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Zondo Commission – Guptas on US blacklist, and the imminent return of Jacob Zuma

The US has blacklisted the Gupta family, in a move praised by Justice Minister Ronald Lamola, on Thursday. Meanwhile, the dates for the return of former president Jacob Zuma to the commission of inquiry into state capture were confirmed.

Zuma is scheduled to appear from 21 to 25 October, and again from 11 to 15 November. During his first appearance before the commission in July, the former president admitted to being a friend of the three brothers, Ajay, Atul and Rajesh Gupta – who are originally from India – noting that he saw nothing wrong with his association with them as they had supported him when he was neglected by his comrades in the past.

This association forms a significant part of the commission's line of questioning during Zuma's appearance. A document shared publicly by the commission on Thursday details areas of interest that its legal head Advocate Paul Pretorius SC wants to explore with Zuma. These stem from details shared in several witnesses' evidence before the commission that implicated Zuma in relation to his association with the family.

The statement from the US Treasury, announcing the sanctions imposed on the brothers and their business associate Salim Essa, said: "The family has been implicated in several corrupt schemes in South Africa, allegedly stealing hundreds of millions of dollars through illegal deals with the South African government, obfuscated by a shadowy network of shell companies and associates linked to the family."

This means that the family cannot do business in the US or with any American-owned companies anywhere in the world. The announcement, the statement further said, demonstrates the US government's support to South Africa's corruption-busting efforts. "Treasury's designation targets the Guptas' pay-to-play political patronage, which was orchestrated at the expense of the South African people."

The three brothers are currently based in Dubai, where Duduzane Zuma, the son of the former president, also lives. He too was questioned this week during his testimony before the commission on his relationship with the family, which has largely been business-related.

Duduzane called Rajesh Gupta his "guy", explaining that of all the three, he is the one he has had the closest working relationship with, while the other two pursued other interests. He further denied being present in meetings where either Ajay or Rajesh were alleged by other witnesses to have offered bribes to politicians in return for state business or, in the case of former KwaZulu-Natal Hawks head General Johan Booysen, inferred their influence in his potential appointment to head up the unit back in 2015.

From Zuma, the commission seeks to ascertain if his relationship with the family translated into assistance to them of any kind, directly or indirectly, regarding their business interests. Furthermore, he is expected to shed light on whether he, or any member of his family, had ever benefited from the Guptas.

Several witnesses' statements, including those of ministers Barbara Hogan and Ngoako Ramatlhodi, former government spokesperson Themba Maseko and former MP Vytjie Mentor, point towards Zuma either directly or indirectly favouring the Guptas for government work. Hogan testified that Zuma interfered in the appointment of the group CEO of Transnet in 2009 and later, the board.

The commission would also hear Transnet-related evidence claiming losses from the freight rail entity of hundreds of millions to Gupta-linked companies, at times for work not done, through the facilitation of Essa. Similar occurrences would later surface at Eskom, according to evidence shared earlier this year, again pointing to the involvement of Essa as a fixer and middleman.

Ramatlhodi, on the other hand, testified to the alleged attempt by Duduzane and former Eskom board chairperson Ben Ngubane to influence him to strong-arm Glencore by shutting down its mines, so that the company could relinquish ownership of Optimum mine to Gupta-owned Tegeta.

At his first appearance, Zuma would mainly deny knowledge of any details of the allegations put to him from other witnesses. It was his attorney, Advocate Muzi Sikhakhane SC, who withdrew from the proceedings, citing an ambush by Pretorius as evidenced by his line of questioning.

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