



EXHIBIT T 14

**CEDRIC THOMAS
FROLICK**

(APPLICATION SEQ 14/2019)



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

2nd floor, Hillside House
17 Empire Road,
Parktown
Johannesburg
2193

Tel: (010) 214 to 0651

Email: inquiries@sastatecapture.org.za

Website: www.sastatecapture.org.za

INDEX: EXHIBIT T 14

#	Pages	Pages
1.	Index to Application SEQ 14/2019	01
2.	Application – Cedric Thomas Frolick dated 29 April 2019	02 to 39
3.	Affidavit in response to application of Cedric Thomas Frolick by Angelo Agrizzi dated 02 August 2019	40 to 49
4.	Affidavit in reply by Cedric Thomas Frolick dated 03 (04) September 2019	50 to 64



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
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INDEX: SEQ 14/2019

No.	Description	Pages
1.	Application – Cedric Thomas Frolick dated 29 April 2019	01 to 38
2.	Affidavit in response to application of Cedric Thomas Frolick by Angelo Agrizzi dated 02 August 2019	39 to 48
3.	Affidavit in reply by Cedric Thomas Frolick dated 03 (04) September 2019	49 to 63

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

In the application of:

CEDRICK THOMAS FROLICK

INDEX

<u>NO:</u>	<u>DESCRIPTION:</u>	<u>PAGE:</u>
1.	Notice of Motion dated 29 April 2019	1-2
2.	Affidavit Cedrick Thomas Frolick (Condonation)	3-7
2.1.1	Annexed thereto marked "CF 1" A copy of Email correspondence - Notice of Further Evidence of Angelo Agrizzi	8-9
2.1.2	Annexed thereto marked "CF 2": A copy of Email correspondence dated 25 March 2019	10
2.1.3	Attached thereto marked "CF 2": A copy of receipt to Email correspondence dated 25 March 2019 Time: 14:38	11
2.1.4	Attached hereto marked "CF 3": A copy of email response dated 26 March 2019 Time: 17:17	12
2.1.5	Attached hereto marked "CF 4": A copy of email dated 27 March 2019 Time: 18:26	13-24
2.1.6	Attached hereto marked "CF 5": A copy of email dated 10 April 2019	25
3.	Annexed thereto marked "A": Affidavit Cedric Thomas Frolick	26-37

Dated at Port Elizabeth on this 29th of APRIL 2019.



**D GOUWS INC.
ATTORNEYS**

Per:

Attorneys for Applicant
136 Cape Road
Mill Park
PORT ELIZABETH
6001

Email: civil@dgouws.co.za

Tel: 041 – 373 0037/8

Fax: 041 – 373 5531

TO: The Secretary

Judicial Commission of Inquiry into Allegations of
State Capture, Corruption and Fraud in the Public
Sector including Organs of State

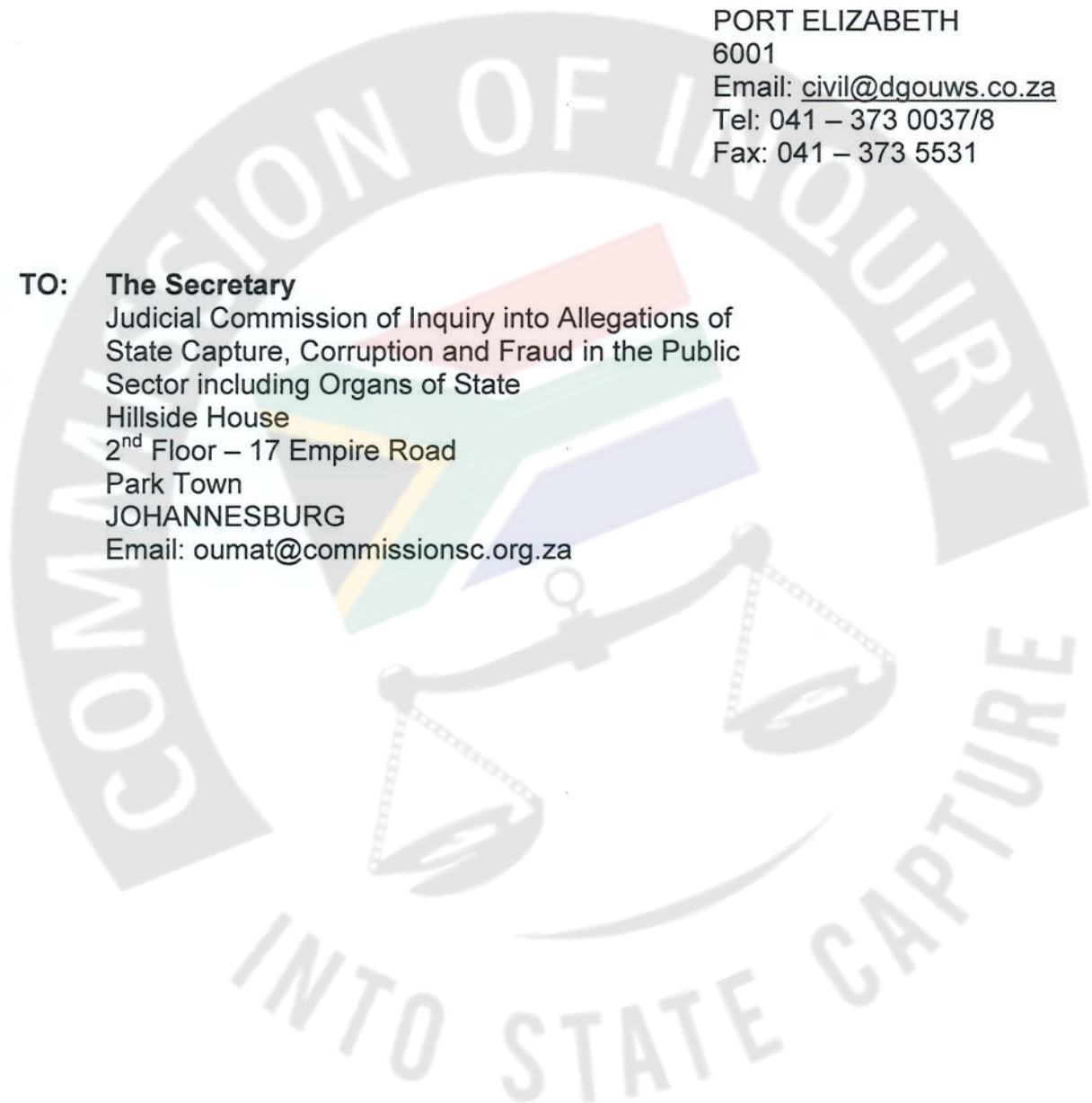
Hillside House

2nd Floor – 17 Empire Road

Park Town

JOHANNESBURG

Email: oumat@commissionsc.org.za



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

In the application of:

CEDRIC THOMAS FROLICK

Applicant

NOTICE OF MOTION

KINDLY TAKE NOTICE that the applicant hereby makes application to the Chairperson of this honourable Commission for an order in the following terms:

1. Condoning the late submission of applicant's affidavit, annexure "A" hereto ("the affidavit");
2. Granting applicant leave to submit the affidavit to the Commission;
3. Granting the applicant leave to:
 - 3.1 Give evidence himself on a date and time to be arranged by the Secretary of the Commission; or
 - 3.2 Alternatively, to submit the affidavit as evidence to the Commission.

TAKE FURTHER NOTICE that the affidavit of CEDRIC THOMAS FROLICK annexed hereto will be used in support of this application.

SIGNED at PORT ELIZABETH this 29th day of APRIL 2019.

D GOUWS INC

Per: 

D Gouws
Attorneys for Applicant
136 Cape Road
Millpark
PORT ELIZABETH
6001
Email: civil@dgouws.co.za

To:
The Secretary
Judicial Commission of Inquiry into Allegations of
State Capture, Corruption and Fraud in the Public
Sector including Organs of State
Hillside House
2nd Floor – 17 Empire Road
Parktown
JOHANNESBURG.
Email: oumat@commissionsc.org.za



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

In the application of:

CEDRIC THOMAS FROLICK

Applicant

AFFIDAVIT

I, the undersigned,

CEDRIC THOMAS FROLICK

do hereby make oath and state:

1. I am an adult male Member of Parliament of 63 Uphill Road, Lovemore Heights Estate, Port Elizabeth, 6070.
2. The contents of this affidavit fall within my personal knowledge unless otherwise stated or the context indicates the contrary and are both true and correct..
3. I make this affidavit in support of my application for condonation for the late submission of my affidavit dealing with the allegations made by Mr Angelo Agrizzi in his supplementary affidavit and in his testimony before the Commission on 29 March 2019, implicating me in offences of corruption and for leave to be allowed to give evidence myself with regard to these

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allegations; alternatively for leave to submit my affidavit dealing with these allegations, annexure "A" hereto, as evidence to the Commission.

