

8 March 2021

Zondo commission – Gigaba cross-examines former bodyguard before Zondo

On Monday Malusi Gigaba cross-examined an in-camera witness who testified in September last year about his time as a personal protection officer for the former cabinet minister. Gigaba has submitted an affidavit before the commission in which he denies the accounts of the man, known only as Witness Three to the public, that he drove him to the Saxonwold home of the Guptas on a number of occasions.

Gigaba's legal counsel, Advocate Richard Solomon, put to Witness Three that according to the former minister, he may have travelled with him only once or twice, and not six or seven times as he previously testified. Gigaba further denied that, as per Witness Three's affidavit, there was an occasion in June 2013 where the two travelled together, with no other officials, to the Gupta residence, in the evening.

This could not have been so, Solomon said, as according to Gigaba, Witness Three fell outside the category of his immediate protectors. It would thus be a breach of protocol for him to travel alone with Gigaba, as he fell under a category that allowed him to only travel in a back-up vehicle as part of a convoy.

Witness Three responded by saying on this occasion, Gigaba asked him to stay behind after work, as he would like him to take him somewhere. When the time came for him to drive him, it was only then that Gigaba told him that they were going to the Gupta residence.

"I was given the instruction by the minister himself," said Witness Three.

A point of contention for the day was whether or not Witness Three kept records as per requirement, of the trips he took with Gigaba. He said while he was asked by Gigaba not to record the trips in his log book, he equally suspected that Gigaba was not recording them in his diary.

Witness Three further conceded that it was by pure speculation that he perceived large amounts of cash that he saw in Gigaba's official vehicle to have been collected on one of the trips to Saxonwold. In his previous testimony, he said he accompanied Gigaba on shopping trips for tailored suits in Sandton. On one occasion, he told the commission, Gigaba took money out of a bag in the boot of his car to buy lunch for Witness Three and the colleagues who travelled in the rest of the convoy. There were many R200 and R100 notes in the bag, recalled Witness Three. This happened after they had been to Saxonwold.

Prior to the cross-examination, commission chairperson Deputy Chief Justice Raymond Zondo expressed his concern over weekend media reports that another witness, who testified under the same circumstances as Witness Three, survived an alleged assassination attempt. He had given evidence about his time as a personal protector of former Transnet GCEO Brian Molefe, whom he also placed at Saxonwold on a number of occasions.

“It is most concerning that attempts by some in our society seem to continue to intimidate and attack people who want to assist this nation on the matters that this commission is investigating,” said Zondo.

“I applaud the courage of many people in our country who, despite threats to their own safety and to their lives, and to the safety and lives of their loved ones, have nevertheless come before this commission to assist the nation to understand what happened with regard to the matters we are investigating.”

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