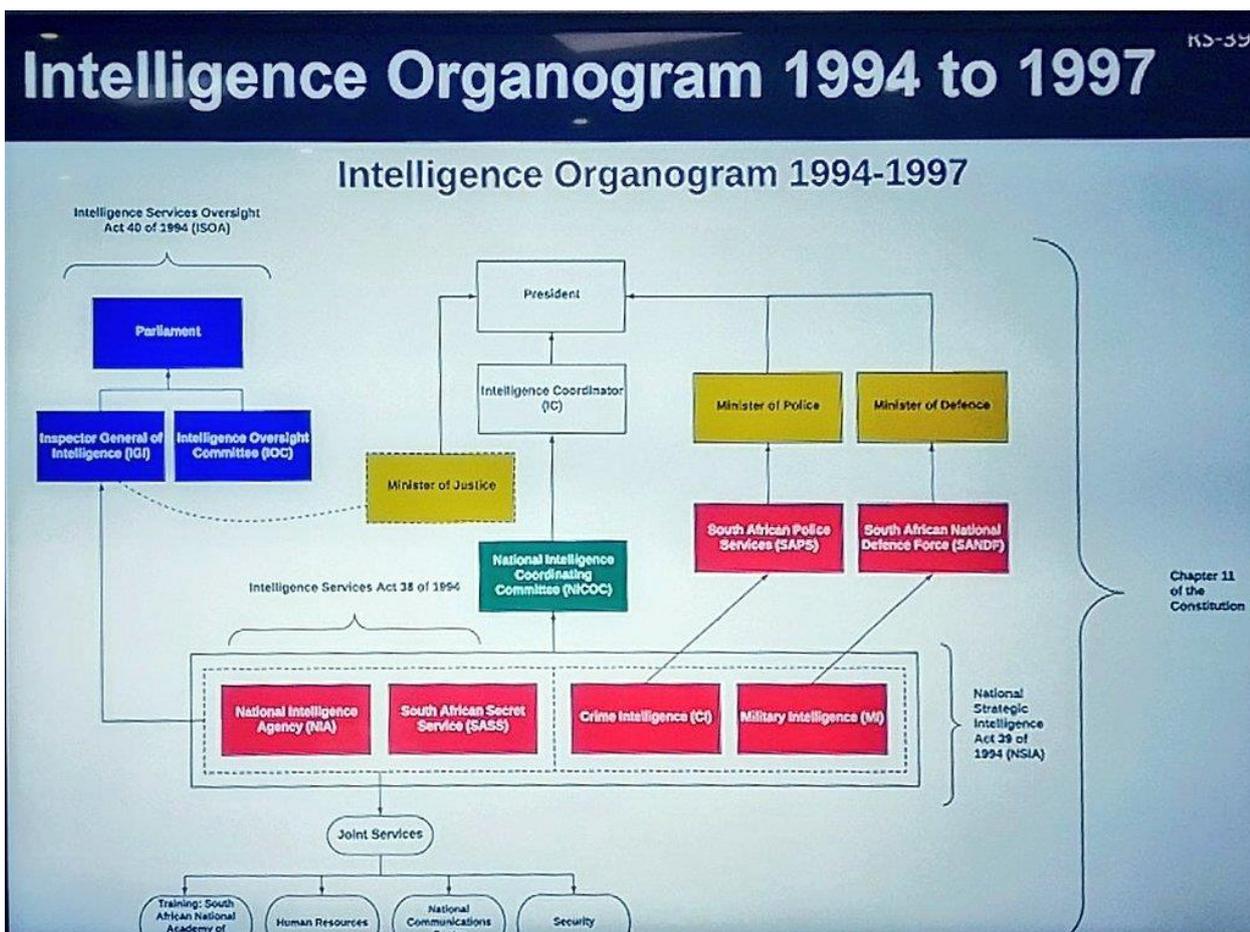


25 November 2019

**Zondo Commission – intelligence services restructured to protect the state, says Mo Shaik**

The make-up of the state intelligence services in South Africa changed drastically when former president Jacob Zuma came into office in 2009, notably going against the principles in the Constitution that aimed to preserve it from interference and capture.

This is how former State Security Agency (SSA) director-general Mo Shaik described the environment that he was “thrust” into in May 2009, when he was re-deployed into the service after having served in former president Thabo Mbeki’s tenure and then left. His own appointment occurred under unusual circumstances, said Shaik, where he learned shortly before a press conference that he was to be re-deployed in what is now the SSA. Shaik is currently testifying before the commission of inquiry into state capture.



