

## Paul P. Pretorius

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**From:** Paul P. Pretorius  
**Sent:** Tuesday, 30 July 2019 12:47  
**To:** 'muzi@pabasa.co.za'; 'muzis@law.co.za'  
**Subject:** Re: Former President Zuma: Areas of Interest  
**Attachments:** Letter to Adv Muzi Sikhakhane-30.07.2019.pdf; Schedule A-30.07.2019.pdf  
**Importance:** High

Dear Advocate Sikhakhane,

Herewith please find attached a letter for your attention.

Best regards,

Advocate Paul Pretorius SC

COMMISSION OF INQUIRY INTO STATE CAPTURE | Hillside House, 3<sup>rd</sup> Floor, 17 Empire Road, Parktown,  
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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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30 July 2019

Dear Advocate Sikhakhane,

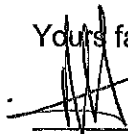
By email: [muzis@law.co.za](mailto:muzis@law.co.za)  
[muzi@pabasa.co.za](mailto:muzi@pabasa.co.za)

**RE: FORMER PRESIDENT ZUMA: AREAS OF INTEREST**

1. I refer to the statement of the Chair of the State Capture Commission that was placed on record during the hearing of Friday, 19 July 2019, recording the agreement reached between him and Counsel for the Commission and Mr Zuma respectively on procedural steps to be followed.
2. Consequently, I set out in the schedule attached hereto marked 'A', the particular 'areas of interest' identified in respect of the testimony of nine of the witnesses who have given evidence concerning Mr Zuma, as well general matters arising therefrom.
3. In regard to these 'areas of interest' further details may be obtained from the statements and documentation already provided to your attorney.
4. It is expected that further documentation relevant to these 'areas of interest' and the related general matters will be introduced into evidence either before or when Mr Zuma returns to testify before the Commission. Such documentation will be provided to your attorney when the Commission is in a position to do so, affording Mr Zuma a reasonable time for preparation before being asked questions in regard thereto.

5. It is also the intention to ask Mr Zuma questions regarding matters raised by other witnesses who have testified or will testify before the Commission. Further details and documentation in that regard will be provided to your attorney in due course.
6. We note that it has been agreed that Mr Zuma will provide the Commission with a statement or statements dealing with the 'areas of interest' identified by the Commission's Legal Team before he returns to the Commission to give evidence.
7. As agreed, we will meet as soon as we are both available to agree a mutually convenient timetable for the above. Should we be unable to reach agreement on any procedural issue in this regard, the matter will be referred to the Chair for a ruling.
8. Finally the Chair has directed that Mr Zuma should return to give evidence from 14 October to 25 October 2019 and then from 11 November to 15 November 2019.

Yours faithfully,

P.P.   
\_\_\_\_\_  
Paul Pretorius  
Head of the Legal Team  
State Capture Commission



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Paul Pretorius  
Head of the Legal Team  
State Capture Commission

## SCHEDULE 'A'

### Witness

Mr Themba Maseko

### Area of interest

1. The communication from 27 former directors general to the then Minister of Finance and another, dated 22 April 2016, and copied to the then President and Deputy President. (Exhibit E1 pages 75-81). Mr Zuma's knowledge in relation thereto. Any consequent action by Mr Zuma.
2. The internal investigations by the ANC under the chairmanship of Mr Gwede Mantashe into matters raised in the abovementioned communication.
3. The functions of the Government Communications and Information System (Service) (GCIS), particularly in relation to expenditure of government departments on government advertising.
4. The establishment by Mr Ajay Gupta and others of the New Age Newspaper and the ANN 7 television news channel. In particular the steps taken by Mr Ajay Gupta to finance the said projects through government advertising. Further, any communication between Mr Zuma and Mr Maseko in regard to the provision of assistance to Mr Ajay Gupta or the Gupta family relating to the above projects or generally.
5. Mr Zuma's relationship with members of the Gupta family particularly in relation to assistance of any kind directly or indirectly rendered by Mr Zuma to the Gupta family concerning their business interests. Any benefits received directly or indirectly from the Gupta family by Mr Zuma or any member of Mr Zuma's family.
6. The circumstances surrounding Mr Maseko's transfer from GCIS to the Department of Public Service and

Administration during or about January and February 2011, including but not limited to: the reason therefor; the legal powers and duties of the President in relation to the transfer; and any action taken or instruction given by the President in relation to the transfer.

