



**10 October 2018**

**Zondo commission: proceedings postponed to 12 November to accommodate implicated persons in Hogan's amended statement**

The commission of inquiry into state capture has been postponed to 12 November when it will hear the evidence of former public enterprises minister Barbara Hogan, who was initially due to testify on Wednesday 10 October. Hogan had arrived as scheduled, but instead of the commission's legal team proceeding with cross-examination, they asked for her testimony to be postponed.

This was because they had only received her updated sworn statement on Monday 8 October, and thus were not able to grant those implicated in it enough time to respond to her allegations. As per the commission's rules, a two-week notice period applies from the time the commission receives the sworn statement, during which implicated persons are given the opportunity to respond to its contents.

Advocate Thandi Norman confirmed that Hogan's statement had indeed been sent to those implicated in it, but in light of the rule, the legal team would have to wait for the notice period to lapse before Hogan testifies. One logistical challenge for the commission, however, was that the venue for the hearings would not be available in two weeks, hence the proposed November date.

Hogan had initially provided a statement in July, with the commission then duly issuing notices to all people allegedly implicated in it, before settling on 12 September as the date on which she would testify. This was then postponed to 10 October as the original statement required amendments.

Current public enterprises minister Pravin Gordhan was also scheduled to testify on Friday, 12 October. As the legal team does not have his final sworn statement, however, his testimony too has had to be postponed indefinitely.

**Breakdown in communication**

Daniel Mantsha, representing former president Jacob Zuma, addressed the commission, expressing concerns over the judiciousness of the legal team's work in this regard.

Mantsha argued that although the legal team cited reasons pertaining to commission rules for seeking a postponement, they had not duly notified his client of the status of the Hogan statement.

He said in all the communication that had happened between his team and the commission's lawyers, the introduction of an amended statement from Hogan was never officially communicated.

According to Mantsha, the inclusion of an amended statement should have been communicated timeously to his client, as Zuma's original decision not to apply for permission to cross-examine Hogan was based on the contents of her original statement and he was not privy to the anticipated amended

statement. Mantsha questioned the motive of the commission's legal team, given that their rationale for seeking a postponement was to be seen to demonstrate fairness for implicated parties.

Commission chairperson and deputy chief justice Raymond Zondo noted Mantsha's concerns, and asked Norman if indeed her team had not seen fit to furnish Mantsha with details of the changes in Hogan's statement.

Norman admitted that the non-communication of an anticipated amended statement had been an omission on the part of her team, but assured that it would not recur. She argued, however, that Zuma was equally non-responsive, as the commission had, to date, not received a version of his statement that responds to Hogan's original.

Hogan was fired as a consequence of a cabinet reshuffle in October 2015, and replaced by current home affairs minister Malusi Gigaba. In her testimony in August, former ANC MP Vytjie Mentor revealed that prior to the reshuffle, she had been offered the position of public enterprises minister by Ajay Gupta, during a discussion at his home in Johannesburg. According to her, Gupta had said to her at the time a reshuffle was imminent.

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