



4 November 2020

Zondo commission – Myeni refuses to answer SAA-related questions from Zondo

“Chairperson, may I not answer that question, in case I incriminate myself.”

This was the line of the day at the commission of inquiry into state capture on Wednesday, when former SAA chairperson Dudu Myeni testified via video link. She used the line in response to questions that in her view were related to SAA in terms of the circumstances of the case brought against her by civil action group Organisation Undoing Tax Abuse (OUTA) and SAA Pilots Association in 2017.

Myeni intends to appeal the North Gauteng High Court’s May ruling that declared her a delinquent director.

She kicked off her testimony by accusing the commission of collaborating with OUTA without her consent. Documents sent to her by the commission in its investigation process, she said, were mostly identical to those submitted by OUTA in respect of the delinquency case.

“Chairperson, I’d really prefer to invoke my right to silence on any matter pertaining to SAA,” she said.

“You will recall chairperson that OUTA, the private organisation that took me to court together with the pilots association, opened a case in 2017. It was before the start of this commission, chair. For some reason, which we did write to the commission to enquire about, documents were being used by a private organisation with the letterheads and logos of the commission of inquiry. The majority of documents, in fact, almost every file from OUTA, were files coming from the commission.”

Commission chairperson Deputy Chief Justice Raymond Zondo pointed out to Myeni that he was not aware of OUTA having asked for any documents from the commission in relation to the High Court case. For the record, added evidence leader Kate Hofmeyr, commission documents that are watermarked are usually of a public status, having been placed on the commission’s website. This is once oral evidence relating to them has been heard. For that reason, OUTA may have obtained the documents in question from the commission’s website.

Myeni’s legal representative Thabane Masuku made a submission before Zondo that his client may well be in “real danger” of being arrested and charged, citing a recent media report to this effect.

“The commission has to be fair to Ms Myeni. The commission is aware in the judgment issued by Justice Tolmay that for all the issues that resulted in her being declared a delinquent director, the court directed the NPA to gather all the evidence in that case and thereafter decide whether to

criminally charge her. So before you is a witness who has an axe hanging over her head, and part of what makes a good witness in a fact-finding commission is the freedom to speak freely.”

Myeni was subpoenaed to respond to questions in relation to her tenure at the national airline - between 2012 and 2016 – and the decisions of the board led by her at the troubled state-owned entity. On the basis on the May ruling, she took the stance to not answer questions relating to SAA, in fear, she said, of incriminating herself.

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