4. On Friday 22 March 2019 I received an email from the office manager of the Commission to which was attached a notice of further evidence of Angelo Agrizzi dated 22 March 2019 informing me that Mr Agrizzi will, from 27 March 2019, give evidence before the Commission which may implicate me in unlawful, illegal or improper conduct and that a formal Rule 3.3 notice including Agrizzi's statement of the relevant excerpts thereof will accordingly be served on me on Monday 25 March 2019 or as soon as possible thereafter. On Monday 25 March 2019 I forwarded this email with the notice attached thereto to my attorney, Mr Danie Gouws of D Gouws Incorporated in Port Elizabeth. A copy of the email correspondence and the notice attached thereto is attached hereto marked "CF1".
5. On the same day, 25 March 2019, my attorney, in an email to the office manager of the Commission, requested that Mr Agrizzi's statement implicating me should be sent by email to him as a matter of urgency as we were consulting that afternoon at 16h00. A copy of this email is attached hereto marked "CF2".
6. At 14h38 On 25 March 2019 receipt of the email, "CF2", was acknowledged by the office manager in an email sent at 14h38. At 15h17 my attorney sent a further email to the office manager again requesting a copy of the statement. On 26 March 2019 at 17h17 my attorney received a reply from the office manager apologising for the delay and informing him that a formal notice in

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terms of Rule 3.3 will be sent as soon as possible. A copy of this email is attached hereto marked "CF3".

7. On 27 March 2019 at 18h26 a formal notice in terms of Rule 3.3 was received by my attorneys from the office manager of the Commission. A copy of this email without the annexures thereto is annexed hereto marked "CF4".
8. After receipt of the formal notice, I again consulted with Mr Gouws and was advised to obtain the services of senior counsel to assist me. Adv Francois van Zyl SC of the Cape Bar was contacted in this regard but he was not available to consult with me before the afternoon of 16 April 2019.
9. The documentation received from the Commission was forwarded to Adv van Zyl on 5 April 2019. In the light of the fact that no mention was made by Mr Agrizzi in his initial testimony of anything implicating me, Adv van Zyl requested Mr Gouws to apply to the Commission for a copy of the full supplementary statement made by Mr Agrizzi. On 10 April 2019 my attorney addressed an email to the office manager of the Commission requesting the complete affidavit of Mr Agrizzi. A copy of this email is attached hereto marked "CF5". To date no reply has been received on this email.
10. I duly consulted with Adv van Zyl during the afternoon of 16 April 2019 in his chambers in Cape Town. I was advised that in terms of the rules of the Commission I will have to make application to the chairperson of the Commission to give evidence myself and that I will have to submit an affidavit responding to the allegations in the affidavit of Mr Agrizzi implicating me.

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A

11. Adv van Zyl was instructed to draft the required affidavit, but he required certain further information from me which I was only able to provide to him after the Easter weekend, on Tuesday, 23 April 2019. As he was involved in a High Court trial from 23 to 25 April 2019, he undertook to attend to the drafting of the affidavit on Friday, 26 April 2019, which he duly did.
12. My attorney of record received the draft affidavit on Sunday, 28 April 2019. We settled the affidavit and I signed the document on Monday 29 April 2019.
13. I understand that in terms of rule 3.4 of the Commission's rules, my affidavit should have been submitted within fourteen calendar days of the date of the notice and should thus have been filed by 10 April 2019. Due to the facts and circumstances set out hereinabove, it was not possible for me to submit my affidavit timeously. In this regard I also point out that the request for a copy of the supplementary affidavit of Mr Agrizzi has not been met with a reply to date.
14. Should I not be allowed to submit an affidavit, the allegations made against me by Mr Agrizzi which are untrue, will stand unopposed. This will obviously be seriously prejudicial to me.
15. In the circumstances I respectfully request that the late submission of my affidavit be condoned and that I be granted leave to submit my affidavit and be allowed to give evidence before the Commission on a date and time to be arranged by the secretary of the Commission, alternatively that my affidavit be accepted as evidence by the Commission.

SP
ck



C T FROLICK

Sworn to before me and signed in my presence at PORT ELIZABETH on this 29 day of APRIL 2019 the Deponent having acknowledged that she knows and understands the contents of this Affidavit, that she had no objection to taking the prescribed oath and that she considered the prescribed oath to be binding on her conscience



COMMISSIONER OF OATHS

KUVESHAN PADAYACHEY
LISTON BREWIS & CO
35 ALBANY RD. PORT ELIZABETH
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.



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17 Empire Road,
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Web: www.sastatecapture.org.za

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

NOTICE OF FURTHER EVIDENCE OF ANGELO AGRIZZI

TO : MR CEDRICK FROLICK
AT : 7 JOY STREET, NEWTON PARK, PORT ELIZABETH
CELL : 083 709 0267

1. Commencing on 27 March 2019, the Commission's Legal Team intends to present the further evidence of Angelo Agrizzi ("Agrizzi") at its hearing, held at 4th floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg. The evidence in question implicates or may implicate you in unlawful, illegal or improper conduct.
2. Due to the fact that you are, or may be implicated by the evidence of Agrizzi, you are entitled to attend the hearing at which that evidence would be presented. You are also entitled to be assisted by a legal representative of your choice when that evidence is presented.
3. A formal Rule 3.3 Notice including Agrizzi's statement or the relevant excerpts thereof will accordingly be served on you on Monday, 25 March 2019 or so soon as possible thereafter.

DATED AT PARKTOWN ON THIS 22nd DAY OF MARCH 2019.



MR P PEDLAR
Acting Secretary
Judicial Commission of Inquiry into Allegations of
State Capture, Corruption and Fraud
in the Public Sector including Organs of State



"CF 2"

Belinda Knoetze

From: Belinda Knoetze [civil@dgouws.co.za]
Sent: 25 March 2019 13:07
To: 'oumat@commissionsc.org.za'
Subject: FW: NOTIFICATION ON ALLEGATIONS MADE BY MR AGRUSZZI AGAINST MR C FROLICK
Attachments: image001.jpg; image002.jpg
Importance: High

(we apologise in re our typo errors and oversight thereof in our first email addressed to your kind self)

Dear Madam

IN RE: NOTIFICATION ON ALLEGATIONS MADE BY MR AGRUSZZI AGAINST MR C FROLICK

We confirm that we are acting on behalf of Mr C Frolick, which is a client of our offices.

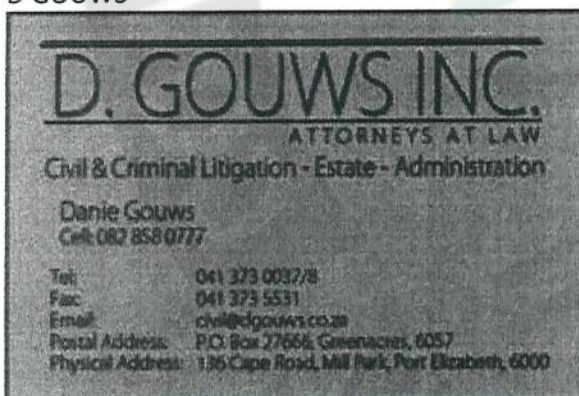
We refer to your notice of further evidence in re Angelo Agruszzi.

In paragraph number 3 it is stated that the statement of Mr Agruszzi or the relevant excerpts thereof will accordingly be served on Mr Frolick on Monday the 25th of March 2019.

Herewith our email address, civil@dgouws.co.za, as Mr Frolick is a client of our offices, would you please be so kind as to email Agruszzi's statement to abovementioned email address, where our client is possibly (allegedly) implicated in unlawful, illegal or improper conduct.

This is very urgent, we have a consultation with Mr Frolick today at 16h00.

Yours faithfully
D GOUWS



CF KP

CF 2

Belinda Knoetze

From: Ouma Thagane [OumaT@commissionsc.org.za]
Sent: 25 March 2019 14:38
To: Belinda Knoetze
Cc: Peter P. Pedlar
Subject: RE: NOTIFICATION ON ALLEGATIONS MADE BY MR AGRUSZZI AGAINST MR C FROLICK
Attachments: image001.jpg; image002.jpg

Good day Belinda

Noted with thanks.

Kind regards

Ouma Gloria Thagane
OFFICE MANAGER

COMMISSION OF INQUIRY INTO STATE CAPTURE | Hillside House, 2ND Floor, 17 Empire Road, Parktown,
Johannesburg, 2193 | Gauteng | South Africa |
email: oumat@commissionsc.org.za | www.sastatecapture.org.za
Tel: 010-214-0651
Cel: 060-790-4525



From: Belinda Knoetze <civil@dgouws.co.za>
Sent: Monday, 25 March 2019 13:07
To: Ouma Thagane <OumaT@commissionsc.org.za>
Subject: FW: NOTIFICATION ON ALLEGATIONS MADE BY MR AGRUSZZI AGAINST MR C FROLICK
Importance: High

(we apologise in re our typo errors and oversight thereof in our first email addressed to your kind self)

Dear Madam

IN RE: NOTIFICATION ON ALLEGATIONS MADE BY MR AGRUSZZI AGAINST MR C FROLICK

We confirm that we are acting on behalf of Mr C Frolick, which is a client of our offices.

We refer to your notice of further evidence in re Angelo Agruszi.

In paragraph number 3 it is stated that the statement of Mr Agruszi or the relevant excerpts thereof will accordingly be served on Mr Frolick on Monday the 25th of March 2019.

Herewith our email address, civil@dgouws.co.za, as Mr Frolick is a client of our offices, would you please be so kind as to email

KP
CF

Belinda Knoetze

From: Ouma Thagane [OumaT@commissionsc.org.za]
Sent: 26 March 2019 17:17
To: Belinda Knoetze
Cc: Veruschka V. September; Peter P. Pedlar; Boipelo B. Ratshikana; Ouma Thagane; Andre A. Lamprecht
Subject: RE: C Frolick
Attachments: image001.jpg; image004.jpg; image005.jpg; image006.jpg

Dear Belinda

We apologise for the delay and request that we will send the formal Notice 3.3 of Mr Frolick as soon as possible.

