



**19 May 2021**

### **Zondo commission – Mahlobo: intelligence witnesses lied for political reasons**

The latest warning that the state capture commission must avoid being used as a political tool has come from former state security minister David Mahlobo, who appeared there on Wednesday evening. Mahlobo praised the commission for its work, but warned against what he called peddling of information from the intelligence sector, for political agendas.

“There’s a very delicate balance this commission must do so that even when we want to use this platform for things other than what we’re trying to do ... at the very same time we use other particular platforms to deal with other people,” Mahlobo said in closing remarks.

He decried the methods of project Veza, an internal State Security Agency (SSA) investigation that was born out of the 2018 high level review panel recommendations of former cabinet minister Sidney Mufamadi. A number of SSA employees who are witnesses in the Veza probe have testified before the commission, making allegations against Mahlobo, former head of special operations Thulani Dlomo, and former director-general Arthur Fraser.

Mahlobo denied all allegations that he meddled in SSA operations, even directing how its budget must be spent, at times for operations outside the standard operating procedures. He told the commission that he intervened occasionally, where complaints arose of operations going wrong.

The former minister took exception to the use of names, in evidence, of people involved in intelligence operations, telling the commission that the law does not allow it. This is despite assurance from evidence leader Advocate Paul Pretorius that the commission had not only obtained approval from the SSA for the disclosure of some names, but also got certain documents belonging to the agency declassified for purposes of its investigations.

Pretorius had asked a question on Project Lock, which involved the placement of former apartheid assassin Eugene de Kock in a safe house after he was granted parole in 2015. De Kock’s upkeep was initially R200 000 per month, said Pretorius, but was reduced to R30 000 per month. Mahlobo denied an allegation that he meddled in the matter, saying he only intervened when tensions arose between De Kock – whom he would not call by name – and the SSA employees in charge of the safe house.

From this point on, he notably zoomed in on words and phrases used by his accusers in their affidavits, pulling them apart, presumably to make the point that they were personal attacks.

“It’s very unfortunate that matters of intelligence must come here, but if there’s criminality it must be dealt with,” Mahlobo said. “Matters of intelligence are not dealt with in this way. But let me help because there are certain things that Mr Pretorius might think he’s putting on record and are correct.”

His first denial related to Operation Tin Roof, involving the alleged removal of former first lady Nompumelelo maNtuli Zuma from her matrimonial home in 2014, following allegations that she poisoned then president Jacob Zuma. Mahlobo is alleged to have ordered the removal of MaNtuli,

who was then kept against her will at an undisclosed facility. He queried that he was accused of insisting on this method of dealing with a suspect.

“The allegation is false. If someone says ‘insistence’, chair, what does it mean? It means you instructed people. There’s no instruction that I gave and if there was an instruction, the law is clear even if there are financial implications.”

“Firstly I want to put it on record that I never removed the suspect, and it’s incomprehensible that you can actually go and remove someone’s wife. I’ve never issued that instruction ... I know that there was a suspect on a serious matter of national security where the head of state was allegedly poisoned.”

Next Mahlobo was confronted with a claim that he recruited a former SSA operative to infiltrate the #feesmustfall movement that saw student protests flare up in late 2015 at higher learning institutions across the country.

“When someone says you recruited someone, but doesn’t give you the details, doesn’t give you the documentation. Should we be responding to that?”

“One of the biggest problems about state capture was the issues about recruitment. Where is Mahlobo saying that I actually recruited someone, I approved and signed this document ... it’s one of the things that this commission gets criticism for. Anybody can come, drop a name, don’t put an ounce of evidence, and we must follow that thing? No!”

It was at this point that commission chairperson Deputy Chief Justice Raymond Zondo pointed out that the hard evidence of documentation is not always available in the realm of evidence testing, and that Mahlobo need not expect the commission to rely on documentary proof to allow witnesses to make such allegations.

Former SSA director-general Sonto Kudjoe’s allegation that Mahlobo re-directed the agency’s return of earnings in 2015 – an amount of R130-million – instructing only the organisation’s CFO at the time and not her, received less critique. The money, Kudjoe said, was used for Thulani Dlomo’s chief directorate of special operations (CDSO) and for foreign intelligence work. Dlomo has been accused of creating a parallel operational structure within the SSA without following process. It received R90-million of the R130-million, while foreign intelligence got R20-million. The minister later asked for a further R20-million for his own project, which he never disclosed to Kudjoe.

Mahlobo said it was in fact Kudjoe herself who asked for the funds to be re-prioritised. “Chairperson, this is the same person who wrote to the minister and recommended for this budget adjustment, and it’s very puzzling what is said here.

“The return earnings that I was asked to approve for various reasons ... programmes were either not performing or others were overspending. We dealt with the matter here ... there were not even reservations from her that these things should not be done,” Mahlobo said.

Responding to the allegations by an SSA employee known only as “Frank” in the commission’s public record, Mahlobo labelled him a peddler whose motives are not clear. Frank’s affidavit before the commission claims that SSA funds meant to go to two judges whose designation or district was not disclosed, were given to Mahlobo on a regular basis for him to pass on to them. The motive was to buy the influence of the said judges. Mahlobo said if this were true, there would not be so many court losses by government in its cases.

“In trying to help the commission, I know what game is being played by those who are doing Project Veza. They want you to pigeon [hole] us to a particular narrative. We will not run away from answering questions, but their narrative can’t be my narrative, and if this commission does not want

to give an opportunity to clarify these issues ... how do you want us to help the commission if we only follow one route?"

Next he denied the allegation made most recently, last week, by another former operative known only as "Dorothy" that he received cash of R4.51-million from her on three occasions, when she delivered it to Mahlobo's home in Pretoria. Dorothy testified to the commission that she would count the money each time in Mahlobo's presence, to assure him that it was all there.

"I deny it, and very interesting, chair, I want to point you to one matter ... there are two affidavits. [In] One affidavit the person claims to be giving R4.5-million over a period of six months to my house. The next time, the affidavit says it's three times," Mahlobo said.

"Something I thought is very funny. How can you count R4.5-million? Do you have a machine there that is counting money?"

Summarising Mahlobo's evidence at the end of the proceedings, Pretorius asked him why 10 witnesses in total would accuse him of such.

"You know chairperson .... when they sat here, they told you it's a matter of hearsay.

"In the intelligence industry there are challenges where you come closer and check whether people are using money properly or not, when you're actually getting complaints and you start to sit on people's heads that these matters must be dealt with."

The root of the problem in their motives, however, has to do with where intelligence fits in in the politics of the country, Mahlobo argued. "Intelligence is politicised, and you've seen yourself here. Nobody can deny it. They get to have views about who must be who, they even have a view on who must be a minister or not a minister ... I know that people even went to the former president to say he must remove me."

#### **Useful links:**

[Zondo Commission website](#)

Corruption Watch's [Zondo Commission update page](#)

[State Security Agency](#)