ D Lambert/0416998
C/O GERHARD BOTHA & PARTNERS INC
First Floor, Erasmus Forum Building B
Cnr Rigel Avenue & Stokkiesdrrai
Erasmusrand
Tel: 012 347 0480
Email: brendon@bothapartners.co.za
Ref: Mr B Swart/ Mr H Botha

AND**TO:**

NORTON ROSE FULBRIGHT SOUTH AFRICA INC
Attorneys for 16th Respondent
34 Fredman Drive, Sandton
Email: aslam.moosajee@nortonrosefulbright.com
Ref: Mr Moosajee/FNB 13954
c/o MONTLE JOOMA SABDIA INC
Ground Floor, Duncan Manor
Cnr Jan Shoba and Brooks Streets
Brooklyn
Tel: 012 362 313

AND**TO:**

BOWMAN GILFILLAN INCORPORATED
Attorneys for the 17th Respondent
Email: clement.mkiva@bowmanslaw.co.za
Alan.keep@bowmanslaw.co.za
Ref: C Mkiva/6162672
C/O BOSHOFF ATTORNEYS

Ground Floor, Hazelwood Gate Office Park
14 Oaktree Avenue
Cnr Oaktree Avenue and Dely Road
Hazelwood
Pretoria
Ref: Natasha Nortje/NN1564

**AND
TO:**

BAKER & MACKENZIE
Attorneys for the 18th Respondent
Tel: 011 911 4300
Email: Gerhard.Rudolph@bakermckenzie.com
Widaad.Ebrahim@bakermckenzie.com
Callum.Oconnor@bakermckenzie.com
Ref: G Rudolph/CO
C/O ADAMS & ADAMS
Adams & Adams Place
Lynwood Bridge
4 Daventry Street
Lynwood Manor
Tel: 012 432 6000
Ref: Adele Jordaan

**AND
TO:**

WERKSMANS ATTORNEYS
19th and 20th Respondent's Attorneys
155 - 5th Street
Sandton
Tel: +27 11 535 8000 | F: +27 11 535 8600
Ref: Mr C Manaka / Mr C Moraitis
Email: cmanaka@werksmans.com
cmoraitis@werksmans.com
Ref: SOUT 3267.63
C/O MABUELA INCORPORATED
Charter House, 179 Bosman Street
Pretoria Central
Tel: 012 325 3966

**AND
TO:**

MACROBERT ATTORNEYS
Attorneys for the 21st Respondent
MacRobert Building
Cnr Jan Shoba &

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

Case no: 90878/2016

In the matter between:

MINISTER OF FINANCE	Applicant
And	
OAKBAY INVESTMENTS (PTY) LTD	First Respondent
OAKBAY RESOURCES AND ENERGY LTD	Second Respondent
SHIVA URANIUM (PTY) LTD	Third Respondent
TEGETA EXPLORATION AND RESOURCES (PTY) LTD	Fourth Respondent
JIC MINING SERVICES (PTY) LTD	Fifth Respondent
BLACKEDGE EXPLORATION (PTY) LTD	Sixth Respondent
TNA MEDIA (PTY) LTD	Seventh Respondent
THE NEW AGE	Eighth Respondent
AFRICA NEWS NETWORK (PTY) LTD	Ninth Respondent
VR LASER SERVICES (PTY) LTD	Tenth Respondent
ISLANDSITE INVESTMENTS ONE HUNDRED AND EIGHTY (PTY) LTD	Eleventh Respondent
CONFIDENT CONCEPT (PTY) LTD	Twelfth Respondent