Ms Vytjie Mentor

1. The removal of Ms Mentor as chair of the Parliamentary Portfolio Committee of Public Enterprises and the reasons therefor.
2. The State visit to China in or about August 2010 and in particular but not limited to: the role any member of the Gupta family played at any stage of the visit; any attempted communication between Ms Mentor and Mr Zuma.
3. The "offer" of the position of Minister of Public Enterprises made by a member of the Gupta family to Ms Mentor during or about September or October 2010.
4. Mr Zuma's presence or otherwise at the Gupta residence in Saxonwold, Johannesburg during or about September or October 2010 when Ms Mentor was present there and any communication between Mr Zuma and Ms Mentor on that occasion.
5. The cabinet reshuffle at the end of October 2010; the dismissal of Ms Hogan. Ms Mentor's evidence in relation thereto.
6. Mr Zuma's knowledge of Ms Mentor and his statements in relation thereto during March 2016.
7. The criminal charges laid against Mr Zuma and others by Ms Mentor during or about May 2016 and circumstances related thereto.

Ms Barbara Hogan

1. The policy of “deployment” in the ANC and the application thereof.
2. The circumstances of and surrounding the attempts to have Mr Gama appointed as CEO of Transnet, and the subsequent appointment of Mr Gama as CEO of Transnet Freight Rail.
3. The report and other documents sent to Mr Zuma on or about 28 July 2009 by Ms Hogan and the contents thereof.
4. The powers and duties of the President in relation to the appointment of Board members and senior executives of State Owned Entities.
5. Mr Zuma’s conduct in relation to the appointment or proposed appointment of a new Transnet Board and CEO during the latter part of 2010; including but not limited to Ms Hogan’s request that the matter be placed before Cabinet.
6. The dismissal of Ms Hogan as Minister of Public Enterprises during October 2010 and the reasons therefor.
7. The appointment of Mr Gigaba as Minister of Public Enterprises during October 2010. Mr Gigaba’s appointments of Transnet Board members senior executives of Transnet during his term of office.
8. The circumstances of and surrounding the resignation or termination of service of Mr Jacob Maroga as CEO of Eskom during or about October 2009.
9. Ms Hogan’s communications to Mr Zuma during or about November 2009 regarding the resignation or continued employment of Mr Maroga and Mr Zuma’s response thereto.



10. Mr Zuma's conduct in relation to Mr Maroga's position at Eskom during or about November 2009.
11. Generally, Mr Zuma's role, in principle and in fact, in respect of dismissals and appointments of SOE Board members and senior executives.
12. Mr Zuma's knowledge of the performance of SOE's during his tenure as president and action taken by him in response thereto.

Mr Nhlanhla Nene

1. The role and functions of National Treasury in government; National Treasury's vulnerability to attacks; and actual attacks on National Treasury during Mr Nene's tenure as Minister of Finance during 2014 and 2015.
2. The report of July or August 2015 entitled "Project Spider Web" and its origins and contents. Any action taken by Mr Zuma in response thereto or in connection therewith.
3. Mr Zuma's alleged communications to Mr Nene approximately a month prior to the release of the said report in regard to "apartheid agents" in Treasury.
4. Mr Zuma's communications to Mr Nene regarding the proposed sale of Petronas to PetroSA.
5. The offer of the position of Finance Minister to Mr Mcebisi Jonas by Mr Ajay Gupta during October 2015 and Mr Zuma's knowledge thereof.
6. The proposed "Nuclear Build Project" as testified to by Mr Nene including but not limited to:
  - 6.1 Its costs and investigations and reports in relation thereto;

