



**2 November 2020**

### **Zondo commission – Kwinana’s whataboutism thwarted by Zondo**

Former chairperson of SAA Technical (SAAT) and SAA board member Yakhe Kwinana kicked off the week’s proceedings at the commission of inquiry into state capture on Monday by addressing what she called double standards of its legal and investigations teams.

Several witnesses – current and former SAA employees – have implicated Kwinana in interference in procurement matters and intimidation of executives who disagreed with her and her former SAA counterpart, Dudu Myeni. Her first point of contention with the commission, however, was that despite its legal team having access to forensic investigation findings of wrongdoing within the national airliner, they were selective in who they were calling to account on state capture.

Commission chairperson Deputy Chief Justice Raymond Zondo questioned Kwinana on her position, saying he has called on all those who knew of evidence of corruption within state entities to come forward to assist the commission, but for Kwinana to raise the matters at this late stage of its existence means there may not be enough time to pursue investigations into the allegations.

Next, evidence leader Advocate Kate Hofmeyr became the target. “On two separate occasions, Ms Hofmeyr stated that I was in a corrupt relationship while I was a director and chairperson of SAAT, in that I received kickbacks and bribes. She said that I received an amount of R4.3-million,” said Kwinana.

“I instructed my attorney to write a letter to the commission, requesting Ms Hofmeyr to name the basis of those allegations. No reply was received to the first letter, nor to the second letter, which we also wrote.”

There was even a thought of applying to the commission to order Hofmeyr to recuse herself. “I was advised by my attorney of record that I would apply for recusal of Ms Hofmeyr on the grounds that she is biased against me, because basically on more than one occasion, she puts it to the witness that I am involved in corrupt activities without even being interviewed, without even being given an opportunity to sit here.”

Hofmeyr defended herself by stating that the first opportunity Kwinana gave the commission for a meeting was in September this year, whereas numerous attempts had been made since last year.

“That meeting I can only say deteriorated very rapidly. It was a meeting that was really to vent a series of attacks from Ms Kwinana and Ms Mbanjwa at me, at the investigators, etc.

“Since that meeting, there have been repeated claims about what was said at that meeting, which are false.”

A transcript of that meeting – which was on a virtual platform – is available, said Hofmeyr, and would clarify what was shared. On the issue of the recusal, she noted that the commission’s secretariat had communicated with Kwinana through her attorney that an application would have to be made well before the scheduled appearance date, and this was not done.

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