JET AIRWAYS (INDIA) LTD (INCORPORATED IN INDIA)	Thirteenth Respondent
SAHARA COMPUTERS (PTY) LTD	Fourteenth Respondent
ABSA BANK LTD	Fifteenth Respondent
FIRST NATIONAL BANK LTD	Sixteenth Respondent
STANDARD BANK OF SOUTH AFRICA LIMITED	Seventeenth Respondent
NEDBANK LIMITED	Eighteenth Respondent
GOVERNOR OF THE SOUTH AFRICAN RESERVE BANK	Nineteenth Respondent
REGISTRAR OF BANKS	Twentieth Respondent
DIRECTOR OF THE FINANCIAL INTELLIGENCE CENTRE	Twenty-First Respondent

AFFIDAVIT

I, the undersigned,

MCEBISI HUBERT JONAS

do hereby state under oath that:

1. I am the Deputy Minister of Finance.
2. The contents of this affidavit are, save where the context indicates otherwise, within my personal knowledge or derived from records and information under

my control. They are true and correct. Where I make legal submissions this is based on advice by the legal representatives of National Treasury.

3. I have been referred to affidavits sought to be filed by the Oakbay respondents, purportedly as a fourth set of affidavits. I understand that these follow not only the closing of affidavits, but also the heads of argument filed on behalf of the Minister, the Reserve Bank, and the banks cited as further respondents. The affidavits purport to deal with the Minister's replying affidavit, and the Report on State Capture by the Public Protector. The latter was published over 10 weeks ago, but after the founding affidavit was filed.
4. The Public Protector's report already formed the subject-matter of Oakbay's own answering affidavits. Similarly, my own public statement explaining my version forms part of the banks' affidavits. The Oakbay respondents elected not to address the banks' papers in Oakbay's answering papers. The latter were filed six weeks after the banks' affidavits.
5. Now, in the Oakbay respondents' purported fourth set of affidavits, Mr Ajay Gupta criticises the Public Protector's report for accepting my version; or, to use the words Mr Ajay Gupta himself chose in the fourth set of affidavits, for having "latched onto" my version (para 17). What Mr Gupta does not disclose, however, let alone address, is that the Public Protector's report records evidence which contradicts Mr Gupta's version (see paras 5.24 and 5.25 of the report, attached marked "MHJ1"). Mr Gupta's purported affidavit does not deny or explain this. Nor did he do so in his previous affidavit filed together with Oakbay's main answering affidavit. Yet Mr Gupta now not only seeks to

imply that the Public Protector was wrong but also seeks to call me "blatantly dishonest" (para 15).

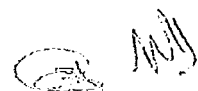
6. I understand that for these and related reasons the application by the Oakbay respondents to file a fourth set of affidavits now to deal with these issues will be opposed by the Minister. In the event however that the further affidavits are allowed by the court, and certain parts thereof not being struck out as *inter alia* scurrilous and vexatious, and purely by way of what I am advised is termed pleading over, I have been asked to address in this, a fifth set, the allegations of dishonesty and falsity advanced by Mr Ajay Gupta and Ms Ronica Ragavan.

Ad paragraph 7

7. The contents of both Ms Ragavan and Mr Gupta's affidavits are denied to the extent that they are inconsistent with this affidavit, the Minister's previous affidavits, the Public Protector's report, and other papers previously filed – contradicting, as mentioned, the factual version now purportedly advanced in a fourth set of affidavits (but not previously sought to be addressed by Mr Gupta).

Ad paragraph 8

8. I note Mr Gupta's recordal that he "submit[s] that [he] will refer to certain extracts from the State of Capture Report compiled by the previous Public Protector, Advocate Thuli Madonsela". The problem with this approach, which is also the one which Ms Ragavan adopts in her affidavit, is that it is self-

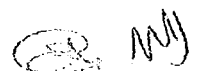


servingly selective. Mr Gupta thus elides recordals of evidence which contradicts his own "denial[s]", while Ms Ragavan resorts to a recordal of "remedial action" which elides parts of the report which indeed qualify as conclusions based on evidence. That some or more of them are described in the report as "observations" does not detract from their nature. Some indeed constitute findings, I am advised.