- 6.2 The process followed in relation to the procurement of nuclear power plants and related services and facilities;
  - 6.3 The financial and economic implications of the Nuclear Build Project and the financial risks associated therewith;
  - 6.4 The events in Russia during July 2015 testified to by Mr Nene regarding a proposed nuclear deal, including but not limited to the request made to Mr Nene to sign the letters of intent referred to by Mr Nene in evidence;
  - 6.5 The relationship between South Africa and Russia in regard to the Nuclear Build Project and Mr Zuma's involvement in relation thereto;
  - 6.6 The Cabinet decision of 10 June 2015 in relation to the proposed Nuclear Build Project;
  - 6.7 The response of Mr Zuma to Mr Nene's refusal to sign the said letters of intent;
  - 6.8 The establishment of the joint task team between National Treasury and the Department of Energy, its report and recommendations – culminating in meetings held by Mr Zuma and certain cabinet members on 8 December 2015 and in a cabinet meeting held on 9 December 2015. The contents of these meetings and their outcomes.
7. The dismissal of Mr Nene and the appointment of Mr Des van Rooyen.
  8. The reason or reasons for the dismissal of Mr Nene. The proposed redeployment of Mr Nene to the BRICS Bank.
  9. The reason or reasons for the appointment of Mr Des van Rooyen.

10. Matters related to South African Airways (SAA).
  - 10.1 Leadership instability of SAA during or about 2015;
  - 10.2 The meeting between Ms Hogan, Ms Myeni and Mr Zuma held in or about November 2015, its contents and outcomes;
  - 10.3 Matters related to the proposal to establish an SAA flight route to Khartoum. Mr Zuma's conduct in relation thereto. Ms Myeni's conduct in relation thereto.

Mr Gordhan

1. Mr Gordhan's general comments regarding the nature of the phenomenon "state capture".
2. Mr Gordhan's general comments on the role played by National Treasury in our constitutional state. The relationship between the President and his Minister of Finance – the need for a close and functional relationship.
3. The interactions between Mr Zuma and Mr Gordhan in relation to the Nuclear Build Project.
4. The restructuring of the SAA Airbus deal. The interactions between Mr Zuma and Mr Gordhan in relation thereto.
5. Matters related to the SAA Board and appointments thereto during or about 2015 and Ms Myeni's continued tenure as Chairperson thereof.
6. The investigation into the conduct of Mr Gordhan by the Hawks during or about February 2016. Mr Zuma's interactions with Mr Gordhan in this regard. The meeting of senior ANC officials held on 22 February 2016. The participation of Mr Zuma in that meeting. The outcome of that meeting and what

followed in relation to the matters discussed at that meeting.

7. Matters related to the dismissal of Mr Nene during December 2015 addressed in Mr Gordhan's evidence.
8. Matters related to the subsequent appointment of Mr Van Rooyen during December 2015 addressed in Mr Gordhan's evidence.
9. The relationship between Mr Tom Moyane and Mr Gordhan. Mr Zuma's knowledge thereof and his actions in relation thereto.
10. Matters related to proposed amendments to the Financial Intelligence Centre Act. Mr Zuma's conduct in relation thereto. Mr Gordhan's evidence in relation thereto.
11. The announcement by Advocate Abrahams of charges against Mr Gordhan on 11 October 2016 and Mr Zuma's knowledge thereof.
12. The banks' closure of Gupta related bank accounts during or about April 2016 and the response of the National Executive thereto.
13. Mr Gordhan's dismissal as Minister of Finance in March 2017 and the reasons therefor. The matter of the "Operation Checkmate" report and Mr Zuma's conduct in relation thereto. Mr Zuma's alleged reliance thereon.
14. The occasion on which Mr Zuma introduced Mr Ajay Gupta to Mr Gordhan during Mr Gordhan's first term as Minister of Finance as testified to by Mr Gordhan.
15. Mr Gordhan's evidence concerning State Owned Enterprises; their corporate governance; performance; financial losses; operational capability; corruption.

Advocate N A Ramatlhodi

1. Whilst Mr Ramatlhodi was Minister of Mineral Resources and during the period 25 May 2014 to 23 September 2015:
  - 1.1. The request by Mr Duduzane Zuma to Mr Ramatlhodi to attend to the apparent closure of a Gupta-owned mine for safety reasons. Mr Ramatlhodi's subsequent discussion of this issue with Mr Zuma.
  - 1.2. The request by Dr Ngubane to Mr Ramatlhodi to shut down all Glencore owned mines. Mr Brian Molefe's involvement therein. The involvement in or knowledge of such matters on the part of Mr Zuma.
  - 1.3. The dismissal of Mr Ramatlhodi as Minister of Mineral Resources in September 2015 and the reasons therefor.