Warm regards.

Ouma Gloria Thagane
OFFICE MANAGER

COMMISSION OF INQUIRY INTO STATE CAPTURE | Hillside House, 2ND Floor, 17
Empire Road, Parktown,
Johannesburg, 2193 | Gauteng | South Africa |
email: oumat@commissionsc.org.za | www.sastatecapture.org.za
Tel: 010-214-0651
Cel: 060-790-4525



From: Belinda Knoetze <civil@dgouws.co.za>
Sent: Tuesday, 26 March 2019 15:54
To: Ouma Thagane <OumaT@commissionsc.org.za>
Subject: FW: C Frolick
Importance: High

Dear Madam

I refer to my emails dated the 25th of March 2019 as well as early morning 26 March 2019.

Kindly provide our offices with the relevant documentation as requested.

Regards 

cf KP

Belinda Knoetze

From: Ouma Thagane [OumaT@commissionsc.org.za]
Sent: 27 March 2019 18:26
To: Belinda Knoetze
Cc: Ouma Thagane; Boipelo B. Ratshikana; Veruschka V. September; Antoinette A. Griffiths; Andre A. Lamprecht
Subject: NOTICE IN TERMS OF RULE 3.3: MR C FROLICK
Attachments: SKM_75819032717050.pdf

Dear Belinda

Kindly receive the attached Notice in Terms of Rule 3.3 for your attention urgently.

Warm regards

Ouma Gloria Thagane
OFFICE MANAGER
COMMISSION OF INQUIRY INTO STATE CAPTURE | Hillside House, 2ND Floor, 17 Empire
Road, Parktown,
Johannesburg, 2193 | Gauteng | South Africa |
email: oumat@commissionsc.org.za | www.sastatecapture.org.za
Tel: 010-214-0651
Cel: 060-790-4525



Q 10



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Tel (International): +27 (10) 214-0651
Tel (Tollfree): 0800 222 097
Email: inquiries@sastatecapture.org.za
Web: www.sastatecapture.org.za

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

NOTICE IN TERMS OF RULE 3.3

TO : MR CEDRICK FROLICK
C/O : D GOUWS INC
EMAIL : civil@dgouws.co.za

IN TERMS OF RULE 3.3 OF THE RULES OF THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE ("THE COMMISSION"), YOU ARE HEREBY GIVEN NOTICE THAT:

- 1 The Commission's Legal Team intends to present further evidence of Mr Angelo Agrizzi ("Mr Agrizzi") at its hearing held at 4th Floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg. The presentation of this evidence will commence on 27 March 2019 until its conclusion. The evidence in question implicates, or may implicate you in unlawful, illegal or improper conduct in the respects set out below.
- 2 The allegations set out in the evidence of Mr Agrizzi implicate you in, *inter alia*, allegedly participating in various acts of corruption, bribery, fraud, money laundering and/or tax evasion.

cf KP

- 3 The relevant portions of the statement of Mr Agrizzi which implicate you in the above allegations is annexed hereto marked "A". Your attention is drawn to paragraphs 50 – 80 of his statement.
- 4 Due to the fact that you are implicated or may be implicated by the evidence of Mr Agrizzi, you are entitled to attend the hearing at which that evidence is being presented. You are also entitled to be assisted by a legal representative of your choice when that evidence is presented. The full statement of Mr Agrizzi will be uploaded on the Commission's website (www.sastatecapture.org.za) as soon as he concludes his evidence. The transcript will be uploaded daily.
- 5 If you wish to:
- 5.1 give evidence yourself;
 - 5.2 call any witness to give evidence on your behalf; or
 - 5.3 cross-examine the witness
- then you must apply, within fourteen (14) calendar days of this notice, in writing to the Commission for leave to do so.
- 6 An application referred to in paragraph 5 above must be submitted to the Secretary of the Commission. The application must be submitted with a statement from you in which you respond to the witness's statement in so far as it implicates you. The statement must identify what parts of the witness statement are disputed or denied and the grounds on which they are disputed or denied.
- 7 In the event that you believe that you have not been given a reasonable time from the issuance of this notice to the date on which the witness is to give evidence as set out above and you are prejudiced thereby, you may apply to the Commission in writing for such order as will ensure that you are not seriously prejudiced.
- 8 Please take note that even if you do not make an application under Rule 3.4:

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8.1 in terms of Rule 3.10, the Chairperson may, at any time, direct you to respond in writing to the allegations against you or to answer (in writing) questions arising from the statement; and

8.2 in terms of Regulation 10(6) of the Regulations of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State GN 105 of 9 February 2018 published in Government Gazette 41436, as amended, the Chairperson may direct you to appear before the Commission to give evidence which has a bearing on a matter being investigated.

9 The extracts of the witness statement provided to you are confidential. Your attention is drawn to Regulations 11(3) and 12(2)(c) governing the Commission, which make it a criminal offence for anyone to disseminate or publish, without the written permission of the Chairperson, any document (which includes witnesses' statements) submitted to the Commission by any person in connection with the Commission's inquiry.

DATED AT PARKTOWN ON THIS 27th DAY OF MARCH 2019.



MR P PEDLAR
Acting Secretary
Judicial Commission of Inquiry into Allegations of
State Capture, Corruption and Fraud
in the Public Sector including Organs of State

CF KP

AA-SUP-001

Annexure "A"

SUPPLEMENTARY AFFIDAVIT

I, the undersigned,

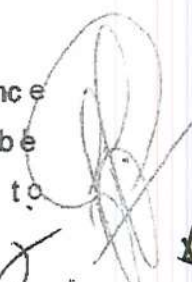
ANGELO AGRIZZI

(IDENTITY NUMBER: 671203 5468 085)

declare under oath as follows:

1. BACKGROUND TO THE SUPPLEMENTARY AFFIDAVIT

- 1.1 The facts contained herein fall within my own personal knowledge, unless the contrary appears from the contents hereof, and are to the best of my belief both true and correct.
- 1.2 My original statement was done in a limited timeframe. I had been in contact with Frank Dutton, an investigator with the Commission of Inquiry into State Capture (*"The Commission"*) and have kept him updated throughout the process in relation to further information and facts relating to the matter.
- 1.3 I have previously deposed to an affidavit on the 15th of January 2019 and have previously given evidence before the Honourable Deputy Chief Justice Raymond Zondo (*"Honourable Chairperson"*) at the Commission held in Johannesburg.
- 1.4 I confirmed and stated under oath that I would supplement my original affidavit with further facts, details and information relating to the matters in question.
- 1.5 During the course of my evidence arising out of questions from the evidence leaders, Advocate Pretorius SC and his team, as well as the Honourable Chairperson requested certain clarification and confirmation with regards to


CK -10

AA-SUP-032

46 I have also requested the return of personal information from African Global Operations. This request has been refused.

47 In order to assist the investigation teams, I have indicated where the source Data will be found, provide "360 Degree imagery" that shows the relevant offices and storage places. I have also provided the investigation teams with access codes to the main server and repository of the information to assist them.

48 I have related the above events in some detail in order to refute any allegation that I may have been delaying the provision of information to the relevant authorities, including this Commission.

49 I wish to state further that even when I became aware and had personal knowledge of the corrupt activities being conducted, I was so involved in the complete culture of what was going on that I failed to report same to the authorities. I did in fact benefit from corrupt activities by way of bonuses and overseas travel.

CEDRIC FROLICK

50 I was initially introduced to Cedric Frolick by Daniel "Cheeky" Watson telephonically during a period when Bosasa was under severe attack from the media. The call was to inform me that Cedric Frolick would be visiting the Bosasa Business Park, at that stage known as Mogale Business Park, with a certain Buti Komphela whom I did not know at the stage.

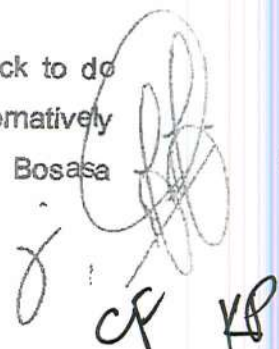
51 I was then called in by Gavin Watson. The purpose of the meeting that was being scheduled was to arrange a visit to showcase the business park to the two gentlemen, so that they had an idea of the magnitude of the business and what it had to offer especially in terms of BEE development.

52 Gavin Watson stressed to us that Cedric Frolick would be instrumental in resolving the impasse with Vincent Smith and would be able to neutralise any

AA-SUP-033

negativity that would occur in the Parliamentary Portfolio Committee, at that stage chaired by Vincent Smith.

- 53 The reason I was told was that Cedric Frolick was in fact the "Chairman of Chairs" in parliament and could instruct Vincent Smith, and had the political ability to make other changes.
- 54 The visit took place. I recall specifically that I had to arrange transport from the airport. I cannot recall exactly but I think I had to book flights for both Frolick and Komphela via Blakes Travel in Randfontein.
- 55 Special arrangements were also made for a "Golf Cart" to transport Komphela who was disabled and wouldn't be able to do the four-hour tour of the facilities by walking.
- 56 I recall that before seeing the visitors off, we were in the boardroom with Gavin Watson discussing the way forward regarding Vincent Smith. It was decided that Cedric Frolick would coordinate a visit with a certain "Ms Bailee" to meet with Vincent Smith at the parliamentary offices.
- 57 Cedrick Frolick requested that I also draft an official letter of introduction and a portfolio of the Bosasa group to be used as a cover.
- 58 What was specifically mentioned was that Gibson Njenje who was the "chairman" of Bosasa at the time would accompany me. It was agreed that Gavin Watson would not attend because in the event of a conflict, the matter could then be attributed to an error on my side. Gavin Watson did not want to compromise his standing with the ANC people he was close to.
- 59 It was in this specific meeting that Gavin Watson told Cedric Frolick to do whatever possible to ensure we would win over Vincent Smith, or alternatively to try and move him out where he couldn't be detrimental to the Bosasa contracts. During this discussion Komphela was on his phone.



