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Zondo Commission – check Maseko’s version properly, commission told

Themba Maseko was not only aware of his move from the Government Communication Information System (GCIS) to the Department of Public Service and Administration (DPSA) in 2011, but even agreed to it, despite telling the commission of inquiry into state capture differently. This is what Maseko’s former boss and then DPSA minister Richard Baloyi told the commission on Tuesday.

Maseko’s evidence that his removal was irregular needs to be tested thoroughly, said Baloyi. The former GCIS CEO was transferred from his post, in which he also doubled as government spokesperson, following a Cabinet meeting on 2 February 2011. He was then replaced by Mzwanele Manyi, who at the time had been placed on special leave by the Department of Labour as director-general (DG).

Baloyi said Maseko’s testimony before commission chairperson Deputy Chief Justice Raymond Zondo that he was imposed on him as DPSA DG after a rushed move to make way for Manyi at GCIS for the benefit of the Gupta family was incorrect.

According to Maseko, he was told shortly before the cabinet meeting by then minister in the presidency, the late Collins Chabane, that he was being moved from GCIS on the instruction of former president Jacob Zuma. Chabane told Maseko that Zuma, who was out of the country at the time, had said that he wanted Maseko gone by the time he returned. Maseko’s conclusion is that this happened because he had snubbed Ajay Gupta on several occasions, after learning that the businessman wanted access to the GCIS advertising budget, then worth R600-million.

There was hardly enough time for proper procedures, said Maseko, and the usual Cabinet memorandum for presentation at the meeting was not prepared. Chabane ended up making the rushed announcement of his transfer to ministers because there had been a media leak earlier in the day, and this was bound to create a bad look. With no other parallel position available, Chabane further announced on the spot that Maseko would move to the DPSA. Because Baloyi was absent from the meeting, said Maseko, there was no way of informing him prior to Chabane’s announcement.

Baloyi insisted, however, on Tuesday that such an important transfer would never have been done without proper procedures being followed. In fact, he said, he and Maseko discussed his move to DPSA, contrary to his statement. This, said Baloyi, meant that the commission would have to dig deeper to investigate and find the paper trail of evidence before arriving at a conclusion. “I’m not convinced that there was no Cabinet memorandum,” he said. “That would shock me, chairperson ... it should not be like that, it should definitely not be like that.”

He maintained this stance even when evidence leader advocate Kate Hofmeyr told him that the DG in the Presidency, Dumisani Lubisi, had personally perused the minutes of the Cabinet meeting in question and found no mention of a memorandum, nor a debate or discussion over Maseko. The commission had asked Lubisi’s office to de-classify the minutes of the meeting so as to ascertain if indeed the discussion had happened. Lubisi instead submitted an affidavit stating that there was no need to de-classify as there had been no debate.

Baloyi further said owing to the procedures that would have been followed, he co-signed the presidential minute along with former president Jacob Zuma, confirming the transfer, a day after the meeting. If there had been no memo, he asked, why would there be a presidential minute confirming the process?

On the question of whether or not Manyi was a valid candidate to replace Maseko, given that he was at the time on special leave pending a decision of then labour minister Mildred Oliphant on the veracity of fraud charges against him, Baloyi said it was Oliphant's prerogative to give Manyi leeway to another department.

At the time of Manyi's appointment to GCIS, Oliphant had been in office for two months, having been sworn in in November 2010. At the time she entered office, Manyi had just been dismissed by her predecessor, Membathisi Mdladlana. Soon after her arrival, however, she investigated the processes followed, on the back of a threat by Manyi that he intended to sue the department for unfair dismissal.

To save face and restore stability in her department, Oliphant told the commission earlier in the day, she chose to reverse Manyi's dismissal and instead put him on special leave. When the opportunity presented by Chabane to vacate Maseko's post came, she consented to Manyi's transfer to GCIS. The charges against him were not pursued any further.

In his own testimony last month, Manyi said he had always believed that Mdladlana held a grudge against him, hence his last-minute move to try to remove him so close to his exit from office.

In the light of Baloyi's assertion on processes, Zondo asked him to work with the commission in sourcing any further information that he deems necessary to help verify his claim.

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