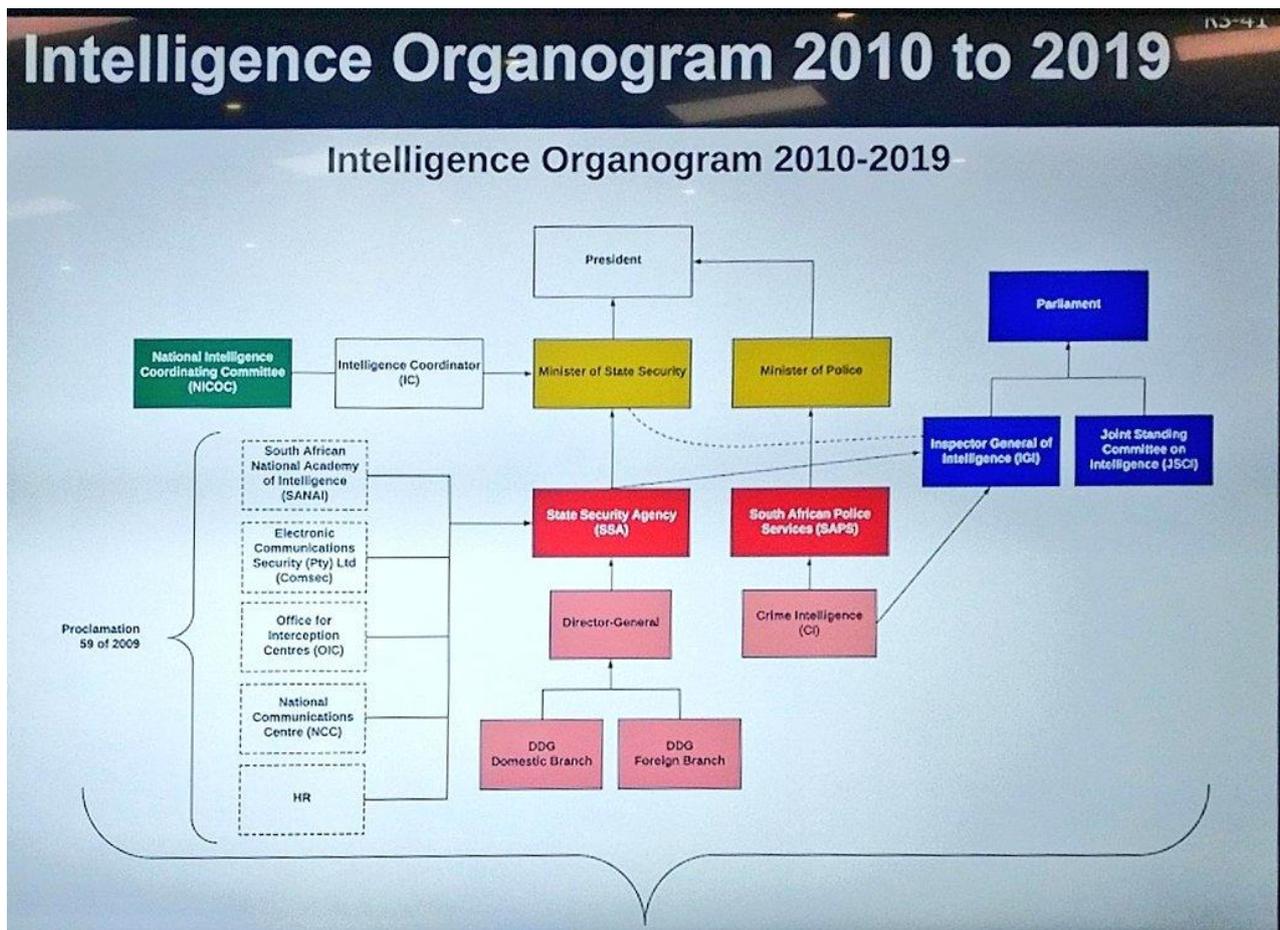
While the department was initially made up of four strategic components, namely the National Intelligence Agency, the secret service, crime intelligence and military intelligence, the restructuring

introduced in 2009 when Zuma came on board centralised power to a minister instead of Parliament, something that had never happened before. Crime intelligence fell directly under the South African Police Service, and as such a different ministry.

The separate agencies previously reported to the national intelligence coordinating committee, which then reported to an intelligence coordinator, who in turn reported to the president. In light of the change, and from the perspective of the Constitution, the restructuring meant a shift from the mandate of providing intelligence services for the protection of citizens towards protecting the state, said Shaik.

Around the mid-1990s, opposition party DA – then known as the Democratic Party – raised objections to the structure giving autonomy to the president with regard to having sole access to the intelligence coordinator, who was at the time the late Joe Nhlanhla.

The law regarding the structure was changed, said Shaik, and a ministry was added to it.



A further, more drastic change came with the Zuma administration, which saw the establishment of the SSA under minister Siyabonga Cwele. With it came the end of its central function, that of coordination across the different units, for an efficient intelligence system.

“So now we’ve gone back to a situation where each intelligence service, whether the civilian intelligence service, the police or military can see the start of the breakdown of the coordination that the Constitution intended,” Shaik told the commission.

“You would have in the intelligence world, everyone recruiting the same source, and in my opinion, it has given rise to the entrenchment of the phenomenon of disinformation, information peddlers and bogus informants.”

A case in point is the issue of transport minister Fikile Mbabula, who testified to have raised the issue in an ANC NEC meeting in 2011 that he was told congratulated by a member of the Gupta family on his pending appointment as sports minister in late 2010, before an official announcement by Zuma.

“Our concern was that this was either a breach of national security occurring in the office of the president, or it was possible because the Guptas overheard this discussion while the president was in consultation with someone, or thirdly, did they in fact actually suggest this appointment, which makes this even more serious,” Mbalula said.

This prompted the launch of an intelligence investigation into the Guptas, to help establish how they could have known of Mbalula’s fate. “It would involve technological intelligence, surveillance, penetration, and having a full understanding of the whole picture – to answer those questions because it pertained to the breach of national security at the highest level of the government,” Shaik said.

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