60. Whilst we were discussing a potential approach to Vincent Smith, Gavin Watson excused himself and went to his vault. I remained in the boardroom with Cedric Frolick and Komphela. Gavin Watson returned and called Cedric Frolick out of the boardroom and I could see him hand him a security bag. Cedric Frolick placed it in his pocket. I knew without a doubt that it contained an amount in cash.
61. Gavin Watson always re-iterated that everything possible had to be done to deal with Vincent Smith who had become a problem to Bosasa and their contracts with the Department of Correctional Services.
62. Pursuant to them leaving I debriefed Gavin Watson on the discussions post him leaving the boardroom. He also explicitly then told me he had sorted out Cedric Frolick who was on board "100 percent".
63. Gavin Watson mentioned to me that I must remember we have to arrange R40,000 per month specifically for Cedric Frolick. This would be a standard arrangement and Watson would arrange to take it with whenever he was going to Port Elizabeth. I recall questioning Gavin Watson and asking him but how would he take it on a plane through security. He told me he had taken much larger sums through, and always received an escort from the Bosasa Security team and no one checked.
64. In addition to the aforementioned payments to Cedrick Frolick, travel costs for Cedrick Frolick would be paid for by Bosasa, via Blakes Travel. An example of one such payment is attached hereto as Annexure "KK". This is an email from Jurgen Smith to me dated 14 December 2010, with subject "Invoice from Sure Blakes Travel Agency (Pty) Ltd". The email stated that "Angelo, Cheeky told me that this invoice must also be paid by Bosasa. Please advise. Doc". Attached was an invoice number 27255 dated 14 September 2010, in the amount of R2,744.28 for 'accommodation' at the 'City Lodge OR Tambo with reference "VHR-25856' GUEST FROLICH MR C 21/8/2010 - 22/8/2010".
65. Shortly thereafter, Gavin Watson informed me that I needed to go to his brother in Port Elizabeth. I was to meet with Valance Watson at his house and



take a parcel of cash which he gave me, and which had been packed for Cedric Frolick.

66 I did what I was told to, including taking the package with me, which included the cash, to Valance Watson's home.

67 I met with Cedric Frolick at Valance Watson's house in, I think the area is called, Waverley in Port Elizabeth. I recall that while I was waiting, Valance Watson showed me a gym that he had built at his house, which he said they had hardly used.

68 Cedric Frolick arrived at Valance Watson's house and we sat in the lounge. Valance Watson made coffee and discussed the strategy regarding certain political issues that took place in the previous days in Port Elizabeth.

69 Valance Watson then discussed the strategy for meeting with Gibson Njenje, Vincent Smith and myself.

70 I gave the package of cash to Valance Watson who later gave it to Cedric Frolick as we left the house.

71 Within a week of the meeting Gavin Watson received a call from Cedric Frolick. Gavin Watson told me that I was to accompany Gibson Njenje on an introductory meeting with Vincent Smith. It would be coordinated by Cedric Frolick. I was requested to prepare a portfolio of the Bosasa Group as well as a document that reflected the benefits of having Bosasa as a partner to the Department of Correctional Services.

72 I travelled to Cape Town and stayed in the same hotel used by the Parliamentary officials. I had breakfast with Gibson Njenje and we left for Parliament where we were met by Cedric Frolick. Whilst we were waiting in an office for Vincent Smith to arrive, both Gibson Njenje and I discussed the approach. The exact time and details would be on the records of Blakes Travel and my credit card statements.

80 I was upset at this. I asked Gavin Watson and others to leave my house.

81 At this time and owing to my illness I had not been able to make certain deliveries of cash as instructed to Mti, Jiba and Mwrebi. I handed to Gavin Watson the following amounts in cash and told him to make arrangements himself for the deliveries:

81.1 R100,000 (One Hundred Thousand Rands – Marked Snake (Jiba);

81.2 R65,000 (Sixty-Five Thousand Rands) – Marked RM – (Mti);

81.3 R10,000 (Ten Thousand Rands) – Marked Snail – (Mwrebi).

DANNY MANSELL – SUPPLEMENTARY EVIDENCE

82 I have alerted the Commission investigators to certain wrongdoing relating to Gavin Watson and Danny Mansell concerning the Small Business Development Corporation (SBDC). The information was provided to me by Jurgen Smith.

83 As stated in my previous affidavit, Danny Mansell, having left Bosasa, returned to Bosasa during 2003/ 2004.

84 At a stage I discovered that Danny Mansell had been involved in Gavin Watson's dealings with Richard Mti and Patrick Gillingham. I will expand upon this in evidence.

85 Amongst other things Danny Mansell was involved in arranging and reconciling payments from Bosasa to the company Grande Four (Pty) Ltd. Again, I will expand upon this in evidence.

86 After having done the technical management of all the tenders for the Department of Correctional Services, Danny Mansell and Jarod Mansell, his son, started doing contract work for Phezulu and Sondolo IT. A company

order to develop an entity that the other Black Directors were not aware of. Hence he instructed that Lamocest be formed.

212 Lamocest was then not used for the intended purpose but became used to filter funds directly for Gavin Watson's personal use and for the family use. Gavin Watson then said that it was not possible to remunerate both Andries van Tonder and myself from Lamocest, but rather to use new arms-length companies.

213 This entity was *inter alia* used as a means to cover some of the expenses of the Watson family, by creating invoices to the Bosasa Group of Companies, effecting payments, and paying for the personal usage and invoices of the Watsons.



ANGELO AGRIZZI

THUS SIGNED AND SWORN TO before me at PARKTOWN on this the 26th day of MARCH 2019 by the deponent who acknowledges that he knows and understands the contents of this affidavit; that it is the truth to the best of his knowledge and belief and that he has no objection to taking the prescribed oath and regards the same as binding on the deponent's conscience and the administration of the oath complied with the Regulations contained in Government Gazette No. RI 258 of 21 July 1972, as amended.



JONATHAN ISAKOW
COMMISSIONER OF OATHS
PRACTISING ATTORNEY
REPUBLIC OF SOUTH AFRICA
1ST FLOOR, 20 BAKER STREET
ROSEBANK, JOHANNESBURG

Belinda Knoetze

From: Belinda Knoetze [civil@dgouws.co.za]
Sent: 10 April 2019 11:38
To: 'Ouma Thagane'
Subject: RE: NOTICE IN TERMS OF RULE 3.3: MR C FROLICK

Dear Madam

We are hereby requesting the complete affidavit from Mr Agrizzi in re this matter.

We await your response herein as soon as possible.

Kind Regards
Belinda
DANIE GOUWS

From: Ouma Thagane [mailto:OumaT@commissionsc.org.za]
Sent: 27 March 2019 18:26
To: Belinda Knoetze
Cc: Ouma Thagane; Boipelo B. Ratshikana; Veruschka V. September; Antoinette A. Griffiths; Andre A. Lamprecht
Subject: NOTICE IN TERMS OF RULE 3.3: MR C FROLICK

Dear Belinda

Kindly receive the attached Notice in Terms of Rule 3.3 for your attention urgently.

Warm regards

Ouma Gloria Thagane
OFFICE MANAGER

COMMISSION OF INQUIRY INTO STATE CAPTURE | Hillside House, 2ND Floor, 17 Empire
Road, Parktown,
Johannesburg, 2193 | Gauteng | South Africa |
email: oumat@commissionsc.org.za | www.sastatecapture.org.za
Tel: 010-214-0651
Cel: 060-790-4525



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“A”

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

In the application of:

CEDRIC THOMAS FROLICK

Applicant

AFFIDAVIT

I, the undersigned,

CEDRIC THOMAS FROLICK

do hereby make oath and state:

1. I am an adult male Member of Parliament residing at 63 Uphill Road,
Lovemore Heights Estate, Port Elizabeth, 6070
2. The contents of this affidavit fall within my personal knowledge unless
otherwise stated or the context indicates the contrary and are both true and
correct.

Introduction

3. I have read the excerpt of the supplementary affidavit of Mr Angelo Agrizzi
deposed to on 26 March 2019 and the transcript of his evidence regarding me

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as it appears on pages 8 – 40 of the evidence of 29 March 2019 in which I was implicated in the offence of corruption. I deny these allegations and wish to respond thereto herein.

