



**22 April 2021**

### **Zondo commission – Brown’s foggy memory over “Gupta” board choice for Denel**

Former public enterprises minister Lynne Brown appeared on Thursday to remember little about the appointment process of a new Denel board in 2015, a year after assuming office. It was mainly the nomination and appointment of the chairperson of that board – attorney Daniel Mantsha – that came under scrutiny in an evening session of the state capture commission.

Brown defended Mantsha’s appointment, telling the commission that he held up the parastatal in an environment of financial strain, despite the criticism he received later. Evidence leader Advocate Paul Kennedy questioned Brown on her department’s vetting process, which appeared to have overlooked the fact that Mantsha had been struck off the attorneys’ roll eight years prior to his nomination, in 2007. He was reinstated in 2011. Kennedy asked Brown at what point she became aware of the matter.

“I think I only got to know about it after [Mantsha’s appointment]. I see in Mr Kgathatso Tlhakudi’s statement, or somebody’s statement, that they actually told me. Now I can’t remember that,” she said.

Tlhakudi was a deputy director-general in the Department of Public Enterprises (DPE) during Brown’s term, and in 2019 gave evidence before the commission that Brown’s approval of the board, which he deemed ineffective and inexperienced in the defence field, contributed to Denel’s financial downward spiral after 2015.

Brown said she only remembers learning of the Mantsha matter from her spokesperson, who told her that the media was asking questions about it. This was around June 2015, a month after she had approved the board and announced it to the public.

“This is one of the problems I had with the vetting process. People are vetted, and you don’t have all their information. So how can you believe and trust the vetting process. But that happened anyway,” said Brown.

“I phoned Mr Mantsha and asked him personally. I remember that, but then I remember very little else about it.”

Had she known about it prior to Mantsha being shortlisted post the vetting process, Brown said she probably would have acted differently. But, she added, she decided to give him the benefit of the doubt.

“I personally feel that I would have given him the benefit of the doubt post the appointment, and if I knew it before I think I wouldn’t have appointed him, but I did appoint him even though a month after his appointment this issue happens.”

Kennedy also questioned how Mantsha's name got on the list of nominees to be vetted. A report by forensic investigations firm Fundudzi, which is part of the commission's record, placed it with Brown's personal assistant at the time, Kim Davids. According to the report, Davids received an e-mail from the now infamous "infoportal@zoho.com" address in March 2015, after the DPE put out an advertisement for director nominations. 'Info portal' has been traversed across different evidence streams at the commission, and is suspected to belong to an associate of the Gupta family, Salim Essa.

Mantsha's name, along with 10 others, appears on a list in the e-mail to Davids, in which the sender known as "businessman" notes that the individuals listed are "madam's recommendations." Kennedy questioned Brown on why Davids would receive such a list on her private e-mail address, and if the madam referred to was her [Brown].

"I had a general position of not recommending people. There were lots of people that I would've liked to have pass the vetting process," said Brown, adding that many of her cabinet colleagues asked if they could recommend people, to which she said they would have to send names through the DPE's channels. The reason why Davids used her private address, said Brown, was probably because the server at the DPE was always down, and it was common practice for officials to then use their private e-mails.

At no point in the selection and vetting process did Brown take part, as it was an operations task and she could not get involved.

Commission chairperson Deputy Chief Justice Raymond Zondo asked Brown if it was a coincidence that eight people out of the 11 sent to Davids made it on to the board, given that the advertisement was an open and public one, to which she said she would not know. Zondo then asked what made Mantsha stand out from the rest, seeing as the "businessman" e-mail recommended him as chairperson before the vetting had even begun, and he indeed was appointed to that position as recommended. Again Brown said she would not have known as it was an operations matter.

When a month after its appointment, in September, the board suspended and later removed CEO Riaz Saloojee, Brown said she wanted to intervene, but because of the way she'd gotten her fingers burnt months earlier when a similar occurrence happened at Eskom, she was advised by her legal department to stay out of it.

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