

## JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE OF CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE

17 Empire Road, Parktown Hillside House, 2<sup>nd</sup> & 3<sup>rd</sup> floor Johannesburg

Email: <u>general@statecapture.org.za</u> Website: <u>www.sastatecapture.org.za</u> Tel: (010) 214-0651

## EXHIBIT L1

## **Updated Index**

ltem No.	Description	Page
1	Statement of Ms Barbara Hogan sworn to on 08 October 2018	1 - 24
2	Annexure A1 Memorandum from the then Chairman of the Board of Transnet, Mr FTM Phaswana, to the then Minister of Public Enterprises, Ms Brigitte Mabandla <i>Recommendation for appointment of the Group Chief Executive Transnet</i> <i>Limited</i> Dated 13 February 2009	25 - 30
3	Annexure A2 Letter from the then Chairman of the Board of Transnet, Mr FTM Phaswana, to the then Minister of Public Enterprises, Ms Brigitte Mabandla Appointment of the Group Chief Executive: Transnet Limited Dated 09 March 2009	31 - 34
4	Annexure B Letter from the then Chairman of the Board of Transnet, Mr FTM Phaswana, to the then Minister of Public Enterprises, Ms Barbara Hogan Recommendation for the appointment of the Group Chief Executive: Transnet Limited Dated 09 June 2009	35 - 45
5	Annexure C Letter from Viv Oates on behalf of the Transnet Internal Audit to then then Chairman of the Board of Transnet, Mr FTM Phaswana <i>Re: Investigation by Transnet Internal Audit into allegations relating to</i> <i>Transnet Freight Rail</i> Dated 06 March 2009	46 - 52

6	Annexure D	53 - 93
5	Decision memorandum from the then Director-General of the Department of Public Enterprises, Ms Barbara Hogan, to the former President Jacob Zuma	
	Recruitment and selection of the Group Chief Executive Officer Dated 28 July 2009	
7	Annexure E Letter from the then Minister of Public Enterprises, Ms Barbara Hogan, to the former President Jacob Zuma Request permission for the late and direct submission of Cabinet Memorandum No 7 of 2009: Appointment of Mr Sipho Maseko to the position of Group Chief Executive Officer of Transnet Dated 25 August 2009	94
	Annexure F1 Article from the Sunday Times titled "ANC backs suspended Transnet boss" Dated 30 August 2009	95 - 97
8	Annexure F2 Article from Politicsweb titled "Appoint Gama as Transnet CEO now - ANCYL" Dated 11 September 2009	98
9	Annexure F3 Article from The Star titled "Youth League slams Transnet" Dated 11 September 2009	99
10	Annexure F4 Article from SABC News titled "SACP supports suspended Transnet boss" Dated 14 September 2009	100
11	Annexure F5 Media statement issued by the South African Communist Party SACP statement on the Transnet Board decision to suspend Mr Siyabonga Gama Dated 07 September 2009	101
12	Annexure F6 Article from the BusinessDay titled "Crunch time for Hogan over Gama" Dated 14 September 2009	102
13	Annexure F7 Continuation of article from the BusinessDay titled " <i>Crunch time for Hogan</i> <i>over Gama</i> " Dated 14 September 2009	103
13	Annexure F8 Article from the City Press titled " <i>Blood to flow in race for top job</i> " Dated 13 September 2009	104
14	Annexure F9 Article from the Business Report titled "ANCYL calls for Gama's appointment as chief of Transnet" Dated 14 September 2009	106
15	Annexure F10 Article from the Business Report titled "Gama's lawyers file papers in court to fight his suspension" Dated 14 September 2009	106