My relationship with Mr Cheeky Watson and the EPRU

4. My relationship with Mr Daniel Watson (also known as Cheeky Watson) started in the late 1980's when I became involved in non-racial sport and politics in the Eastern Cape, as he was also involved in non-racial sport. We became personal friends.
5. I am a member of the African National Congress and was elected as a Member of Parliament in 1999. As such, I served on the portfolio committee on sport and recreation in the National Assembly, amongst others. From 2004 I was part of a team that worked, together with local rugby administrators in the Eastern Province, to support the rejuvenation of rugby in the region at all levels.
6. The initiative to rejuvenate rugby in the region was strongly supported by the late minister of sport and recreation, Rev Arnold Stofile and the former chairperson of the portfolio committee on sport and recreation, Mr Butana Khompela.
7. In 2006/7 Cheeky Watson was elected president of the Eastern Province Rugby Union ("EPRU"). I acted as an advisor to EPRU. During this period

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Cheeky Watson introduced me to his brothers, Valence, Gavin and Ronnie Watson.

8. A strong emphasis was placed on rejuvenating school and club rugby in the Eastern Province and to ensure the establishment of a rugby academy at the Nelson Mandela University. The strategy adopted included lobbying all stakeholders to support the inclusion of EPRU in the premier division of the Currie Cup and to ensure the awarding of a super rugby franchise to the union, after the demise of "The Spears".
9. The construction of the 2010 World Cup multi-purpose stadium in Port Elizabeth, demanded for top flight football and rugby to be played at the stadium. The introduction of professional football and rugby teams as anchor tenants at the stadium to ensure the sustainability of the stadium after the 2010 FIFA world cup was regarded as all important. Added to this strategy, was to encourage the hosting of major sport and other events at the stadium.
10. The subsequent hosting of major international football and rugby matches, including the IRB Sevens, as well as securing Chippa United and The Kings as anchor tenants at the stadium, are testimony of the success of the strategies employed.
11. During the entire period I was the ANC whip of the portfolio committee on sport and recreation with a constituency office in Port Elizabeth. Schools, sports clubs and representative bodies were and are still key stakeholders in my work as MP. Although I initially only acted as an advisor the EPRU, I

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joined the board of EPRU during 2012 and also served as a director on the board of EP Rugby (Pty) Limited, the professional arm of the union.

12. It is a well known and documented fact that EPRU and its professional arm struggled financially. As a result, during the entire period of my involvement with EPRU, I was not remunerated and only on a few occasions did I receive logistical and travel support. Travel arrangements were managed by the EPRU office and I only subsequently learnt, in a discussion with Cheeky Watson during Mr Agrizzi's evidence, that Blakes Travel was the travel service provider to the EPRU.

The visit to BOSASA

13. The visit to the BOSASA offices was initiated and arranged between Mr Khompela, in his capacity as the chairperson of the portfolio committee on sport and recreation, and Mr Cheeky Watson. The purpose of the visit was to visit the youth centre that catered for juvenile offenders and to establish to what extent sport played a role and was used in the process of rehabilitation of these youngsters.
14. I was requested by Mr Khompela to accompany him on the visit. Due to his physical disability Mr Khompela usually requested me to accompany him to assist where necessary. Over the years we have established a very close friendship as comrades and friends.

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15. The logistical arrangements for the visit was made by Mr Cheeky Watson. He specifically requested me to also make time to meet with a potential sponsor for EPRU in Johannesburg.
16. The visit to BOSASA did not last for more than approximately an hour as Mr Khompela did not agree with the programme prepared for the visit, which included a lengthy tour of the BOSASA business park. It was not the reason why Mr Khompela undertook the visit, his interest was the youth centre..
17. During the visit we met, *inter alia*, Mr Gavin Watson who raised his unhappiness and displeasure with the treatment he and his company received in trying to engage with the portfolio committee on correctional services. According to him the BOSASA was receiving a lot of negative publicity and all requests to meet with the chairperson or the portfolio committee itself, was ignored. Mr Khompela and I indicated to Mr Gavin Watson that he should formally, in writing, request a meeting with the chairperson of the portfolio committee, Mr Vincent Smith. Mr Gavin Watson indicated that he had previously tried to do so, but did not receive a reply. Mr Khompela then proposed that he should do so again and asked me that, if there was no reply, I should take this up with Mr Smith as I am friends with Mr Smith and we stayed in the same parliamentary village. As far as I recall, Mr Agrizzi was not present during these discussions.
18. Insofar as Mr Agrizzi alleges that there was a reference to me as the "chair of chairs" during this visit, this cannot be correct as I was only elected to this position on 18 November 2010. I also deny that I received money from

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Mr Gavin Watson or any other person during this visit, as alleged by Mr Agrizzi. I point out that I was in Mr Khompela's company during the whole of the visit. Mr Agrizzi's attempt to create an opportunity for me to be alone in Mr Gavin Watson's company is as untrue as it is artificial.

The meeting with Mr Smith

19. A few days after our return to Cape Town I informed Mr Smith of the correspondence that would be sent to him by Mr Gavin Watson. A week or two later Mr Smith told me that he had not yet received any correspondence from Mr Gavin Watson, but that he was willing to meet representatives of BOSASA to hear what they had to say.
20. Mr Gavin Watson called me to follow up on the matter and told me that he had not yet received a reply from Mr Smith. I informed him that Mr Smith had told me that he had not received any correspondence from him, but that he was prepared to meet a delegation from the company.
21. A visit was thereupon arranged and took place on the agreed date in parliament. Mr Smith briefly met with Mr Gibson Njenje and Mr Agrizzi. I was not present during the meeting and do not know what was discussed. I took the two gentlemen for a short lunch after they had met with Mr Smith.
22. With specific reference to the invoice from Blakes Travel referred to by Mr Agrizzi, this was for accommodation whilst I attended the test match between the Springboks and the All Blacks at the FNB stadium in

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Johannesburg on 22 August 2010 in my capacity as an advisor to the EPRU.. These arrangements were made by the office of Mr Cheeky Watson in his capacity as the president of EPRU. I was under the impression that the cost thereof was borne by the EPRU.

Advice on litigation

23. I did not have a telephonic discussion or confirmed with Mr Agrizzi the withdrawal of litigation by African Global Operations, as he alleged. What happened was that Mr Gavin Watson phoned me on a Wednesday morning just after 09h15 to obtain my view of the company litigating against the Department of Justice and Correctional Services. He told me he was on speaker phone with his attorneys and two of his directors, discussing possible litigation against the department for not awarding tenders to BOSASA and for "destroying" the company in the process. I indicated to him that it was ultimately up to them to decide whether to continue or not, but they should consider the impact that litigation could have on their future business relationship with Government departments. Before terminating the short discussion, I told them that if they feel they have a case, they should do what they think is in their best interest. Contrary to what Mr Agrizzi stated, I did not issue an instruction on the course of action to undertake or for them to stop the litigation.

Accommodation for Minister Masutha

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24. Shortly after the 2014 general election I was deployed by the ANC in the Eastern Cape as the convenor of their Basil February Detachment that conducts sectoral work amongst minority communities in the province. A number of MP's MPL's and councillors are members of the Detachment and as convenor, I regularly interacted with the provincial secretary's office and the relevant executive council members at municipal, provincial and national government level to resolve issues raised by the communities. My responsibilities include, amongst other, the organising of sectoral activities, networking events and securing the relevant member of the Executive to attend.
25. In the run-up to the 2016 local government elections, the Detachment did extensive work in the Nelson Mandela Bay metropolitan area. Issues raised by the community and sectors related to matters such as the recognition of the Khoi-San, the allocation of fishing rights to local fishermen, gangsterism and challenges related to the criminal justice system, payment of maintenance and the like. The Detachment decided that it would be important to get the relevant minister or deputy minister to address these issues whilst they attended the local government election rally to be held in Port Elizabeth. I conveyed the views of the Detachment to the ANC regional office and requested the relevant deployments, but found that it was difficult to secure the necessary confirmations from the relevant minister/deputy minister.
26. I informed the Detachment of the lack of response and it was decided that I should approach some of my colleagues in the Executive to attend these events. One of the colleagues I approached was deputy minister Bapela who



confirmed his attendance at an event on the Friday evening, however, he also indicated the difficulties experienced by his office in securing accommodation in Port Elizabeth and informed me that the hotels were full. I asked him whether he knew of any other members of the Executive who would be in Port Elizabeth before the launch of the local government manifesto. He indicated that Minister Masutha could be in Port Elizabeth before the launch, but that he was also struggling to find accommodation. I then requested a member of the Detachment to make inquiries about accommodation. He confirmed that the local hotels and the bed and breakfast establishments that he had contacted, were full. We phoned around and some of our local contacts agreed to make their houses available for accommodation.

27. I contacted Minister Masutha who confirmed his early arrival in Port Elizabeth and his availability to attend some of the sectoral activities. He requested me to contact his office to make the necessary arrangements. In contacting his office, I was informed of the difficulties they had in securing accommodation. I informed them that local people were making private accommodation available and that they could make use of it if they were interested. They requested accommodation for three evenings, from the Thursday to the Sunday for minister Masutha and his support staff. Arrangements were then made for the minister and his support staff to stay in a house made available for this purpose by the wife of Mr Valance Watson.
28. As it turned out, the minister only arrived in Port Elizabeth on the Saturday morning for the launch of the manifesto and he did not attend other activities. Upon realising that the accommodation was not going to be used the Friday

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night an attempt was made to get the keys for the house from the minister's driver to allocate the accommodation to someone else. Unfortunately the driver had to leave to Bloemfontein to collect the minister, because there were no flights available to Port Elizabeth, and he had taken the keys with him. The accommodation arranged for the minister could thus not be reallocated to other persons requiring accommodation.