Mr Mahlodi Sam Muofhe

1. The meeting between Mr Muofhe and Mr Zuma during or about March 2015. The contents of the meeting particularly in regard to the proposed appointment of Mr Muofhe as head of the NPA and in regard to Mr Zuma's reason for terminating or otherwise bringing to an end the services of Mr Nxasana.
2. The proposed appointment of Mr Mzwanele Manyi as Director-General of the Department of Mineral Resources. Mr Zuma's involvement therein and his response to the failure or refusal of Mr Ramatlhodi so to appoint Mr Manyi.

Mr Fikile Mbalula

1. The ANC NEC meeting of August 2011 and what took place during that meeting. In particular, Mr Mbalula's version of what he told the meeting of his encounter with Mr Ajay Gupta. Mr Zuma's response thereto. Any

action taken by Mr Zuma on account of what was said at the meeting and the concerns there raised.

Mr Angelo Agrizzi

1. Payments made to Ms Dudu Myeni for onward payment to the Jacob Zuma Foundation. Any benefit that Ms Myeni received from the Jacob Zuma Foundation.
2. The relationship between Mr Zuma and Mr Gavin Watson (the Chief Executive Officer of the Bosasa group of companies). Any benefits Mr Zuma, or the African National Congress (ANC), received from Mr Watson or the Bosasa group of companies.
3. Visits by Mr Zuma to the Bosasa Office Park. The hosting of ANC functions by Bosasa, including a Cabinet Lekgotla. The hosting of functions for Mr Zuma such as his birthday party in 2015 in Durban.
4. The meeting at Nkandla in July 2014 between Mr Zuma, Ms Dudu Myeni, Mr Gavin Watson, Mr Phillip O'Quigley (Falcon Oil and Gas chairman) and attorney Ms Lizel Oberholzer, in relation to a proposed change of legislation or regulations concerning fracking in the Karoo. The subsequent promulgation of the Regulations for Petroleum Exploration and Production on 03 June 2015, issued in terms of the Mineral and Petroleum Resources Development Act, 28 of 2002.
5. The involvement of Mr Zuma with Law Enforcement Agencies including the Hawks, the Special Investigations Unit and the National Prosecuting Authority and their officials in relation to their investigations into Bosasa. Any discussion with officials from the Department of Correctional Services, such as Mr Linda Mti in relation thereto. Any discussion with Mr Watson in this regard, particularly

during 2017. Mr Zuma's knowledge of Ms Myeni's conduct in this regard as testified to by Mr Agrizzi.

6. Mr Zuma's knowledge of any corrupt relationship between officials of the Department of Correctional Services and the Bosasa group of companies.

Matters arising from the  
above areas of interest

1. A history of the relationship between Mr Zuma, Mr Ajay Gupta, Mr Tony Gupta and other Gupta family members.
2. Any involvement of Mr Zuma in the appointment of his son, Mr Duduzane Zuma, into positions within Gupta related entities.
3. Any financial benefits received by Mr Zuma or any of his other family members from Mr Duduzane Zuma as a result of his shareholding or positions within Gupta related entities.
4. Excluding the benefits derived by Mr Duduzane Zuma from his positions within Gupta related entities, any financial or other benefits received by Mr Zuma or any of his family members from any of the Gupta family members or Gupta related entities.
5. Knowledge of the companies and service providers involved or potentially to be involved in the Nuclear Build Project. The ownership of the uranium mine or mines related or potentially related to the Nuclear Build Project.
6. The declarations of interests and benefits received, made by Mr Zuma to the Parliamentary Ethics Committee over the period 2009 to 2018, being benefits received in addition to his income as President of the Republic of South Africa.

7. The President's role and responsibilities in the appointment or removal of Cabinet Ministers, Directors Generals or Heads of Government Departments, Board members and Executive Officers of State Owned Entities.