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Zondo commission – Spooks, ANC benefited from secret agency slush fund

The State Security Agency (SSA) was used for a number of years to fund ANC activities, in some cases in the lead up to elections, without any officials accounting for the resources looted. This happened after the agency was politicised, with a paradigm shift from national to state security that favoured the head of state. The commission of inquiry into state capture heard these details from acting director-general of the SSA, Loyiso Jafta, on Tuesday.

Jafta said as much as R9-billion in assets has been looted from the SSA over a period of about four years, and while efforts to recover it have been successful in some instances, the agency has also met challenges along the way.

Through the abuse of the temporary advance (TA) payment system, operatives would make requests for large amounts of money, often millions, to fund secret missions. The agents would not report for weeks, and even months on end, and on their return would not provide invoices or account for monies spent on their operations.

The practice went on right up to 2018, when Jafta's predecessor Arthur Fraser was removed from the agency by President Cyril Ramaphosa. The agency has since been on a mission to recover some of the money owed by officials, in some cases up to R20-million per individual, with some success.

"These are colleagues who used the money for purposes other than what the money was given for," Jafta explained. Where the prospects of deducting the money from an agent's salary were slim due to their nearing retirement, for instance, the SSA employed mechanisms to dip into their pension funds. The rationale for this, said Jafta, was that the person would have already enriched themselves with state money, so it was a simple case of the state paying itself back.

Because financial systems at the agency did not provide for strict controls, agents could simply walk out of the office with large amounts of cash in bags, to be seen only weeks or even months later, sometimes to ask for more. This was only on the strength of a TA certificate, and because of the covert nature of their work, those authorising the payments had little option but to give them the money. But on their return there would be no invoices produced, which meant that the expenditures were not accounted for.

In following the recommendations of a high-level review panel into the affairs of the SSA, Jafta put stricter measures in place. By this time, he had found that large sums of money were often used to advance activities of the ANC.

“There are monies that left the agency for the purposes of funding political activity, principally within the ANC, and often when you drill into it, it’s not funding the ANC credibly. It is to fund activities of a particular faction within the ANC,” he explained.

He reiterated some points made by Sydney Mufamadi the previous day, on the findings of the panel, which he chaired. A paradigm shift from national security to state security in 2009 enabled some of the indiscretions that occurred within the SSA.

“Several of the wrongs that we have witnessed derive from moving from national security to state security,” said Jafta, adding that by state security, you are gravitating to the person of the head of the state. This means that you could easily end up with regime security and not national security.

One example was the discovery that one of former president Jacob Zuma’s wives, Nompumelelo Ntuli-Zuma, was kept at a safe house at the expense of the SSA, and apparently against her will.

Commission chairperson Deputy Chief Justice Raymond Zondo was shocked by this: “If she was kept against her will, by an organ of state, in circumstances where no law allowed the organ of state to detain her, then that is concerning,” he said, with Jafta agreeing.

Jafta qualified his statement, saying in general it was difficult to say without doubt that an instruction had been given by Zuma for her to be kept there. He did not want to create an impression that Zuma was always aware of, or intended to benefit from such instructions.

Jafta’s testimony was almost not heard due to a request by State Security Minister Ayanda Dlodlo to have it postponed to allow her time to consult with her legal representatives on the contents of his affidavit. Dlodlo’s counsel, Advocate Dumisa Ntsebeza, told Zondo that there had not been enough time for him to consult with his client over whether or not Jafta’s affidavit would raise matters of state security. Zondo dismissed the request, saying that Dlodlo had had ample time to consult with Jafta over his evidence.

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