29. It must be emphasised that the arrangements for accommodation was not only made for minister Masutha but also for other comrades that required accommodation. For instance, accommodation was also arranged for the support staff of deputy minister Bapela who did not have accommodation on the Friday and the Saturday nights.
30. Mr Masutha made use of the accommodation arranged for him on the Saturday night. On the Sunday morning I phoned Minister Masutha to make arrangements for the keys to be collected. He asked me to express his gratitude and appreciation for the utilisation of the house to the owner. I told him that the owner would collect the keys and that he could thank the owner himself. Contrary to the affidavit of Mr Agrizzi, the house used by the minister is situated in a residential area a few minutes away from the Nelson Mandela Bay multi-purpose stadium and not in an estate.

The allegation that I received money from BOSASA/Gavin Watson/

Valence Watson

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31. At no stage did I receive any money from BOSASA, Mr Gavin Watson or Mr Valence Watson, let alone monthly payments, as alleged by Mr Agrizzi in his supplementary affidavit and in his supplementary evidence.
32. During 2014, before the general elections, I received various amounts totalling R25 000,00 from Mr Valence Watson as a contribution to the ANC's election funds. These monies I handed to the regional secretary of the ANC. This can be confirmed by the regional treasurer of the ANC.
33. I do not recall a meeting with Mr Agrizzi at the house of Mr Valence Watson in Port Elizabeth as alleged by Mr Agrizzi, or for that matter anywhere else in Port Elizabeth. I deny his evidence that I received money from Mr Valence Watson as testified to by him.
34. I respectfully point out that Mr Agrizzi did not indicate how I would have received the alleged monthly payments from BOSASA, but for the one payment he alleges that he took to Port Elizabeth and gave to Valence Watson which Mr Valence Watson then allegedly gave to me. Surely, if there were such monthly payments there would have been some process or procedure for such payments to be made to me which Mr Agrizzi should be able to recall. Furthermore, one would expect Mr Agrizzi to recall for what period such monthly payments were made. One would also expect that some entry would have been made in the books of BOSASA of such monthly payments to me. Mr Agrizzi's failure to give any detail of the alleged regular payments speaks volumes and unfortunately also makes it difficult for me to

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deal comprehensively therewith. I can only repeat that these allegations are devoid of any truth.

35. I have to add that during 2013/2014 I received a desk top computer for my constituency office for use by learners/students to assist in their studies. This was arranged by Mr Cheeky Watson and I declared this in my declaration to parliament. I also received two shirts, two pairs of shoes and a belt from Mr Cheeky Watson on my birthday which I also declared.

Conclusion

36. Should the honourable Chairperson of the Commission deem it necessary, I am prepared to appear at the Commission to give evidence under oath and to be cross-examined on the contents of this affidavit. My attorneys of record can be contact to arrange this.



C T FROLICK

Sworn to before me and signed in my presence at PORT ELIZABETH on this 29. day of APRIL 2019 the Deponent having acknowledged that she knows and understands the contents of this Affidavit, that she had no objection to taking the prescribed oath and that she considered the prescribed oath to be binding on her conscience



COMMISSIONER OF OATHS

KUVESHAN PADAYACHEY
LISTON BREWIS & CO
35 ALBANY RD. PORT ELIZABETH
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.

AFFIDAVIT IN RESPONSE TO APPLICATION OF CEDRICK FROLICK

I, the undersigned,

ANGELO AGRIZZI

(IDENTITY NUMBER: 671203 5468 085)

hereby make an oath and state the following:

1. The facts contained herein fall within my own personal knowledge, unless the contrary appears from the contents hereof, and to the best of my belief are both true and correct.
2. My legal representatives were handed a substantial application together with an affidavit (and annexures) in terms of which Mr. Cedric Frolick wishes to give evidence before the Commission as well as an application to cross-examine myself in regards to evidence that I have given before the Commission.
3. I state further that before dealing with the statement I will abide by the decision of the Honourable Deputy Chief Justice in the said matter.
4. **AD PARAGRAPH 1 AND 2**

4.1 I admit the contents of this paragraph.



5. **AD PARAGRAPH 3**

5.1 Save for noting the denial I repeat and confirm the contents of my evidence given on pages 8 to 40 for the Honourable Commission on the 29th of March 2019.

6. **AD PARAGRAPH 4 TO 11**

6.1 Save for noting the contents of these paragraphs I do not have personal knowledge of same and I do not dispute the said paragraphs.

7. **AD PARAGRAPH 13**

7.1 Save for noting the contents of this paragraph I wish to state that the real reason and purpose of the visit was to create more credibility for Bosasa with the relevant persons.

8. **AD PARAGRAPH 14**

8.1 I do not dispute the close friendship as comrades and friends between Mr. Khompela and Mr. Cedric Frolick but I state further that the main purpose of the visit was to resolve the position relating to Mr. Smith and the portfolio committee at the relevant department.

9. **AD PARAGRAPH 15**

A handwritten signature in black ink, appearing to be 'P. Man' or similar, located at the bottom right of the page.

9.1 I have no knowledge of the contents of this paragraph and I cannot admit or deny same.

10. **AD PARAGRAPH 16**

10.1 Save for noting the contents of this paragraph, I wish to state that in respect of all visits by dignitaries or any other persons of the Bosasa business park, we always ensured that it included the Youth Development Centre.

10.2 Rugby has never been a sport at the Youth Development Centre as it is tarred area with no sufficient grass areas within the premises.

11. **AD PARAGRAPH 17**

11.1 I confirm the contents of this paragraph and wish to emphasise that I was most definitely there and I accompanied the complete visit including to the Youth Centre and I can confirm that the specific discussion was between Mr. Cedric Frolick and Mr. Gavin Watson and that on diverse occasions Mr. Khompela merely commented to the discussion.

12. **AD PARAGRAPH 18**

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, located in the bottom right corner of the page.

12.1 I deny the contents of this paragraph in so far as the denial of Mr. Cedric Frolick is that he received money and I do confirm that it was made known that Mr. Cedric Frolick was the "Chair of Chairs".

12.2 I deny that I have tried to create any situation for Mr. Cedric Frolick to be alone with Mr. Watson and I confirm my previous affidavit and testimony in this regard.

13. **AD PARAGRAPH 19**

13.1 I have no knowledge of the contents of this paragraph but I deny same.

14. **AD PARAGRAPH 20**

14.1 I have no knowledge of the contents of this paragraph but however wish to state that I was instructed to take with me as part of the delegation from Bosasa a company profile as well as document entitled "*benefits of outsourcing to the Department of Correctional Services*" together with a prepared document showing the achievements over the past years that Bosasa had done together with Correctional Services.

15. **AD PARAGRAPH 21**

15.1 Save for noting the contents of this paragraph I wish to emphasise that not only did Mr. Cedric Frolick personally meet and collect us at the entrance to

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Parliament but he further signed us in and took us to a meeting room. He then went to call Mr. Smith.

15.2 Mr. Smith did not take the abovementioned documents and these were left with Mr. Cedric Frolick who we were told would ensure that the same were given to Mr. Smith's secretary.

16. **AD PARAGRAPH 22**

16.1 I note the contents of this paragraph and wish to state that these expenses and travel costs were in fact paid for by Bosasa and I confirm my testimony as well as the contents of paragraph 64 of my supplementary affidavit.

16.2 I state further that a simple check through either Bosasa and/or African Global Group of Companies together with Blakes Travel and Corporate Traveller will show various travel expenses and other expenses paid on behalf of Mr. Cedric Frolick, which will reflect Bosasa as the payee and not the EPRU.

17. **AD PARAGRAPH 23**

17.1 I note the contents of this paragraph and wish to state this telephone call was done at my home and was done on a speaker phone and the legal representatives Mr. Brian Biebuyck as well as Advocate E Theron were present when the call was made.



17.2 The Bosasa lawyers were in fact upset that they did not proceed with the litigation.

17.3 I was the person who insisted that Mr. Gavin Watson speaks to Mr. Cedric Frolick telephonically to confirm that it was Mr. Cedric Frolick advice in the interests of Bosasa that the litigation be withdrawn.

17.4 Mr. Gavin Watson's cellphone 082 8000 923 will be able to confirm the exact location and the time when he in fact called Mr. Cedric Frolick.

17.5 Shortly after the discussion Mr. Gavin Watson made a call from his mobile phone to Mr. Vincent Smith.

17.6 As a result of what had transpired and after the phonecall to Mr. Cedric Frolick, the litigation by Bosasa was then withdrawn.

18. **AD PARAGRAPH 24, 25 AND 26**

18.1 I have noted the contents of these paragraphs but I do not have personal knowledge of same and I cannot admit nor deny same.

18.2 I cannot comment on the problems with accommodation but I was made fully aware that it was of vital importance that the Honourable Minister of Justice and Constitutional Development Masutha would meet with Mr. Gavin Watson.

19. **AD PARAGRAPH 27**

19.1 I admit the contents of this paragraph and that the Honorable Minister Masutha did in fact stay at the said house belonging to Mr. Valance Watson.

20. **AD PARAGRAPH 28**

20.1 I have no knowledge of the contents of this paragraph.

21. **AD PARAGRAPH 29 AND 30**

21.1 I do not dispute the contents of these paragraphs and I state that I met with Mr. Cedric Frolick at a house in an area called Waverly in Port Elizabeth and Valance Watson actually showed me a gym that he had built at the house, which he did not make much use of.