Ad paragraphs 9 to 11

9. This paragraph purports to advance an excuse for failing to provide a proper factual foundation for Mr Gupta's bald allegation that I have provided a version which Mr Gupta variously describes as "inconsistent, flawed and factually contradictory" (para 22) and "blatantly dishonest" (para 15). The excuse is that Mr Gupta had been advised that "no person may disclose or share any information pertaining to such a report [i.e. a report by the Public Protector] whilst it is in the process of being completed." The problem for Mr Gupta is that the report is already "completed". It is final and it was already published many months ago.

10. I myself do not have documents recording the "information" to which Mr Gupta refers, and therefore cannot adduce it. I deny that my version is subject to any of the criticisms Mr Gupta variously advances. The Public Protector did not doubt my version. She did, however, record that Mr Gupta denied visits of an identified individual to his (Mr Gupta's) residence, despite the fact that telephone records reflected numerous visits by this person to Saxonwold. I refer in this respect again to annexure "MHJ1".



11. Mr Gupta discloses that he has been "furnished with" the transcribed version of my evidence and written statement to the Public Protector (para 11). As I have mentioned, I am not. These documents are, I am advised, liable to disclosure pursuant to Rule 35(12) of the Uniform Rules of Court – despite the Oakbay respondents forbearing to disclose them. A notice pursuant to Rule 35(12) will be filed with this affidavit, I understand.

Ad paragraphs 12 to 14

12. Mr Gupta does not suggest that the incident to which he refers involving me was "created" by the applicant or me. It was not "created" by either of us. The incident certainly did occur. This is confirmed by the confirmatory affidavits to Mr Gupta's own affidavit, deposed to by the two individuals who scheduled the meeting and took me to the Gupta residence.
13. Both confirmatory affidavits confirm explicitly that the meeting indeed occurred. All that they seek to do is to "confirm that Mr Ajay Kumar Gupta was not present" during the "25 October 2017" [sic] meeting. I refer in this respect to paragraphs 4 of the identical confirmatory affidavits. Apart from confirming the absence of Mr Ajay Gupta, they only "confirm the contents of Mr Gupta's affidavit in as far as it refers to any acts or conduct which I have been involved in" (para 3).
14. The confirmatory affidavits do not suggest that any other member of the Gupta family was absent from that meeting. This is significant, because the Public Protector's report itself refers variously to the Gupta brother in attendance as



Atul (p 30 para 2.6, attached marked "MHJ2") and Ajay "among others" (p 5 para (vii), attached marked "MHJ3"). I did not previously encounter either of these two brothers. I am only able to identify them from photos and footage in the media. My own statement attached to some of the banks' affidavits (which, as mentioned, the Oakbay respondents elected not to address) only refer to "members of the Gupta family" (see e.g. Record vol 2 p 173 para 6). Therefore even were Mr Ajay Gupta's allegations which merely seek to absent *himself* from the meeting (but without explaining why the meeting was held at the Gupta residence, or suggesting that he was unaware that it would be held there or authorised that the Gupta residence be used for this purpose) to be truthful (which I deny), then the primary fact regarding the members of the Gupta family remains common cause.

15. The correct facts regarding Mr Ajay Gupta himself is, in short, as follows. I met him at his Saxonwold residence on 23 October 2015 together with Messrs Duduzane Zuma and Hlongwane. Mr Gupta indicated to me that "we" – I understood clearly, the Gupta family and its interests – had been gathering intelligence on me including those closest to me; they were aware of my activities and connections with senior members of the African National Congress; they are going to make me the Minister of Finance; collectively as a family they make a lot of money from the state, that they intend to increase that to about R8 billion from about R6 billion currently and that the bulk of their money is stashed in Dubai; they have determined that the National Treasury is a stumbling block to their ambitions of making money from the South African government; they have made Mr Duduzane Zuma a billionaire including the



house he has in Dubai; Mr Gupta is offering me R600 million to be deposited in an account of my choice; and if I had a bag that could carry R600 000 then I could get that amount there and then.

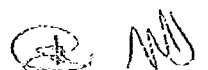
16. I have provided the same facts to the Public Protector. She recorded them at pp 91-95 of her report. Nothing in her report questions the integrity of my version. Instead, she received it favourably. Mr Gupta indeed accepts this in seeking to criticise the Public Protector for "latching onto" my version while clearly not giving any credence to this own.

Ad paragraphs 15 to 16

17. I accordingly deny Mr Gupta's version and reject his allegation that I am "blatantly dishonest" (para 15). It in any event falls to be struck out for being scandalous, vexatious and irrelevant. Since Mr Gupta has sought in his affidavit to "challenge" me to prove my version (para 16), which (he complains) the Public Protector already apparently accepted, his affidavit presupposes that if it is received so too should mine. I do not accept, however, that there is a proper basis for the admission of the fourth set of affidavits by the Oakbay respondents.

Ad paragraph 17

18. Mr Gupta signally fails here or anywhere else in his affidavit to specify the alleged inconsistency, contradictions and flaws: his assertion is denied. As mentioned, Mr Gupta's complaint that it is "awkward" that the Public Protector had "latched onto [sic]" my version is an own goal. Awkwardness evidently



lies in the eye of the beholder

Ad paragraphs 18 to 20

19. My untraversed statement already explains the timing and circumstances in which I have disclosed issues of grave concern and sensitivity. The matter has already been reported to the appropriate authorities. There is therefore no merit in the suggestion that the applicant or I should have raised the issue earlier. I had raised it already in March 2016.

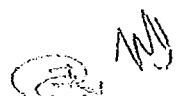
20. This criticism, too, is an own goal. For it is the Oakbay respondents which peddled for the first time a version in January 2017 regarding events Oakbay alleges occurred already in January 2016. They have belatedly hatched a conspiracy theory in papers purporting to oppose the Minister's application. Therefore if a delay of five months should warrant suspicion over the facts disclosed, then Oakbay's conspiracy theory (advanced for the first time twelve months after the alleged event) should be approached with grave suspicion.

Ad paragraph 21

21. I deny the vague allegation of political manoeuvres. It, too, falls to be struck out on the basis of being scandalous, vexatious and irrelevant.

Ad paragraph 22

22. By design or result Mr Gupta misconstrues the Public Protector Act. He claims that he is under some legal constraint to provide documents in his possession which he contends supports his version -- but fails to disclose.



The Public Protector Act is clear. It refers to the non-disclosure of documents "during an investigation" (section 7(2)). The investigation leading to the State of Capture Report is concluded. Therefore Mr Gupta's excuse is contrived.

23. The correct factual version is as set out above, provided to the Public Protector, and accepted by her. That this is "awkward" for Mr Gupta says much.

Ad paragraphs 23 to 25

24. I indeed persist in my consistent statement. Allegations by Mr Gupta or any Oakbay deponent inconsistent with the factual exposition contained in this affidavit, my public statement of March 2016, and evidence before the Public Protector (recorded in her report without contradiction) are therefore denied. I also confirm the contents of the Minister's founding and replying affidavits, both of which I have read, to the extent that this may be necessary.

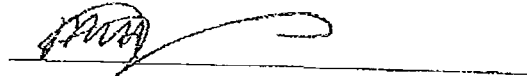
Ad paragraph 26

25. I reiterate that I met Mr Ajay Gupta at his Saxonwold residence on 23 October 2015 and that he did speak to me on that day. I accordingly deny also the averment advanced to the contrary in this paragraph.

Ad paragraph 27

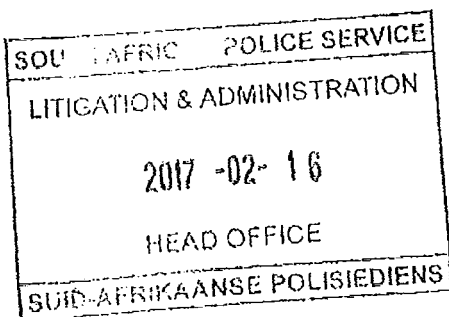
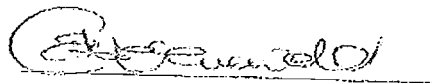
26. This paragraph refers to the confirmatory affidavits of Messrs Duduzane Zuma and Hlongwane. They have been approached, Mr Gupta states, to confirm his "involvement at the meeting in October 2015". In turn, these affidavits state that "Mr Ajay Kumar Gupta was not present at any time during the meeting with Mr

M Jonas held on 25 October 2017" (para 4 of both confirmatory affidavits, both in identical terms, and both deposed at Table Bay Harbour). Even if one is to understand the reference to be to 25 October 2015 (instead of 2017), then the confirmatory affidavits remain materially defective. This is because, as I have stated and the Public Protector's report records, the relevant meeting occurred on 23 October 2015. Therefore, the absence of Mr Ajay Gupta at a meeting two days later, on 25 October 2015, fails to confirm the necessary allegation. In any event, as indicated above, as would be fully apparent to all three deponents, the key issue is that the meeting, with the events I have described, took place at the Saxonwold compound shared by the Gupta brothers and their families, and that a Gupta brother was present.



MCEBISI HUBERT JONAS

Signed and sworn to before me at PRETORIA on this the 16th day of February 2017 by the deponent having acknowledged that he knows and understands the contents of this affidavit which was deposed to in accordance with the regulations governing the administration of oaths as more fully set out in Government Notice No R 1258 of July 1972 as amended.

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

ELEANOR DELAINE GROENEWALD
 COMMISSIONER OF OATHS
 EX OFFICIO
 SA POLICE SERVICE LEGAL OFFICIAL
 PRESIDIA BUILDING 255 PAUL KRUGER STREET
 PRETORIA



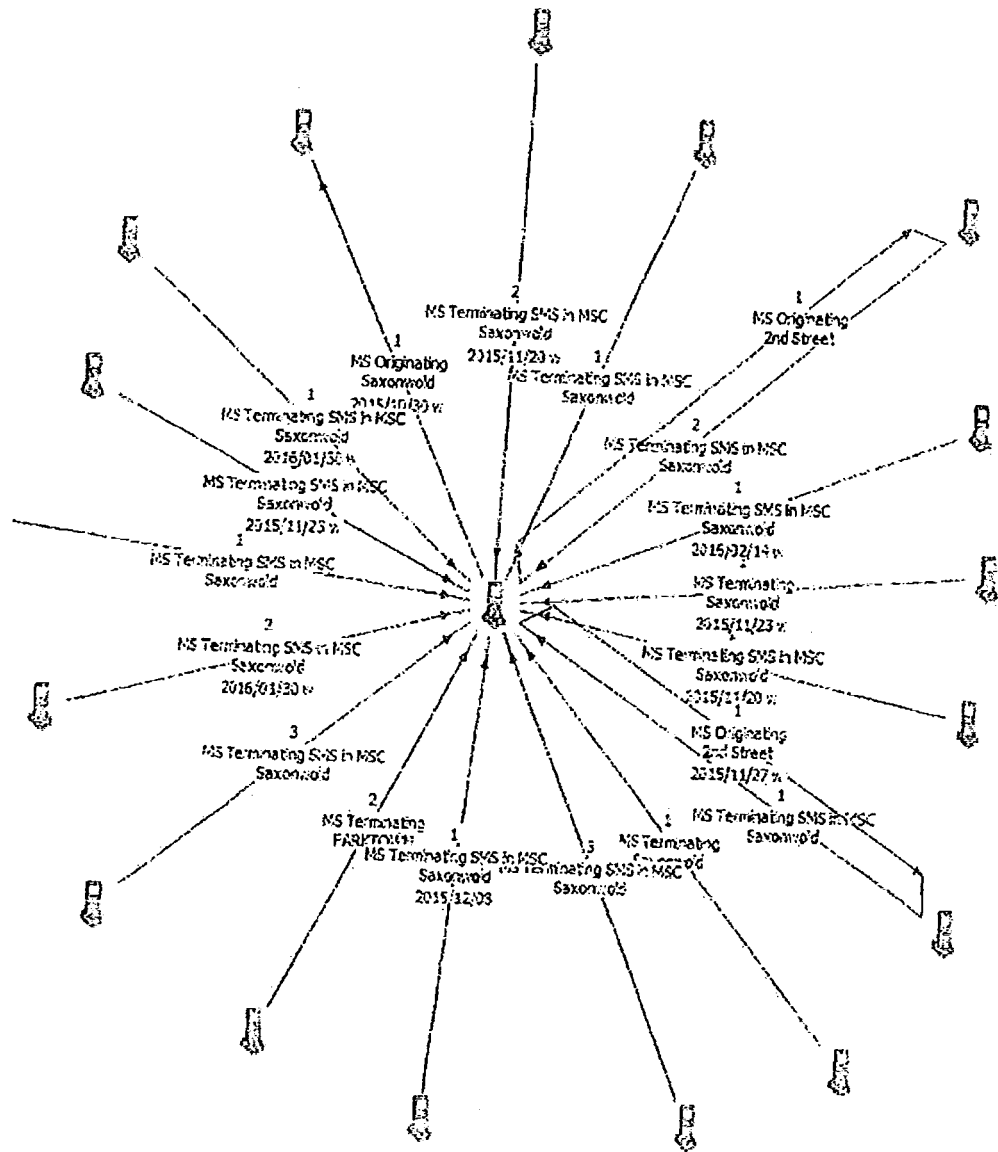
k) The telephone records show that Mr Jonas was at the airport on at 16:42:33 PM on the same date.

5.24. The above telephone communication appears to confirm Mr Jonas version of events that prior to October 2015, he had never communicated with Mr D. Zuma.

- a) The records further appear to confirm his version of events that he met with Mr D. Zuma at the Hyatt Regency Hotel in Rosebank who later transported him to Saxonwold.
- b) Whilst the records place both Mr Hlongwane and Mr D. Zuma at Saxonwold, they did not show Mr Jonas at the same location. The records however show that Mr Jonas was at the airport later on the same date, which also confirms his version of events. According to the cellular network companies, there needs to be a billable event for a tower location to be recorded.
- c) I am yet to interview both Mr Hlongwane and Mr D. Zuma to obtain their version of events.
- d) Having had regard to the wider allegations including the allegations that members of the Gupta family are involved in the appointment of Cabinet members, I reviewed the telephone records of Mr Van Rooyen to establish his whereabouts on 8 December 2015, the day Mr Nene was informed by President Zuma that he will be removed as Minister of Finance.
- e) The telephone records show that Mr Van Rooyen was at Saxonwold on 8 December 2015. The records further show that Mr Van Rooyen frequently



visits Saxonwold. Below is a reflection of calls made by Minister Van Rooyen while at Saxonwold:





5.25. Mr Ajay Gupta denied that Mr Van Rooyen visits his residence during my interview with him.

5.26. I received unsolicited letter from Mr Hlongwane on 29 September 2016 relating to the investigation. The title of Mr Hlongwane's letter "*Investigation into complaints of improper and unethical conduct by the President and officials of state organs due to their alleged inappropriate relationship with members of the Gupta family*" is consistent with the title I have used in all my correspondence relating to the investigation. This indicates that Mr Hlongwane has had access to one of my official documents relating to the investigation prior to any correspondence with my office. The letter is summarised below:

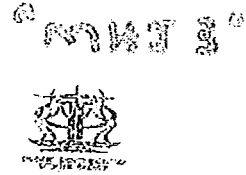
- a) The letter states "*With respect to the alleged meeting involving Deputy Finance Minister Jonas, I had been made aware (by Duduzane Zuma) that Deputy Finance Minister had made statements that I was blackmailing him. I asked Duduzane Zuma to urgently convene a meeting between the three of us*";
- b) "*Duduzane duly convened the meeting at the Rosebank Hyatt. Prior to my arrival, I interrupted the meeting by calling Duduzane to speak to Deputy Minister Jonas. In that conversation with Deputy Minister Jonas, I proposed we move that meeting to a private venue. All parties agreed to this*";
- c) "*At the private venue, the blackmail story was specifically raised with Deputy Finance Minister Jonas. He (Jonas) stated that he had no recollection of any such blackmail conversations with anyone.*"

A handwritten signature in black ink, appearing to be the name 'M. M. M.' or similar, written in a cursive style.



that Atul Gupta, the oldest of three Gupta brothers who are business partners of President Zuma's son, Mr. Duduzane Zuma, in a company called *Oakbay*, among others, offered the position of Minister of Finance to Deputy Minister Jonas and must have influenced the subsequent removal of Minister Nene and his replacement with Mr. Des Van Rooyen on 09 December 2015, who was also abruptly shifted to the Cooperative Governance and Traditional Affairs portfolio 4 days later, following a public outcry.

- 2.6. The media reports also alleged that Ms. Vytjie Mentor was offered the post of Minister for Public Enterprises in exchange for cancelling the South African Airways (SAA) route to India and that President Zuma was at the Gupta residence when the offer was made and immediately advised about the same by Ms. Mentor. The media reports alleged that the relationship between the President and the Gupta family had evolved into "state capture" underpinned by the Gupta family having power to influence the appointment of Cabinet Ministers and Directors in Boards of SOEs and leveraging those relationships to get preferential treatment in state contracts, access to state provided business finance and in the award of business licenses.
- 2.7. Specific allegations were made, which are detailed below.
- 2.8. The First Complainant, relying on media reports, requested an investigation into:
- a) The veracity of allegations that the Deputy Minister of Finance Mr Jonas and Ms Mentor (presumably as chairpersons of the Portfolio Committee of Public Enterprises) were offered Cabinet positions by the Gupta family;
 - b) Whether the appointment of Mr Van Rooyen to Minister of Finance was known by the Gupta family beforehand;



Act, 82 of 1998 (EMEA); and a member of the public on 22 April 2016 (The third Complainant), whose name I have withheld.

- (vii) The complaints followed media reports alleging that the Deputy Minister of Finance, Hon. Mr. Mcebisi Jonas, was allegedly offered the post of Minister of Finance by the Gupta family long before his then colleague Mr. Nhlanhla Nene was abruptly removed by President Zuma on December 09, 2015. The post was allegedly offered to him by the Gupta family, which alleged has a long standing friendship with President Zuma's family and a business partnership with his son Mr. Duduzane Zuma. The offer allegedly took place at the Gupta residence in Saxonwold, City of Johannesburg Gauteng. The allegation was that Ajay Gupta, the oldest of three Gupta brothers who are business partners of President Zuma's son, Mr. Duduzane Zuma, in a company called *Oakbay*, among others, offered the position of Minister of Finance to Deputy Minister Jonas and must have influenced the subsequent removal of Minister Nene and his replacement with Mr. Des Van Rooyen on 09 December 2015, who was also abruptly shifted to the Cooperative Governance and Traditional Affairs portfolio 4 days later, following a public outcry.
- (viii) The media reports also alleged that Ms. Vytjie Mentor was offered the post of Minister for Public Enterprises in exchange for cancelling the South African Airways (SAA) route to India and that President Zuma was at the Gupta residence when the offer was made and immediately advised about the same by Ms. Mentor. The media reports alleged that the relationship between the President and the Gupta family had evolved into "state capture" underpinned by the Gupta family having power to influence the appointment of Cabinet Ministers and Directors in Boards of SOEs and leveraging those relationships to get preferential treatment in state contracts, access to state provided business finance and in the award of business licenses.
- (ix) Specific allegations were made and these are detailed below.

NAT 2



THE PRESIDENCY
REPUBLIC OF SOUTH AFRICA (1)

[f \(https://www.facebook.com/PresidencyZA/?ref=mf\)](https://www.facebook.com/PresidencyZA/?ref=mf)

[t \(https://twitter.com/PresidencyZA\)](https://twitter.com/PresidencyZA)

[HOME \(1\)](#)

[ABOUT \(/CONTENT/ABOUT\)](/CONTENT/ABOUT)

[yt \(https://www.youtube.com/user/PresidencyZA\)](https://www.youtube.com/user/PresidencyZA)

[NATIONAL SYMBOLS \(/NATIONAL-SYMBOLS\)](#)

[MEDIA ROOM](#)

[fl \(http://www.flickr.com/photos/presidencyza\)](http://www.flickr.com/photos/presidencyza)

[PROFILES](#)

[SERVICES](#)

[PUBLICATIONS \(/DOCUMENTS\)](/DOCUMENTS)

[CONTACT US \(/CONTENT/CONTACT-US\)](/CONTENT/CONTACT-US)

Statement by President Jacob Zuma on the appointment of new Finance Minister

9 December 2015

I would like to announce changes to the Finance portfolio in Cabinet.

I have decided to remove Mr Nhlanhla Nene as Minister of Finance, ahead of his deployment to another strategic position.

Mr Nene has done well since his appointment as Minister of Finance during a difficult economic climate.

Mr Nene enjoys a lot of respect in the sector locally and abroad, having also served as a Deputy Minister of Finance previously.

I have decided to appoint a Member of Parliament, Mr David Van Rooyen, as the new Minister of Finance. Mr Van Rooyen serves as a Whip of the Standing Committee on Finance and as Whip of the Economic Transformation Cluster.

He is a former Executive Mayor of Merafong Municipality and a former North West provincial chairperson of the South African Local Government Association.

I wish Mr Van Rooyen all the best in this new appointment.

The new deployment of Mr Nene will be announced in due course.

Enquiries: Bongani Majola on 082 339 1993 or bonganim@presidency.gov.za

Issued by: The Presidency
Pretoria

Home	Principals	Services	Publications & Documents
About The Presidency (/content/about)	President Jacob Zuma (/profiles/president-jacob-zuma-0)	Links (/content/links)	Publications (/documents)
Speeches (/speeches)	Deputy President Cyril Ramaphosa (/profiles/deputy-president-cyril-ramaphosa%3A-profile)	Tenders (/tender-types/active-tenders)	Documents (/documents)
Diary of Events (/calendar-node-field-event-date)	Minister Jeff Radebe (/profiles/minister-jeff-radebe%3A-profile)	Vacancies (/vacancies)	Annual Reports (/report-type/annual-reports)
Media Registration (/media-registration)	Minister Susan Shabangu (/profiles/minister-susan-shabangu%3A-profile)	Contact Us (/content/contact-us)	PAIA (/report-type/promotion-access-information-act-manual-2016)
National Orders (/national-orders)	Deputy Minister Buti Manamela (/profiles/deputy-minister-buti-manamela%3A-profile)		
Legal disclaimers (/content/legal-disclaimers)			

Director-General Dr Cassius Reginald
Lubisi (</profiles/director-general-dr-cassius-reginald-lubisi%3A-profile>)
Chief Operations Officer Lakela Kaunda
(</profiles/chief-operations-officer-lakela-kaunda%3A-profile>)
Former Principals (</content/former-principals>)