



8 July 2019

Zondo Commission – Koloane asked DoD to process Gupta Waterkloof landing application, not approve it

South Africa's ambassador to the Netherlands, Bruce Koloane, was directed by the commission of inquiry into state capture to spend Monday evening going through documents on the commission's record that may implicate him in relation to the 2013 landing of a private plane by the Gupta family at Waterkloof air force base in Pretoria. Koloane was to return on the stand on Tuesday.

Commission chairperson Deputy Chief Justice Raymond Zondo made this directive after Koloane's lawyer Don Mahon had given a presentation showing that the ambassador had not had sufficient time to look through "voluminous" documents that required his full attention, receiving the first batch only on Thursday last week. Evidence leader Advocate Thandi Norman refuted Mahon's claim, but conceded to giving Koloane more time to familiarise himself with witness statements that implicated him. Among these are a set of audio recordings submitted by the Department of Defence (DoD) over the weekend, allegedly detailing telephonic conversations between Koloane and two officials, Major Thabo Ntshisi and Colonel Christine Anderson, while in liaison over preparations for the controversial landing.

Zondo stressed the importance of fairness of the commission as a process, particularly for implicated persons.

Koloane arrived in the country last week at the commission's invitation, to give his version of events regarding the controversial landing. Mahon acknowledged that his client had not been subpoenaed, but only needed to clarify certain details.

Former director-general of the Department of Justice, Nonkululeko Sindane, is among those who directly implicated Koloane in her evidence before the inquiry on Wednesday last week. Sindane also chaired the justice, crime prevention and security cluster (JCPS) team that investigated events leading to the landing and made findings against Koloane. The JCPS was also responsible for the final report on the matter, which Koloane claimed had numerous factual inaccuracies that he committed to pointing out in his evidence.

Koloane acknowledged that he knew of the planned arrival of a Jet Airways flight at Waterkloof, but emphasised that his knowledge was on the basis that the plane arriving would be carrying ministers of the Indian government, thereby necessitating his role then as chief of state protocol to facilitate the arrangements.

The Department of International Relations (Dirco), for which Koloane worked, had not received a *note verbale* – an official document certifying a state or similar visit as legitimate - as was the norm. Instead, an application for a flight clearance had been sent straight to the DoD by then Indian high commissioner Anil Kumar Gupta, who apparently initiated Koloane's involvement by alerting him to the army's delayed response in this regard. Gupta, said Koloane, complained to him during a telephonic conversation in early April that he had sent a request but had not received a response, even though six days had passed. Koloane told the inquiry that such a step in the process normally takes no more than three days. The aircraft in question landed on 30 April.

It was on this basis that Koloane started to involve Ntshisi and Anderson. A letter written to Ntshisi by Koloane's personal assistant alluded to Koloane giving permission for the army official to process the necessary

paperwork in anticipation of the landing. It was this letter that would later haunt Koloane, who emphasised to the inquiry that his plea was for Ntshisi to process and not to approve, as the latter had seemed to understand, according to his evidence.

“I was just acting purely under the presumption that there had been total compliance [by the high commissioner],” said Koloane. “It’s important to note that I didn’t say approve or decline the request. I just said process the request so the process of clearance can be conducted.” He added that he found it necessary to clarify because he did not have the legal mandate to dictate to anyone in the DoD.

The landing was declared a serious protocol and security breach following the JCPS investigation, with Koloane found to have contravened the defence code, by approving the landing as understood by the defence officials.

Earlier in the day, former Dirco DG Jerry Matjila, who was Koloane’s boss at the time, spent time detailing the departmental process followed when state visits are first initiated.

Koloane is expected to continue giving evidence on Tuesday.

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