

26 September 2019

First in-camera witness for Zondo

Deputy Chief Justice Raymond Zondo has ordered that the testimony of crime intelligence (CI) official Colonel Dhanajaya Naidoo be heard in camera by the commission of inquiry into state capture on Friday.

The order, which was in response to an application by Naidoo, is the first of its kind for the commission, which began with public hearings in August last year. Because he is currently under the witness protection programme, his current identity may not be revealed to the public, said Zondo. Naidoo turned state witness in a long-standing Hawks investigation into allegations of corruption within CI.

The secrecy relating to his current location, as well as the identity by which he is now known, may not be shared publicly or published in any documentation that may become part of the record of the commission going forward.

In his affidavit to the commission, Naidoo implicates as many as 45 people, among them current police minister Bheki Cele, whom he accuses of interference in the operations of CI during his tenure as national police commissioner. The legal representatives of both Cele and former CI senior official General Mulangi Mphogo made submissions for Zondo's consideration earlier in the day. Their hope was that courtesy would be extended to implicated persons to be able to have sight of Naidoo at some point, to ascertain whether he is indeed known to them. On this point, Zondo said he would take each implicated person's case on its merit, and rule as the need arises.

The lead investigator in the Hawks matter, Colonel Kobus Roelofse, spent some time last week detailing before the commission the details of an intricate scheme developed allegedly by senior officials to loot the unit's secret service account. He named former head of CI General Richard Mdluli and the unit's former CFO Colonel Solomon Lazarus among others, as being the main beneficiaries of the scheme. He told the commission that his evidence relied heavily on Naidoo's account to him of what he knew, having held a position in the procurement department of the unit. Roelofse's difficulty for the almost ten-year period it has taken him to investigate the corruption, has been the resistance by CI to have documents de-classified that give insight in respect of his probe. He told Zondo last week that he suspects that the documents implicate some very important people who have blocked their declassification to date.

While giving his testimony, Naidoo will be placed in an undisclosed location and not the public hearings venue in Parktown. Only Zondo, the relevant evidence leaders and his protectors may have access to him at any point. Members of the media and the public will hear the evidence as per usual in Parktown, via an audio link to the hearing room.

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