22. **AD PARAGRAPH 31**

22.1 I dispute the contents of this paragraph and I confirm my previous testimony as well as the contents of my supplementary affidavit in relation to Mr. Cedric Frolick.

22.2 On diverse occasions Mr. Gavin Watson used two employees Mr. Henning Boueer and Mr. Schalk van Der Bergh to take cash down from Bosasa to



Mr. Valance Watson and which monies had been packed for Mr. Cedric Frolick.

23. **AD PARAGRAPH 32**

23.1 I have no knowledge of the contents of this paragraph.

24. **AD PARAGRAPH 33**

24.1 I confirm that I did meet with Mr. Cedric Frolick at Mr. Valance Watsons' house and we joked about the beautiful brown lounge suite and Persian carpets and we stated that we wouldn't be able to afford such items.

24.2 I confirm further that I took with me on that occasion a parcel of cash which had been packed for Mr. Cedric Frolick and I took it with me to Valance Watsons home.

24.3 In the presence of Mr. Cedric Frolick we had coffee made by Valance Watson and discussions in regards to strategy about certain political issues that had taken place a few days before in Port Elizabeth were mentioned and further the strategy in regards to the meeting with Mr. Vicent Smith and mr. Gibson Njenje were discussed.

A handwritten signature in black ink, consisting of a large, stylized initial 'P' followed by several loops and a final 'M'.

24.4 The package containing the cash that I had brought with me and handed to Valance Watson was given to Mr. Cedric Frolick when we were leaving the house.

25. **AD PARAGRAPH 34**

25.1 The very nature of the payments and the fact that they were in cash and in the form of a gratification would obviously not be put through the regular accounting records of Bosasa but I can confirm that what I have stated is in fact the truth.

25.2 I state further that if the investigators can gain access to Bosasa and if the books have not yet been destroyed then there will be some form of record as I have previously testified to in the black books reflecting payments.


25.3 I however confirm my previous testimony and evidence that I have given.

26. **AD PARAGRAPH 35**

26.1 I admit the contents of this paragraph.

27. **AD PARAGRAPH 36**

27.1 I have noted the contents of this paragraph and I will abide by the decision of the Honourable Chairman of the Commission.



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28. The failure to deal with any allegation should not be construed as any admission on my part as to either the truth or the correctness of same nor as a waiver of any of my rights.


ANGELO AGRIZZI

I certify that this affidavit was signed and sworn to before me at **JOHANNESBURG** on this the 2nd day of **AUGUST 2019** by the deponent who acknowledged that he knows and understands the contents of this affidavit, has no objection to taking this oath, considers this oath to be binding on his conscience and uttered the following words: 'I swear that the contents of this affidavit are both true and correct, so help me God.'

COMMISSIONER OF OATHS

Name:
Address:
Capacity:

SUID-AFRIKAANSE POLISIEDIENS
GEMEENSKAPSDIENSSENTRUM
2019-08-02
PROCKLYN COMMUNITY CENTRE
SOUTH AFRICAN POLICE SERVICE

Ek sertifiseer dat bostaande verklaring was geneem en dat die verklaarder erken dat hy/sy vertroud is met die inhoud van hierdie verklaring en dit begryp. Hierdie verklaring is voor my boedig/oevestig en verklaard. Hierdie verklaring is in my teenwoordigheid daarop aangebring.

I certify that the above statement was taken in my presence and that the deponent has acknowledged that he/she knows and understands the contents of this statement. This statement was sworn to/affirmed before me and deponent's signature/mark/number was placed thereon in my presence.

JOHANNESBURG 2019/08/02 07:10

(HANDTEKENING) KOMMISSARIS (SIGNATURE) COMMISSIONER OF OATHS

MANDELA MANDELA

VOLLE VOORNAAM EN AFTREK (FULL FIRST NAMES & SURNAME IN BLOCK LETTERS)

MANDELA MANDELA

BESIGHEFTIGDE STRAAT (BUSINESS ADDRESS STREET ADDRESS)

MANDELA MANDELA

SA POLISIEDIENS
SA POLICE SERVICE

D.GOUWS INC. t/a
GOUWS ATTORNEYS
Reg. No. 2002/010765/21

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M. DE BEER: 0848110013 (CELL)

P O BOX 27666
GREENACRES
6057

YOUR REF:
OUR REF: D GOUWS / bk /

03 SEPTEMBER 2019

COMMISSION OF INQUIRY INTO STATE CAPTURE

PER EMAIL: ShannonV@commissionsc.org.za

Dear Sir / Madam

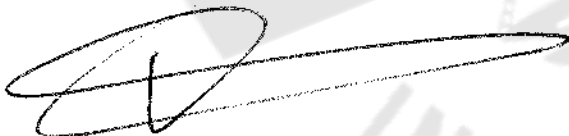
**IN RE: THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATION OF STATE
CAPTURE IN RE MR CEDRIC THOMAS FROLICK**

Kindly find hereto further affidavit of Mr Cedric Thomas Frolick dated the 03rd of September 2019.

Further also find attached hereto the confirmatory affidavit of Mr Butana Moses Khomphela, dated the 29th of August 2019.

Please acknowledge receipt of this correspondence.

Yours faithfully
D GOUWS



DIRECTOR: DANIE GOUWS
PROFESSIONAL ASSISTANTS: JEANNE SCHEFFER; MALAN DE BEER

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

In the application of:

CEDRIC THOMAS FROLICK

Applicant

AFFIDAVIT

I, the undersigned,

CEDRIC THOMAS FROLICK,

do hereby make oath and state:

1. I am an adult male Member of Parliament residing at 63 Uphill Road, Lovemore Heights Estate, Port Elizabeth.
2. The contents of this affidavit fall within my personal knowledge unless otherwise stated or the context indicates the contrary and are both true and correct.
3. I have previously filed an affidavit with the Commission deposed by me on 29 April 2019 ("my previous affidavit"). I have read the affidavit of

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DP SIEBERT
0440735-1

W/O

Angelo Agrizzi in response to my previous affidavit, deposed by him on 2 August 2019, and wish to deal with certain aspects raised therein.

4. Ad Paragraph 7 thereof

4.1 I have in paragraph 13 of my original affidavit stated that the purpose of the visit to Bosasa's offices was to visit the youth centre that catered for juvenile offenders and to establish to what extent sport played a role and was used in the process of rehabilitation of these youngsters.

4.2 In reply thereto Mr Agrizzi, in paragraph 7 of his affidavit in response, states that the real reason and purpose of the visit was to create more credibility for Bosasa with the relevant persons. I presume his reference to "the relevant persons" is a reference to Mr Khompela and I. It is not clear why Bosasa would want to create "more credibility" with Mr Khompela and me, as Mr Khompela was the Chairperson of the portfolio committee on sport and recreation, whilst Bosasa was involved with the Departments of Correctional Services and Justice. I also had nothing to do with those departments.

4.3 In paragraph 8.1 of his affidavit in response, Mr Agrizzi contradicts what he stated in paragraph 7 with regard to the purpose of the

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visit. He therein states that the main purpose of the visit was to resolve the position relating to Mr Smith and the portfolio committee at the relevant department. This is clearly not a reference to the Portfolio Committee on sport and recreation Chaired by Mr Khompela.

4.4 In his original supplementary affidavit deposed to on 26 March 2019, Mr Agrizzi, in paragraph 51 thereof, stated that the purpose of the meeting was to showcase the business park to "the two gentleman, so that they had an idea of the magnitude of the business and what it had to offer especially in terms of BEE development".

4.5 In his viva voce evidence given on 29 March 2019, he testified: "... the purpose of the meeting as basically to visit and to showcase the Mogale Business Park as it was called then, to the two gentlemen. So that they could understand the magnitude of the business and see the diversity of the actual business in the business park and how a kwazi-BEE company was performing in terms of development in Southern Africa."¹

4.6 Mr Agrizzi's evidence as to what the purpose of the meeting was, is clearly contradictory. I can, however, confirm that Mr

¹ Transcript - 29 March 2019 - p 8, lines 10-15

DP SIEBERT
0440735-1
W/O

Khompela wanted to visit the youth centre that catered for juvenile offenders and to establish to what extent sport played a role and was used in the process of rehabilitation of these youngsters, as I have stated in paragraph 13 of my previous affidavit. As I have stated, I was requested by Mr Khompela to accompany him on the visit.

4.7 I note that Mr Agrizzi stated in his evidence² that he cannot recall exactly when this visit was, but he placed it in "2010, around there I think". The visit on which I accompanied Mr Khompela as described in my previous affidavit, took place in mid-July 2010.

4.8 I attach hereto marked "A" a confirmatory affidavit by Mr Butana Moses Khompela deposed to by him on 29 August 2019, in which he confirms inter alia what I have stated in my previous affidavit in regard to the visit on which I accompanied him.

5. Ad paragraphs 10 and 11 thereof:

5.1 I confirm the contents of paragraph 16 of my previous affidavit. The visit did not last for more than approximately an hour and we did not visit the youth centre.

² Transcript - 29 March 2019 - p 14, lines 10-14

5.2 I am aware of the fact that Mr Khompela led a multi-party delegation to Bosasa during 2011 and in all probability Mr Agrizzi is confused between the two visits and what was done when.

5.3 I do not follow why Mr Agrizzi specifically refers to rugby and the fact that it has never been a sport at the youth development centre, as Mr Khompela's interest, as stated in paragraph 13 of my previous affidavit, was to establish to what extent sport played a role and was used in the process of rehabilitation of these youngsters. I made no reference to rugby in this regard.

5.4 I again refer to the confirmatory affidavit by Mr Khompela which will be filed together herewith.

6. Ad Paragraph 12 thereof:

6.1 I reiterate that I could not have been referred to as the "Chair of Chairs" during this visit which took place during mid-July 2010 as I was only elected to this position on 18 November 2010.

6.2 I also repeat that I was in Mr Khompela's company during the whole of the visit and in this regard I refer to Mr Khompela's confirmatory affidavit which will be filed together herewith.

7. Ad Paragraph 13 thereof:

I do not follow how Mr Agrizzi, on the one hand can state that he has no knowledge of the contents of paragraph 19 of my previous affidavit and in the same sentence, can deny the contents of the paragraph.

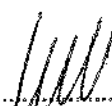
8. Ad Paragraph 14 thereof:

8.1 In paragraph 57 of his previous affidavit Mr Agrizzi states that I requested that he draft an official letter of introduction and prepare a portfolio of the Bosasa Group to be used as a cover. In his evidence before the Commission, he testified that he recalls that he had to draft a document and get it ready to showcase the benefits of having outsourced Correctional Services and Justice to Mr Smith.³ He made no mention that I allegedly requested him to do so.

8.2 In paragraph 14 of his affidavit in response, he now states that he was instructed to take with him a company profile and other documents showing the achievements of Bosasa. Clearly, I could not have instructed him to do anything. Presumably he was so instructed by Mr Gavin Watson.

³ Transcript - 29 March 2019 - p 9, lines 22-24

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DP SIEBERT
0440735-1
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9. Ad Paragraph 15.2 thereof:

9.1 In this paragraph Mr Agrizzi states that Mr Smith did not take the documents that he had brought with him and that "these were left with Mr Cedric Frolick who we were told would ensure that the same were given to Mr Smith's secretary".

9.2 However, in his viva voce evidence before the Commission he made it clear that he left the company brochures with Mr Smith:

"So I left the company brochures with him. I gave it to him. What he did with them I do not know."⁴

9.3 This is also what he stated in paragraph 73 of his previous affidavit, that he left the company brochures with Mr Smith.

9.4 These statements, under oath, clearly fly in the face of what he now states.

10. Ad Paragraph 16 thereof:

10.1 Mr Agrizzi, with respect, misses the point. I do not dispute that Bosasa paid the invoice referred to in paragraph 64 of his

⁴ Transcript - 29 March 2019 - p 30, line 16 to p 31, line 4

previous affidavit. As I stated in my previous affidavit, the arrangements for accommodation were made by the office of Mr Cheeky Watson in his capacity as the president of the EPRU and I was under the impression that the cost thereof was borne by the EPRU. In this regard I refer to the fact that the invoice in question was made out to "EP Rugby c/o of Mr D Watson".⁵

10.2 I find it impossible to deal with Mr Agrizzi's further allegations that various travel expenses and other expenses were paid on my behalf which will reflect Bosasa as the payee and not the EPRU, except to state that Mr Cheeky Watson never informed me that it was not the EPRU that paid despite the fact that the arrangements were made through his office. The invoice no 27255, although dated 14 September 2010, clearly relates to accommodation on 21 August 2010 to 22 August 2010 and anyone, in my position, looking at the invoice and seeing that it was made out to EP Rugby c/o Mr D Watson, would have come to the same conclusion that it was to be paid by EPRU.

11. Ad Paragraph 17 thereof:

I stand by what I have stated in paragraph 23 of my previous affidavit but wishes to add that this telephonic discussion took place in 2016.

⁵ Transcript - 29 March 2019 - p 21, lines 1-11

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DP SIEBERT
0440735-1

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12. Ad Paragraphs 18, 19, 20 and 21 thereof:

12.1 I have no knowledge of what was discussed between Mr Gavin Watson and Mr Agrizzi with regard to Minister Masutha. I repeat what I have stated in my previous affidavit as to how it came about that accommodation was arranged for Mr Masutha in Port Elizabeth.

12.2 I further point out that there is no area in Port Elizabeth called Waverly.

13. Ad Paragraph 22 thereof:

13.1 I repeat that at no stage did I receive any money from Bosasa, Mr Gavin Watson or Mr Valence Watson or monthly payments, as alleged by Mr Agrizzi.

13.2 I note that Mr Agrizzi now names two people, Mr Henning Boueer and Mr Schalk van der Bergh who have allegedly taken cash from Bosasa to Mr Valence Watson on "diverse occasions", without giving any indication when or during what period this was allegedly done. This raises the question why Mr Agrizzi has

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never previously, in his affidavits and in his evidence before the Commission, named these people.

13.3 I also point out that Mr Agrizzi does not state that these two gentlemen allegedly brought the money to me, but to Mr Valence Watson. He tries to link me by stating that monies had allegedly been packed for me, but without stating who did the packing.

14. Ad Paragraph 24 thereof:

14.1 I repeat my denial that I received any money from Bosasa, Mr Gavin Watson or Mr Valence Watson. I specifically deny that I received money from Mr Valence Watson which was brought to Port Elizabeth by Mr Agrizzi as alleged.

14.2 Mr Agrizzi's version of this alleged meeting also raises a number of questions:

14.2.1 Firstly, he states that he took the parcel of cash with him, "which had been packed for Mr Cedric Frolick". In his

DP SIEBERT W/O
0440735-1

evidence before the Commission, he stated that he was not present when the money was packed.⁶

14.2.2 Secondly, he stated in both his affidavits under discussion that he gave the package of cash to Valence Watson who allegedly later gave it to me as we left the house. One has to question why Mr Agrizzi could not have given the cash directly to me. According to him the money was given to me by Valence Watson openly and in his presence.

14.2.3 Thirdly, according to Mr Agrizzi, I was given a bag of cash during the visit at Bosasa with Mr Khompela and that Gavin Watson told him that he must remember to arrange R40 000.00 per month for me which Gavin Watson would arrange to take with whenever he was going to Port Elizabeth. Yet, according to his testimony before the Commission, about 10 days after the visit when I was allegedly given a bag with money, he brought the package of money to Port Elizabeth which Mr Valence Watson then gave to me.⁷ Thus within approximately ten days I received not only the initial payment, but

⁶ Transcript - 29 March 2019 - p 26, lines 19-23

⁷ Transcript - 29 March 2019 - p 23, line 22 to p 24, line 6

DP SIEBERT
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apparently also the alleged monthly payment. This is highly unlikely.

14.3 I repeat what I have stated in my previous affidavit, that Mr Agrizzi's failure to give any detail of the alleged regular payments makes it impossible for me to deal comprehensively therewith. He does not even say for what period such payments were allegedly made to me. I again repeat that these allegations are devoid of any proof.

CONCLUSION

15. I repeat my previous tender to appear at the Commission to give evidence under oath and to be cross-examined on the contents of my affidavits, should the honourable Chairperson of the Commission deem it necessary. My attorneys of record can be contacted in this regard.


DATED at PORT ELIZABETH on this 3 day of **SEPTEMBER 2019**.


DP SIEBERT
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CEDRIC THOMAS FROLICK

I certify that the deponent has acknowledged that he/~~she~~ knows and understands the contents of this affidavit which was duly signed and sworn to before me at Port Elizabeth on this 3 day of SEPTEMBER 2019, in terms of the conditions set out in Regulation R.1258 dated 21 July 1972, as amended.

Before me,


DP SIEBERT
0440735-1

DANIEL PETRUS SIEBERT
COMMISSIONER OF OATHS

SAPS, RPLI,

Commercial Branch

18 Appahamstam Road

Port N. end

Port Elizabeth

Offno: 0440735-1

SOUTH AFRICAN POLICE SERVICE
2019 -09- 04
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
EASTERN CAPE PROVINCE

CF

I, the undersigned

BUTANA MOSES KHOMPHELA

do hereby make oath and state that:

1.

I am an adult male, currently residing at, 99 Eland Street, Fauna, Bloemfontein.

2.

I have read the Affidavit of Cedric Thomas Frolick and confirm the contents thereof as far as it relates to me.

BUTANA MOSES KHOMPHELA

I certify that the Deponent has acknowledged that he knows and understands the contents of this Affidavit which was signed and sworn to before me at BLOEMFONTEIN on this the 29th day of August 2019 and that the provisions of the Regulations contained in Government Notice R1268 of 21st July 1972, as amended by Regulation 1648 dated 19th August 1977, have been complied with.

DP SIEBERT
0440735-1

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ik verklaar dat bovenstaande verklaring door my
 algemeen is en dat de verklaringer eiken dat
 hi/zij verkondt is niet de inhoud van thier be-
 verklaring en de bevestiging is voor
 my breedvoerig en werkelijk.

I certify that the above statement was taken of
 me and that the declarant has acknowledged
 the contents of this statement and the statement was
 made before me and I signed it

Commissioner of Oaths
 in my presence

Signed on 2019-08-27
 at

(NAME OF THE DEPUTY COMMISSIONER)
 (ORIGINAL FULL NAME OF THE DEPUTY COMMISSIONER)
 MAHOMUDA DAVID NDIHWA
 FULL TIME MAJOR SUPERVISOR
 COENR BAT BULLER & Charlotte Mawere
 Block Tenile
 W/o
 RANGKANK
 SA POLICE/DEPUTY
 SA POLICE/DEPUTY