

## PUBLIC PROTECTOR

# Naturalisation saga was used to force me out – Gigaba

**SIHLE MAVUSO  
AND BALDWIN NDABA**

THE FORMER minister of Home Affairs, Malusi Gigaba, said the Gupta naturalisation saga was used to force him out of his plum ministerial job. However, Gigaba was happy that the report issued by the Office of the Public Protector yesterday and read out by deputy Public Protector advocate Kholeka Gcaleka “cleared” him of wrongdoing.

Gigaba, who now works for the ANC policy unit in Johannesburg, was reacting to a report which found that most of the wrongdoing lies with senior staff of the department.

“I take this opportunity to welcome the report of the Public Protector which clears me of the unfounded allegations which were partly relied upon to hound me out of government in November 2018.

“I shall not be commenting further on the contents of this report until I have consulted with my lawyers,”

Gigaba said. While the report cleared him of some wrongdoing, it lambasted him for failing to submit a list of all people naturalised under exceptional circumstances.

The investigation followed two complaints lodged by DA MP Haniff Hoosen and EFF MP Floyd Shivambu. Shivambu alleged that Gigaba abused the provisions of the South African Citizenship Amendment Act to grant his acquaintances, the Gupta family, early naturalisation.

During the course of the investigation, the Public Protector observed that Naledi Pandor was minister of Home Affairs from 2012 to 2014, while Gigaba served as minister of Home Affairs from 2014 to 2017 and from February 27, 2018, until his resignation on November 13, 2018.

She noted with concern that in the period 2013 to 2017 both Pandor and Gigaba failed to comply with the provisions of the South African Citizenship Act.

“The information obtained during

the investigation indicates that the former minister exercised his discretion in terms of section 5(9) of the act, to waive the requirements set out in section 5(1)(c), following him taking into consideration the motivation submitted by officials of the department, who were responsible for processing the early naturalisation application of the Gupta family,” reads part of the findings.

Despite the earlier exoneration, the report said Gigaba failed to act as a public representative.

“Gigaba conceded to failing to submit the names of persons who were granted South African citizenship under exceptional circumstances to Parliament every year, as required in terms section 5(9)(b) of the South African Citizenship Act, 1995.”

The office further found Gigaba misrepresented facts at a press conference on March 6, 2018, when he informed the media that Atul Gupta was not a citizen of South Africa.

“Gigaba conceded to furnishing

incorrect information during the press conference in question. Even though he rectified his error at a press briefing the following day, the former minister broke the public trust placed upon him.”

In another finding, the office cleared the Department of Public Works and Infrastructure of allegations that the Tiso Blackstar Group offices that once hosted the hearings of the Zondo Commission, which is probing allegations of state capture, were not sourced according to a legitimate method. However, Gcaleka found that the department did not follow a “competitive bidding process when procuring the offices, although it did follow a negotiated procurement process”.

The complaint was lodged by Tebogo Anthony Kaulela at the Public Protector’s Northern Cape offices in Kimberley on November 12, 2018. After the complaint was launched, political parties such as the EFF and BLF held protests outside Hillside House in Empire Road in Parktown.