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### **Zondo commission – Gigaba advisor’s role probed by Zondo**

Siyabonga Mahlangu, who was the special legal advisor of former public enterprises minister Malusi Gigaba, met with members of the Gupta family to “shield” Gigaba from possible undue influence stemming from the family’s potential expectations as ANC funders. Gigaba told this to the state capture commission on Friday.

He was being asked to respond to Mahlangu’s account of his relationship with the business family, contained in his affidavit before the commission, and whether or not it happened with his blessing. In the affidavit, Mahlangu recounts how he came to hold meetings with Rajesh Gupta at the family’s Saxonwold home between 2011 and 2013. This was on the understanding with Gigaba that he would play the role of buffer and set boundaries for what the minister is, and isn’t able to legally do in terms of doing business with the family.

“I did not want to confuse roles in this regard in terms of my knowing Mr Ajay [Gupta] personally and what could happen should he come ... when you become minister ... you have these people who are donating to the ANC,” Gigaba explained, adding that it was common cause within the executive that ministers would be encouraged to give an ear to private businesspeople who wanted to propose ideas for the relevant departments.

In the light of his own personal relationship with Ajay Gupta, and by association his brothers, Gigaba said he felt the need to create a distance between himself and the family when it came to his official capacity. This was because it was known within ANC circles that they regularly funded the party, and were therefore considered important stakeholders. He thus instructed Mahlangu to attend his first meeting in Saxonwold in December 2011, after interest had been raised in a matter relating to the Department of Public Enterprises.

“They had raised with me a desire to have a discussion, and I said I want to separate the issues, you can talk to my legal advisor,” said Gigaba.

Asked by evidence leader Advocate Anton Myburgh on his thoughts regarding Mahlangu’s version that he had only ever met with Ajay’s brother Rajesh, Gigaba said Ajay probably shared his sentiments, and also wanted to distance himself from the discussions.

“My instructions to my advisors or to anybody who worked with me was always to meet with them, hear them out, but explain to them that this thing can either be done or it will not be done. It must always be within the remit of what can be done legally.”

Mahlangu’s trips to Saxonwold lessened in frequency after a March 2013 media report detailed how he facilitated a meeting between Rajesh and then acting CEO of SAA, Vuyisile Kona, in October 2012. In response to a media query on the meeting, the ministerial spokesperson at the time told the publication that Mahlangu had participated in his personal capacity, and not as advisor.

The content of the meeting was first revealed to the commission by Kona in 2019. He testified that Mahlangu was invited to Saxonwold soon after he was appointed acting CEO of SAA. Once there, Kona alleged that he was offered cash in the amount of R100 000 by Rajesh, who raised the issue of SAA finances being challenged and that he was aware that Kona had not been paid his salary for some time. Kona refused this, but the discussion progressed to the issue of a tender that SAA had just awarded to Lufthansa, in which the Guptas had an interest. Rajesh appeared to be under the impression that the award had not been concluded, and when Kona told him that it had, his mood soured and the meeting ended.

Gigaba told the commission that he learned for the first time of the meeting through Kona's evidence, and had not been briefed by Mahlangu, who denies Kona's version.

The former minister maintained that Mahlangu did not do the Guptas' bidding on his behalf, and in fact when he took a trip to India in 2011 on their invitation to attend a wedding, he did not approve, and reprimanded Mahlangu on his return.

Gigaba is expected to return before the commission on Monday.

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