1/	Ann	107
16	Annexure F11	107
	Article from The Citizen titled "No to cadre Gama"	
47	Dated 14 September 2009	100
17	Annexure F12	108
	Article from the Sunday Times Business Times titled "Gama being	
	'persecuted like Zuma"	
	Dated 13 September 2009	
18	Annexure F13	109 - 110
	Extract from opinion section in the Sunday Times titled "Generally corrupt"	
	and ""Just a play to remove him"	
	Dated 13 September 2009	
19	Annexure G	111 - 112
	Email from Mr James Styan to Mr John Dludlu	
	FW: Suspension of Transnet Freight Rail CEO, Siyabonga Gama	
	Dated 02 September 2009	
20	Annexure H	113
	Article from the City Press titled "Meddling with Transnet matters"	
	Dated 13 September 2009	
21	Annexure I	114 - 161
	Judgement in the matter Siyabonga v Transnet Limited and 12 others	
	Case Number: 09/38956	
	Handed down on 07 October 2009	
22	Annexure J	162 - 359
	Findings in the Disciplinary Hearing of S Gama	
	Dated 4 June 2010	
23	Annexure K	360 - 365
	Cabinet Memorandum 9 of 2010	
	The appointment of Non-Executive Directors to the Transnet Board	
	Dated 27 October 2010	
24	Annexure L	366 - 367
	Letter from the then Minister of Public Enterprises, Ms Barbara Hogan, to	
	the former President Jacob Zuma	
	Re: Transnet Chairperson	
	Dated 08 September 2010	
25	Annexure M	368 - 369
	Letter from the then Chief Executive of Eskom, Mr PJ Maroga, to the then	
	Eskom Board	
	Chief Executive Strategy Document Board Breakaway	
	Dated 29 October 2009	
26	Annexure N	370
	Letter from the then Chief Executive of Eskom, Mr PJ Maroga, to the then	
	Minister of Public Enterprises, Ms Barbara Hogan	
	Dated 09 November 2009	
27	Annexure O	371 - 372
	Letter from the then Minister of Public Enterprises, Ms Barbara Hogan, to	
	the former President Jacob Zuma	
	Safcol Chairperson	
28		373
		5,0
28	Dated 08 September 2010   Annexure P   Extract from SMS conversation between Ms Barbara Hogan and Ms Cheryl	373

	Carolus	
	Dated between 02 June - 16 July	
29	Annexure Q Extract from SMS conversation between Ms Barbara Hogan and Ms Cheryl Carolus	374
	Dated between 30 August - 1 September	
30	Annexure R Extract from SMS conversation between Ms Barbara Hogan and Ms Fatima Hassan Dated between 06 June - 08 June	375
31	Email thread from the South African High Commission in New Delhi, India relating to flight reservations for Mr Ahmed Kathrada and Ms Barbara Hogan Dated 11 June 2011	376 - 380
32	Email from Ms Barbara Hogan to Mr Richard Poplark India Correspondence regarding July 2011 Dated 10 June 2017	381 - 384
33	Email thread between Mr Richard Poplark to Ms Barbara Hogan India Correspondence regarding July 2011 Dated 10 June 2017	385
34	Timeline: Transnet	386 - 392
35	Initial statement of Ms Barbara Hogan sworn to on 30 July 2018	393 - 399
36	Transcript excerpt from the meeting between the offices of the Public Protector and Ms Barbara Hogan Dated 26 August 2016	400 - 449
37	The Department of Public Service and Administration Handbook for the appointment of persons to boards of state and state controlled institutions Approved by Cabinet on 17 September 2008	450 - 510
38	OECD Report titled "Corporate Governance: Boards of Directors of State-Owned Enterprises - an overview of national practices" Published in 2013	511 - 624
39	Document titled "Appointment of Boards of Directors in State Owned Entities"	625 - 629
40	Document titled "CEO Appointment and Remuneration in State-owned Enterprises (SOEs)"	630 - 633
41	Affidavit of Mr Mzwanele Manyi dated 29 October 2018	634
42	Statement of Mr Jacob Maroga signed on 31 October 2018	635
43	Media article from IOL titled "Shaik 'threatened' Maroga in talks" Dated 27 February 2010	636 - 637