

EXHIBIT QQ(c)

RULE 3.3 NOTICES AND CORRESPONDENCE

LORD PETER HAIN

170 STATE



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: <u>inquiries@sastatecapture.org.za</u>
Website: <u>www.sastatecapture.org.za</u>

INDEX: EXHIBIT QQ

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1.	Rule 3.3 Notices	001 to 059
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1



From:

Secretary

Sent:

Friday, 01 November 2019 15:27

To:

nicola.wilson@bain.com

Subject:

Notice in Terms of Rule 3.3/Lord Hain/Bain

Attachments:

BAIN CO mm.pdf; Annexure 'A'.pdf

Follow Up Flag:

Follow up

Flag Status:

Completed

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto,

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193

Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za

1/10





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

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

BAIN CONSULTING SA

EMAIL

nicola.wilson@bain.com

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:

- The Commission's Legal Team intends to present the evidence of Lord Peter Hain ("Lord Hain") at its hearing held at 4th Floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg. The presentation of Lord Hain's evidence will commence on 18 November 2019, or so soon thereafter as his evidence may be heard. In the event of a change of date, it will be announced on the Commission's website (www.sastatecapture.org.za) and in the media. The evidence in question implicates or may implicate you in unlawful, illegal or improper conduct in the respects set out below.
- The allegations set out in the evidence of Lord Hain implicate or may implicate you in, inter alia, allegedly participating in various acts of corruption, bribery, fraud, money laundering and/or tax evasion.
- The relevant portions of the statement of Lord Hain which implicate or may implicate you in the above allegations is annexed hereto marked "A". Your attention is drawn to paragraphs 19, 22 and 41 of his statement.

- Due to the fact that you are implicated or may be implicated by the evidence of Lord Hain, 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 Lord Hain will be uploaded on the Commission's website 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.

- 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' statement insofar 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.
- 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:
 - 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.

- 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.
- Any response, affidavit or statement in regard to this notice must be sent to Advocate André Lamprecht, Ms Shannon van Vuuren and Mr Warren Redcliffe at secretary@commissionsc.org.za.

DATED AT PARKTOWN ON THIS 1st DAY OF NOVEMBER 2019

MS K B SHABALALA

Acting Secretary

Judicial Commission of Inquiry into Allegations of State Centure, Corruption and Fraud

110

of State Capture, Corruption and Fraud

in the Public Sector including Organs of State

From: Wilson, Nicola < Nicola.Wilson@Bain.com>

Sent: Friday, 01 November 2019 15:31

To: Secretary

Subject: Read: Notice in Terms of Rule 3.3/Lord Hain/Bain **Attachments:** Read Notice in Terms of Rule 3.3Lord HainBain

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110

From: Microsoft Outlook
To: micola.wilson@bain.com

Sent: Friday, 01 November 2019 15:29

Subject: Relayed: Notice in Terms of Rule 3.3/Lord Hain/Bain

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

nicola.wilson@bain.com (nicola.wilson@bain.com)

Subject: Notice in Terms of Rule 3.3/Lord Hain/Bain



2



From:

Secretary

Sent:

Friday, 01 November 2019 14:47

To:

joburg@bankofbaroda.com

Subject:

Notice in Terms of Rule 3.3/Lord Hain/Bank of Baroda

Attachments:

BANK OF BARODA SA mm.pdf; Annexure 'A'.pdf

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto,

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193

1/10

Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za





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

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: BANK OF BARODA SA

C/O : ACTING CEO

MR MANOJ KUMAR JHA

TEL: 011 784 0715/23

EMAIL : joburg@bankofbaroda.com

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:

- The Commission's Legal Team intends to present the evidence of Lord Peter Hain ("Lord Hain") at its hearing held at 4th Floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg. The presentation of Lord Hain's evidence will commence on 18 November 2019, or so soon thereafter as his evidence may be heard. In the event of a change of date, it will be announced on the Commission's website (www.sastatecapture.org.za) and in the media. The evidence in question implicates or may implicate you in unlawful, illegal or improper conduct in the respects set out below.
- The allegations set out in the evidence of Lord Hain implicate or may implicate you in, *inter alia*, allegedly participating in various acts of corruption, bribery, fraud, money laundering and/or tax evasion.

- The relevant portions of the statement of Lord Hain which implicate or may implicate you in the above allegations is annexed hereto marked "A". Your attention is drawn to paragraphs 12 and sub-paragraphs thereto, 13, 41 and 58 of his statement.
- Due to the fact that you are implicated or may be implicated by the evidence of Lord Hain, 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 Lord Hain will be uploaded on the Commission's website 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.

- 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' statement insofar 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.
- 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:
 - 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.
- 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.
- Any response, affidavit or statement in regard to this notice must be sent to Advocate André Lamprecht, Ms Shannon van Vuuren and Mr Warren Redcliffe at secretary@commissionsc.org.za.

DATED AT PARKTOWN ON THIS 1st DAY OF NOVEMBER 2019

MS K B SHABALALA

Acting Secretary

Judicial Commission of Inquiry into Allegations

1170

of State Capture, Corruption and Fraud

Marnala

in the Public Sector including Organs of State

From: postmaster@bankofbaroda.onmicrosoft.com

To:joburg@bankofbaroda.comSent:Friday, 01 November 2019 14:50

Subject: Delivered: Notice in Terms of Rule 3.3/Lord Hain/Bank of Baroda

Your message has been delivered to the following recipients:

joburg@bankofbaroda.com (joburg@bankofbaroda.com)

Subject: Notice in Terms of Rule 3.3/Lord Hain/Bank of Baroda



3



From: Secretary

Sent: Friday, 01 November 2019 14:49

To: henk.crouse@za.hsbc.com

Subject: Notice in Terms of Rule 3.3/Lord Hain/HSBC

Attachments: Annexure 'A'.pdf; HSBC mm.pdf

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto,

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193
Tel: 010 214 0651 | Mahille: 071 319 7843 | Empile holpelor@commissionescore are

1/10

Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za





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

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

: HSBC

:

C/O

MR HENK CROUSE

HEAD OF LEGAL

TEL

011 676 4233

EMAIL

henk.crouse@za.hsbc.com

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:

- The Commission's Legal Team intends to present the evidence of Lord Peter Hain ("Lord Hain") at its hearing held at 4th Floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg. The presentation of Lord Hain's evidence will commence on 18 November 2019, or so soon thereafter as his evidence may be heard. In the event of a change of date, it will be announced on the Commission's website (www.sastatecapture.org.za) and in the media. The evidence in question implicates or may implicate you in unlawful, illegal or improper conduct in the respects set out below.
- The allegations set out in the evidence of Lord Hain implicate or may implicate you in, *inter alia*, allegedly participating in various acts of corruption, bribery, fraud, money laundering and/or tax evasion.

- The relevant portions of the statement of Lord Hain which implicate or may implicate you in the above allegations is annexed hereto marked "A". Your attention is drawn to paragraphs 12 and sub-paragraphs thereto, 15, 33 and 41 of his statement.
- Due to the fact that you are implicated or may be implicated by the evidence of Lord Hain, 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 Lord Hain will be uploaded on the Commission's website 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.

- 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' statement insofar 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.
- 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:
 - 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.
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- Any response, affidavit or statement in regard to this notice must be sent to Advocate André Lamprecht, Ms Shannon van Vuuren and Mr Warren Redcliffe at secretary@commissionsc.org.za.

DATED AT PARKTOWN ON THIS 1st DAY OF NOVEMBER 2019

MS K B SHABALALA

Acting Secretary

Judicial Commission of Inquiry into Allegations

110

of State Capture, Corruption and Fraud

WhatNala

in the Public Sector including Organs of State

From: Microsoft Outlook

To: henk.crouse@za.hsbc.com

Sent: Friday, 01 November 2019 14:50

Subject: Relayed: Notice in Terms of Rule 3.3/Lord Hain/HSBC

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

henk.crouse@za.hsbc.com (henk.crouse@za.hsbc.com)

Subject: Notice in Terms of Rule 3.3/Lord Hain/HSBC



From: henk.crouse@za.hsbc.com

To: Secretary

Sent: Monday, 04 November 2019 05:54

Subject: Read: EXTERNAL: Notice in Terms of Rule 3.3/Lord Hain/HSBC

Your message

To: Henk CROUSE

Subject: EXTERNAL: Notice in Terms of Rule 3.3/Lord Hain/HSBC

Sent: Friday, November 1, 2019 2:48:37 PM (UTC+02:00) Harare, Pretoria

110

was read on Monday, November 4, 2019 5:53:08 AM (UTC+02:00) Harare, Pretoria.

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From: henk.crouse@za.hsbc.com
Sent: Friday, 01 November 2019 14:50

To: Secretary

Subject: Automatic reply: EXTERNAL: Notice in Terms of Rule 3.3/Lord Hain/HSBC

Henk Crouse will be on leave today, I may have some intermittent access to my mails - for any urgent matters please liaise with Paula Conway (011 67 4290) or Siyo Mvika (011 676 4566)- much obliged.

SAVE PAPER - THINK BEFORE YOU PRINT!

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4



From: Secretary

Sent: Friday, 01 November 2019 14:47

To: tim.gordon-grant@bowmanslaw.com; wiseman.nkuhlu@kpmg.co.za

Subject: Notice in Terms of Rule 3.3/Lord Hain/KPMG

Attachments: KPMG SA mm.pdf; Annexure 'A'.pdf

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto,

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193
Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za

1/10





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

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: KPMG SA

C/O : BOWMANS

EMAIL: tim.gordon-grant@bowmanslaw.com

AND C/O : HEAD OF LEGAL - PROF W NKUHLU

EMAIL: wiseman.nkuhlu@kpmg.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:

- The Commission's Legal Team intends to present the evidence of Lord Peter Hain ("Lord Hain") at its hearing held at 4th Floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg. The presentation of Lord Hain's evidence will commence on 18 November 2019, or so soon thereafter as his evidence may be heard. In the event of a change of date, it will be announced on the Commission's website (www.sastatecapture.org.za) and in the media. The evidence in question implicates or may implicate you in unlawful, illegal or improper conduct in the respects set out below.
- The allegations set out in the evidence of Lord Hain implicate or may implicate you in, *inter alia*, allegedly participating in various acts of corruption, bribery, fraud, money laundering and/or tax evasion.

- 3 The relevant portions of the statement of Lord Hain which implicate or may implicate you in the above allegations is annexed hereto marked "A". Your attention is drawn to paragraphs 19, 21 and 41 of his statement.
- Due to the fact that you are implicated or may be implicated by the evidence of Lord Hain, 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 Lord Hain will be uploaded on the Commission's website 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.

- 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' statement insofar 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.
- 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:
 - 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.
- 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.
- Any response, affidavit or statement in regard to this notice must be sent to Advocate André Lamprecht, Ms Shannon van Vuuren and Mr Warren Redcliffe at secretary@commissionsc.org.za.

DATED AT PARKTOWN ON THIS 1st DAY OF NOVEMBER 2019

MS K B SHABALALA

Acting Secretary

Judicial Commission of Inquiry into Allegations

MTO

of State Capture, Corruption and Fraud

Malnah

in the Public Sector including Organs of State

From: Microsoft Outlook

To:tim.gordon-grant@bowmanslaw.comSent:Friday, 01 November 2019 15:04

Subject: Relayed: Notice in Terms of Rule 3.3/Lord Hain/KPMG

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

tim.gordon-grant@bowmanslaw.com (tim.gordon-grant@bowmanslaw.com)

Subject: Notice in Terms of Rule 3.3/Lord Hain/KPMG



From: Tim Gordon-Grant <tim.gordon-grant@bowmanslaw.com>

To: Secretary

Sent: Friday, 01 November 2019 15:10

Subject: Read: Notice in Terms of Rule 3.3/Lord Hain/KPMG

Your message

To: Tim Gordon-Grant

Subject: Notice in Terms of Rule 3.3/Lord Hain/KPMG

Sent: Friday, November 01, 2019 2:46:58 PM (UTC+02:00) Harare, Pretoria

was read on Friday, November 01, 2019 3:10:04 PM (UTC+02:00) Harare, Pretoria.



5



From: Secretary

Friday, 01 November 2019 14:48 Sent:

To: may-elaine.thomson@hoganlovells.com

Subject: Notice in Terms of Rule 3.3/Lord Hain/Hogan Lovells

Attachments: Annexure 'A'.pdf; HOGAN LOVELLS UK mm.pdf

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto,

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana **Executive Assistant to the Secretary** COMMISSION OF INQUIRY INTO STATE CAPTURE Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193
Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za

1/10





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

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

HOGAN LOVELLS UK

C/O

CEO - MAY ELAINE THOMSON

EMAIL

may-elaine.thomson@hoganlovells.com

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:

- The Commission's Legal Team intends to present the evidence of Lord Peter Hain ("Lord Hain") at its hearing held at 4th Floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg. The presentation of Lord Hain's evidence will commence on 18 November 2019, or so soon thereafter as his evidence may be heard. In the event of a change of date, it will be announced on the Commission's website (www.sastatecapture.org.za) and in the media. The evidence in question implicates or may implicate you in unlawful, illegal or improper conduct in the respects set out below.
- The allegations set out in the evidence of Lord Hain implicate or may implicate you in, *inter alia*, allegedly participating in various acts of corruption, bribery, fraud, money laundering and/or tax evasion.
- 3 The relevant portions of the statement of Lord Hain which implicate or may implicate you in the above allegations is annexed hereto marked "A". Your attention is drawn to paragraphs 19, 20 and 41 of his statement.

- Due to the fact that you are implicated or may be implicated by the evidence of Lord Hain, 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 Lord Hain will be uploaded on the Commission's website 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.

- 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' statement insofar 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.
- 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:
 - 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.

- 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.
- Any response, affidavit or statement in regard to this notice must be sent to Advocate André Lamprecht, Ms Shannon van Vuuren and Mr Warren Redcliffe at secretary@commissionsc.org.za.

DATED AT PARKTOWN ON THIS 1st DAY OF NOVEMBER 2019

MS K B SHABALALA

Acting Secretary

Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud

110

in the Public Sector including Organs of State

From: May-Elaine Thomson <may-elaine.thomson@lawtonsafrica.com>

To: Secretary

Sent: Friday, 01 November 2019 15:07

Subject: Read: Notice in Terms of Rule 3.3/Lord Hain/Hogan Lovells

Your message

To: May-Elaine Thomson

Subject: Notice in Terms of Rule 3.3/Lord Hain/Hogan Lovells

Sent: Friday, November 1, 2019 12:47:54 PM (UTC+00:00) Monrovia, Reykjavík

was read on Friday, November 1, 2019 1:05:51 PM (UTC+00:00) Monrovia, Reykjavik.



From: Microsoft Outlook

To: may-elaine.thomson@hoganlovells.com

Sent: Friday, 01 November 2019 15:05

Subject: Relayed: Notice in Terms of Rule 3.3/Lord Hain/Hogan Lovells

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

may-elaine.thomson@hoganlovells.com (may-elaine.thomson@hoganlovells.com)

Subject: Notice in Terms of Rule 3.3/Lord Hain/Hogan Lovells



6



From:

Secretary

Sent:

Friday, 01 November 2019 14:48

To:

Kron, Jeffrey; david_fine@mckinsey.com

Subject:

Notice in Terms of Rule 3.3/Lord Hain/McKinsey

Attachments:

Annexure 'A'.pdf; McKINSEY CO (PTY) LTD mm.pdf

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto,

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193
Tel: 010 214 0651 | Mobiles 071 210 7942 | Empire leading of the Province of the Prov

1/10

Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za





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

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 : McKINSEY & CO (PTY) LIMITED

C/O : NORTON ROSE FULBRIGHT INC

EMAIL : jeffrey.kron@nortonrosefulbright.com

AND C/O : CEO – MR DAVID FINE

EMAIL : david_fine@mckinsey.com

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:

- The Commission's Legal Team intends to present the evidence of Lord Peter Hain ("Lord Hain") at its hearing held at 4th Floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg. The presentation of Lord Hain's evidence will commence on 18 November 2019, or so soon thereafter as his evidence may be heard. In the event of a change of date, it will be announced on the Commission's website (www.sastatecapture.org.za) and in the media. 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 Lord Hain implicate or may implicate you in, inter alia, allegedly participating in various acts of corruption, bribery, fraud, money laundering and/or tax evasion.

- 3 The relevant portions of the statement of Lord Hain which implicate or may implicate you in the above allegations is annexed hereto marked "A". Your attention is drawn to paragraphs 28 and 41 of his statement.
- Due to the fact that you are implicated or may be implicated by the evidence of Lord Hain, 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 Lord Hain will be uploaded on the Commission's website 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.

- 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' statement insofar 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.
- 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:
 - 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.
- 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.
- Any response, affidavit or statement in regard to this notice must be sent to Advocate André Lamprecht, Ms Shannon van Vuuren and Mr Warren Redcliffe at secretary@commissionsc.org.za.

DATED AT PARKTOWN ON THIS 1st DAY OF NOVEMBER 2019

MS K B SHABALALA

Acting Secretary

Judicial Commission of Inquiry into Allegations

of State Capture, Corruption and Fraud

WhatNala

in the Public Sector including Organs of State

1/10

From: Microsoft Outlook
To: Kron, Jeffrey

Sent: Friday, 01 November 2019 15:05

Subject: Relayed: Notice in Terms of Rule 3.3/Lord Hain/McKinsey

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Kron, Jeffrey (Jeffrey.Kron@nortonrosefulbright.com)

Subject: Notice in Terms of Rule 3.3/Lord Hain/McKinsey



From: Kron, Jeffrey <Jeffrey.Kron@nortonrosefulbright.com>

To: Secretary

Sent: Friday, 01 November 2019 15:15

Subject: Read: Notice in Terms of Rule 3.3/Lord Hain/McKinsey

Your message

To: Kron, Jeffrey

Subject: Notice in Terms of Rule 3.3/Lord Hain/McKinsey

Sent: Friday, November 01, 2019 2:48:11 PM (UTC+02:00) Harare, Pretoria

1/10

was read on Friday, November 01, 2019 3:14:56 PM (UTC+02:00) Harare, Pretoria.

CONFIDENTIALITY NOTICE: This communication is intended for the addressee only, is privileged and confidential and unauthorised dissemination or copying is prohibited. If you have received this communication in error please notify us immediately and please destroy the original message. Norton Rose Fulbright South Africa Inc and its affiliates reserve the right to monitor all email communications through their networks.

Norton Rose Fulbright South Africa Inc (Reg No 1984/003385/21).

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From: David Fine <david_fine@mckinsey.com>

To: Secretary

Sent: Friday, 01 November 2019 15:13

Subject: Read: Notice in Terms of Rule 3.3/Lord Hain/McKinsey

Your message

To: David Fine

Subject: [EXT]Notice in Terms of Rule 3.3/Lord Hain/McKinsey

Sent: Friday, November 1, 2019 12:48:11 PM (UTC) Coordinated Universal Time

was read on Friday, November 1, 2019 1:12:55 PM (UTC) Coordinated Universal Time.

This email is confidential and may be privileged. If you have received it in error, please notify us immediately and then delete it. Please do not copy it, disclose its contents or use it for any purpose.



From: Kron, Jeffrey <Jeffrey.Kron@nortonrosefulbright.com>

Sent: Monday, 04 November 2019 11:35

To: Secretary

Subject: RE: Notice in Terms of Rule 3.3/Lord Hain/McKinsey [NRFSA-JHB.FID4462190]

Dear Sir

We acknowledge receipt of your communication of 1 November 2019 with the attached notice. We are taking our client's instructions and will revert as appropriate.

Kind regards

Jeffrey Kron | Director Norton Rose Fulbright South Africa Inc 15 Alice Lane, Sandton 2196, South Africa Tel +27 11 685 8873 | Mob +27 83 251 6876 | Fax +27 11 301 3276 jeffrey.kron@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

Law around the world nortonrosefulbright.com

From: Secretary <Secretary@commissionsc.org.za>

Sent: 1 November 2019 14:48

To: Kron, Jeffrey <Jeffrey.Kron@nortonrosefulbright.com>; david_fine@mckinsey.com

Subject: Notice in Terms of Rule 3.3/Lord Hain/McKinsey

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto.

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193
Tel: 010 214 0651 I Mobile: 071 319 7843 I Email: boilest@commissionsc.com

Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za



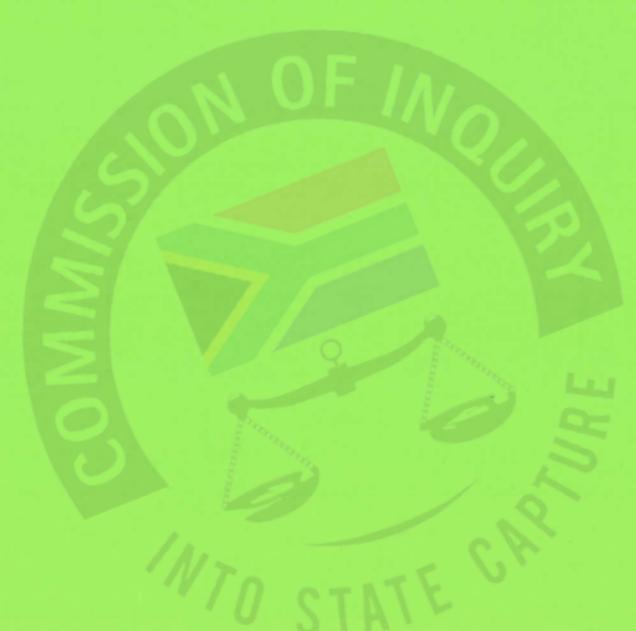
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Norton Rose Fulbright South Africa Inc (Reg No 1984/003385/21).

Norton Rose Fulbright South Africa Inc, Norton Rose Fulbright LLP, Norton Rose Fulbright Australia, Norton Rose Fulbright Canada LLP and Norton Rose Fulbright US LLP are separate legal entities and all of them are members of Norton Rose Fulbright Verein, a Swiss verein. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients. Details of each entity, with certain regulatory information, are available at nortonrosefulbright.com.



7



From: Secretary

Sent: Friday, 01 November 2019 15:35

To: anthony@nortonsinc.com; michelle@nortonsinc.com
Subject: Notice in Terms of Rule 3.3/Lord Hain/SAP Systems

Attachments: Annexure 'A'.pdf; SAP SYSTEMS (PTY) LTD mm.pdf

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto,

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193

1170

Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za





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

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 :

SAP SYSTEMS (PTY) LIMITED

C/O

NORTONS INC

EMAIL

anthony@nortonsinc.com michelle@nortonsinc.com

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:

- The Commission's Legal Team intends to present the evidence of Lord Peter Hain ("Lord Hain") at its hearing held at 4th Floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg. The presentation of Lord Hain's evidence will commence on 18 November 2019, or so soon thereafter as his evidence may be heard. In the event of a change of date, it will be announced on the Commission's website (www.sastatecapture.org.za) and in the media. The evidence in question implicates or may implicate you in unlawful, illegal or improper conduct in the respects set out below.
- The allegations set out in the evidence of Lord Hain implicate or may implicate you in, *inter alia*, allegedly participating in various acts of corruption, bribery, fraud, money laundering and/or tax evasion.

- 3 The relevant portions of the statement of Lord Hain which implicate or may implicate you in the above allegations is annexed hereto marked "A". Your attention is drawn to paragraph 28 of his statement.
- Due to the fact that you are implicated or may be implicated by the evidence of Lord Hain, 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 Lord Hain will be uploaded on the Commission's website 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.

- 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' statement insofar 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.
- 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:
 - 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.
- 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.
- Any response, affidavit or statement in regard to this notice must be sent to Advocate André Lamprecht, Ms Shannon van Vuuren and Mr Warren Redcliffe at secretary@commissionsc.org.za.

DATED AT PARKTOWN ON THIS 1st DAY OF NOVEMBER 2019

MS K B SHABALALA

Acting Secretary

Judicial Commission of Inquiry into Allegations

of State Capture, Corruption and Fraud

WhatNah

in the Public Sector including Organs of State

1/10

From: Microsoft Outlook

To: anthony@nortonsinc.com; michelle@nortonsinc.com

Sent: Friday, 01 November 2019 15:52

Subject: Relayed: Notice in Terms of Rule 3.3/Lord Hain/SAP Systems

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

anthony@nortonsinc.com (anthony@nortonsinc.com)

michelle@nortonsinc.com (michelle@nortonsinc.com)



From: Anthony Norton <Anthony@nortonsinc.com>

To: Secretary

Sent: Friday, 01 November 2019 15:56

Subject: Read: Notice in Terms of Rule 3.3/Lord Hain/SAP Systems

Your message

To: Anthony Norton

Subject: Notice in Terms of Rule 3.3/Lord Hain/SAP Systems

Sent: Friday, November 01, 2019 3:35:10 PM (UTC+02:00) Harare, Pretoria

110

was read on Friday, November 01, 2019 3:56:13 PM (UTC+02:00) Harare, Pretoria.

Anthony Norton Director

Direct Line: +27 (0) 11 041 2601 / +27 (0) 11 666 7561

 Switchboard:
 +27 (0) 11 666 7560

 Mobile:
 +27 (0) 82 452 7336

 Email:
 anthony@nortonsinc.com

 Web:
 www.nortonsinc.com

Disclaimer: 1) Confidentiality: This email, sent from anthony@nortonsinc.com to secretary@commissionsc.org.za on Fri, 1 Nov 2019 13:56:13 +0000 , is confidential and may contain privileged or copyright information. You may not present this message to another party without consent from the sender If you are not secretary@commissionsc.org.za please notify anthony@nortonsinc.com and delete this email, and you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. 2) Liability: This email is not a binding agreement and does not conclude an agreement without the express confirmation by the sender's superior or a director of the Company. 3) Viruses: The Company does not certify that this email is free of viruses or defects. 4) Requested: The Company does not consent to its employees sending un-asked for emails which contravene the law. In the event that you feel this email is such, please notify the Company in order for the appropriate corrective action to be taken. 5) Advice: Any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Any actions taken on the basis of this email are at the reader's own risk. 6) Other: The sender of this email is expressly required not to make any defamatory statements. Any such communication is contrary to company policy and outside the scope of the employment of the individual concerned. The company will not accept any liability in respect of such communication, and the employee responsible will be personally liable for any damages or other liability arising.

8



From: Secretary

Sent: Friday, 01 November 2019 15:31

To: nadine.bham@sc.com

Subject: Notice in Terms of Rule 3.3/Lord Hain/Standard Chartered Bank **Attachments:**

Annexure 'A'.pdf; STANDARD CHARTERED BANK SA mm.pdf

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto,

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana **Executive Assistant to the Secretary** COMMISSION OF INQUIRY INTO STATE CAPTURE Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193 Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za

1/10





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

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 : STANDARD CHARTERED BANK SA

C/O : HEAD OF LEGAL – NADINE BHAM

EMAIL: nadine.bham@sc.com

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:

- The Commission's Legal Team intends to present the evidence of Lord Peter Hain ("Lord Hain") at its hearing held at 4th Floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg. The presentation of Lord Hain's evidence will commence on 18 November 2019, or so soon thereafter as his evidence may be heard. In the event of a change of date, it will be announced on the Commission's website (www.sastatecapture.org.za) and in the media. The evidence in question implicates or may implicate you in unlawful, illegal or improper conduct in the respects set out below.
- The allegations set out in the evidence of Lord Hain implicate or may implicate you in, inter alia, allegedly participating in various acts of corruption, bribery, fraud, money laundering and/or tax evasion.
- The relevant portions of the statement of Lord Hain which implicate or may implicate you in the above allegations is annexed hereto marked "A". Your attention is drawn to paragraphs 12 and sub-paragraphs thereto, 14, 15 and 41 of his statement.

- Due to the fact that you are implicated or may be implicated by the evidence of Lord Hain, 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 Lord Hain will be uploaded on the Commission's website 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.

- 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' statement insofar 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.
- 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:
 - 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.

- 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.
- Any response, affidavit or statement in regard to this notice must be sent to Advocate André Lamprecht, Ms Shannon van Vuuren and Mr Warren Redcliffe at secretary@commissionsc.org.za.

DATED AT PARKTOWN ON THIS 1st DAY OF NOVEMBER 2019

MS K B SHABALALA

Acting Secretary

Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud

MTO

in the Public Sector including Organs of State

From: Microsoft Outlook
To: madine.bham@sc.com

Sent: Friday, 01 November 2019 15:32

Subject: Relayed: Notice in Terms of Rule 3.3/Lord Hain/Standard Chartered Bank

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

nadine.bham@sc.com (nadine.bham@sc.com)

Subject: Notice in Terms of Rule 3.3/Lord Hain/Standard Chartered Bank



From: Bham, Nadine <Nadine.Bham@sc.com>

To: Secretary

Sent: Friday, 01 November 2019 15:39

Subject: Read: [External] Notice in Terms of Rule 3.3/Lord Hain/Standard Chartered Bank

Your message

To: Bham, Nadine

Subject: [External] Notice in Terms of Rule 3.3/Lord Hain/Standard Chartered Bank Sent: Friday, November 01, 2019 3:30:39 PM (UTC+02:00) Harare, Pretoria

was read on Friday, November 01, 2019 3:38:59 PM (UTC+02:00) Harare, Pretoria.

This email and any attachments are confidential and may also be privileged. If you are not the intended recipient, please delete all copies and notify the sender immediately. You may wish to refer to the incorporation details of Standard Chartered PLC, Standard Chartered Bank and their subsidiaries at https://www.sc.com/en/our-locations. Please refer to https://www.sc.com/en/privacy-policy/ for Standard Chartered Bank's Privacy Policy.





Warren Redcliffe

From:

Boipelo B. Ratshikana

Sent:

Monday, 04 November 2019 14:11

To:

Warren Redcliffe; Sabina Lech; Samukelisiwe Jali

Cc:

Trudi T. McCracken

Subject:

FW: Notice in Terms of Rule 3.3/Lord Hain/Bain

From: Wilson, Nicola < Nicola. Wilson@Bain.com>

Sent: Monday, 04 November 2019 14:09

To: Boipelo B. Ratshikana <BoipeloR@commissionsc.org.za>

Cc: Secretary < Secretary@commissionsc.org.za>

Subject: RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Boipelo,

I'm following up on my email from Friday.

Kindly advise if you're able to assist with the request below: to provide either the full version of the annexure, or at minimum the section that appears to be missing.

Kind regards, Nicola

From: Wilson, Nicola

Sent: Friday, November 1, 2019 4:25 PM

To: 'Secretary' < Secretary@commissionsc.org.za > Subject: RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Boipelo,

Thank you for sending through the attached Rule 3.3. Notice. I hereby acknowledge receipt.

Would it be possible to provide the full version of Annexure "A"? The attached copy appears to be missing information pertaining/relevant to Bain & Company on page 2 of the appendix as supplied (numbered as page 7; point 22.)

Kind regards, Nicola

From: Secretary < Secretary@commissionsc.org.za>

Sent: Friday, November 1, 2019 3:27 PM

To: Wilson, Nicola < Nicola. Wilson@Bain.com >

Subject: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto,

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193

Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za



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Warren Redcliffe

From:

Boipelo B. Ratshikana

Sent:

Thursday, 07 November 2019 14:49

To:

Subject:

Warren Redcliffe; Shannon S. Van Vuuren; Sabina Lech; Samukelisiwe Jali FW: [Follow-up Query] RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Importance:

High

From: Wilson, Nicola < Nicola. Wilson@Bain.com>

Sent: Thursday, 07 November 2019 14:42

To: Boipelo B. Ratshikana <BoipeloR@commissionsc.org.za>

Cc: Secretary <Secretary@commissionsc.org.za>

Subject: [Follow-up Query] RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Importance: High

Dear Boipelo,

I tried calling today on the number below to follow up on my previous request.

Please would you let me know if it's possible to receive the full version of Lord Hain's submission, or to get a copy of the missing section that refers to Bain & Company?

Kind regards, Nicola

From: Wilson, Nicola

Sent: Monday, November 4, 2019 2:09 PM

To: 'boipelor@commissionsc.org.za' <boipelor@commissionsc.org.za>

Cc: 'Secretary' < Secretary@commissionsc.org.za> Subject: RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Boipelo,

I'm following up on my email from Friday.

Kindly advise if you're able to assist with the request below: to provide either the full version of the annexure, or at minimum the section that appears to be missing.

Kind regards, Nicola

From: Wilson, Nicola

Sent: Friday, November 1, 2019 4:25 PM

To: 'Secretary' <Secretary@commissionsc.org.za> Subject: RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Boipelo,

Thank you for sending through the attached Rule 3.3. Notice. I hereby acknowledge receipt.

Would it be possible to provide the full version of Annexure "A"? The attached copy appears to be missing information pertaining/relevant to Bain & Company on page 2 of the appendix as supplied (numbered as page 7; point 22.)

Kind regards, Nicola

From: Secretary <Secretary@commissionsc.org.za>

Sent: Friday, November 1, 2019 3:27 PM

To: Wilson, Nicola < Nicola.Wilson@Bain.com >
Subject: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto,

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

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Warren Redcliffe

From: Warren Redcliffe

Sent: Thursday, 07 November 2019 15:35

To: 'Nicola.Wilson@Bain.com'

Cc: Boipelo B. Ratshikana; Shannon S. Van Vuuren; Samukelisiwe Jali; Sabina Lech

Subject: RE: [Follow-up Query] RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Ms. Wilson.

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The Commission can and will provide to implicated parties those portions of any witness's statement wherein they are implicated.

If you have not received that portion of the statement that references Bain, we will provide same to you.

My mobile number is: 0718997024 in the event that you would like to discuss the matter.

Yours sincerely.

Warren Redcliffe

From: Boipelo B. Ratshikana < BoipeloR@commissionsc.org.za>

Sent: Thursday, 07 November 2019 14:49

To: Warren Redcliffe <WarrenR@commissionsc.org.za>; Shannon S. Van Vuuren

<ShannonV@commissionsc.org.za>; Sabina Lech <SabinaL@commissionsc.org.za>; Samukelisiwe Jali

<SamukelisiweJ@commissionsc.org.za>

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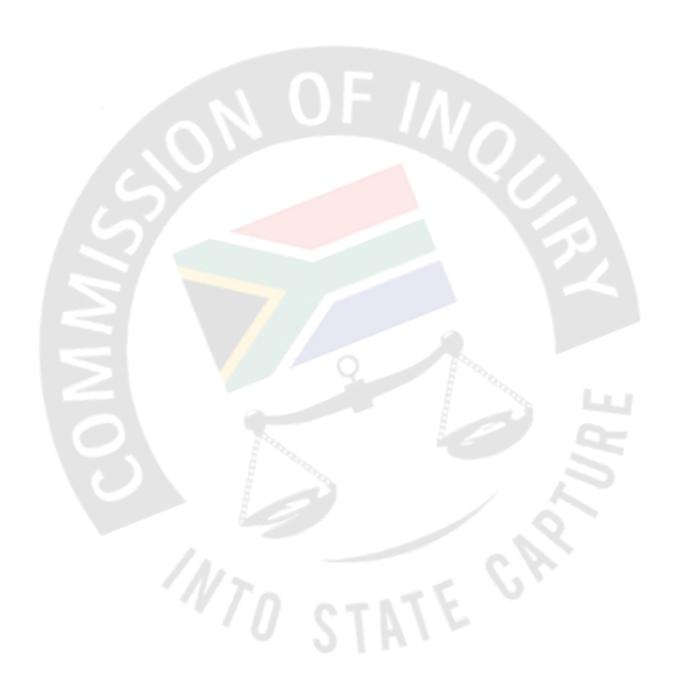
From: Wilson, Nicola

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Warren Redcliffe

From: Wilson, Nicola < Nicola.Wilson@Bain.com>

Sent: Thursday, 07 November 2019 16:55

To: Warren Redcliffe

Cc: Boipelo B. Ratshikana; Shannon S. Van Vuuren; Samukelisiwe Jali; Sabina Lech

Subject: RE: [Follow-up Query] RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Attachments: Annexure 'A'.pdf

Dear Mr Redcliffe,

Thank you for your response which is noted and understood.

We would just ask you to kindly confirm that we have all of the relevant pages in the supplied Annexure 'A'. In particular, it seems that the second half of paragraph 22 (page 7) might reference/implicate Bain. We have only received page 7 and not page 8.

Kind regards, Nicola

From: Warren Redcliffe < Warren R@commissionsc.org.za>

Sent: Thursday, November 7, 2019 3:34 PM To: Wilson, Nicola < Nicola. Wilson@Bain.com>

Cc: Boipelo B. