



**30 August 2018**

### **Three state capture witnesses implicate Hawks in questionable conduct**

A pattern seems to be appearing across witness testimonies of the commission of inquiry into state capture, sitting in Johannesburg – that of alleged irregular conduct by officials of the Hawks. This is the view of evidence leader Adv. Vincent Maleka, who cross-examined former government spokesperson and head of government communications information system (GCIS) Themba Maseko on Wednesday.

Maseko had earlier described his attempts to get the attention of both former president Jacob Zuma and then-deputy president Cyril Ramaphosa regarding allegations he had made of attempts by controversial businessman Ajay Gupta to influence procurement decisions within GCIS. Along with a group of former directors-general (DGs) who had convened a forum out of concern over state capture, Maseko also addressed then-ministers of finance and public service and administration, Pravin Gordhan and Ngoako Ramatlhodi, respectively.

All the offices acknowledged receipt of the group's complaints, which implicated the Gupta family directly, with the two ministries even going as far as saying they would set up meetings between the DGs and the ministers, but nothing happened after that.

### **Hawks apparently looking to investigate state capture**

Of the Hawks, Maseko said his first encounter with the unit, tasked with tackling priority crime investigations, was through a direct Twitter message sent to him by a Captain Govender, who described himself as being from the Hawks. He told Maseko there was an investigation by the Hawks into state capture, and for this purpose they needed an affidavit from him.

Maseko complied with the request, meeting Govender in Sandton in June 2017 to discuss the allegations he had made, now in the public domain after he shared them on social media. Maleka then wanted to know why Maseko had two affidavits on record for the commission, if only one is normally sufficient. The second affidavit, replied Maseko, was meant to cover additional details that Govender told him in a follow-up call had become necessary following a discussion of his matter with the rest of the investigators.

The second one was signed in August last year and had been requested by an official named Captain Masilela. Through e-mail correspondence submitted as evidence to the commission, Masilela's full name appears to be Daniel Masilela.

Again in April this year, Maseko received a call from the Hawks, during which he was told the case had been handed over to a new team of investigators, and that Ajay Gupta and former president Jacob Zuma would possibly be charged, with the help of the evidence he had given. "The impression I got was that they were ready to proceed," said Maseko.

## **Diversiory tactics?**

But this was not to be. The next call Maseko would receive from the Hawks was to inform him that they were looking into a procurement matter that he oversaw during his time as director-general of the Department of Public Works. Details of the deal, dating back to 2005, were then published in a [Sunday Times article](#) in July 2018, that invoked a lot of attention for Maseko. Hawks spokesperson Hangwani Mulaudzi was quoted in the article as having no knowledge of Maseko being investigated.

Presumably in an effort to get to the bottom of the matter, newly-appointed Hawks head Godfrey Lebeya contacted Maseko on the evening of the publication of the article, first refuting the claims that there was an investigation into Maseko's conduct.

He later called again to say that through further inquiry, he could confirm that an investigation had indeed been launched and was awaiting a decision by the National Prosecuting Authority. He also confirmed that the two people who had met with Maseko, namely Govender and Masilela, were indeed officials of the Hawks. Lebeya told him that the investigation had been started before he was appointed.

## **Hawks' professional conduct under scrutiny**

Two other witnesses have told the commission of the inappropriate manner in which officials of the Hawks handled evidence submitted to them. Former deputy finance minister Mcebisi Jonas testified that he submitted a sworn statement to investigators, following his public declaration of how Ajay Gupta had tried to bribe him into accepting the position of finance minister back in 2015.

Jonas said the then Hawks head Berning Ntlembeza and his deputy Zintle Mnonopi had tried to sabotage his evidence and "kill the case", which he claimed Mnonopi had referred to as a "DA matter." His claim was that Mnonopi had tried to impose a false statement on him to sign. Jonas refused to do this.

Former ANC MP Vytjie Mentor also implicated Mnonopi in a similar manner. She too claimed that a "corrupted" statement had been made available, that she insists is invalid as she trusts only the handwritten statement that she originally wrote with the assistance of officials from the police service.

## **Useful links:**

[Government Communication and Information System](#) (GCIS)

[Zondo Commission](#) website

South African Police Service - [Hawks](#)

Public Protector's [State of Capture](#) report, released in November 2016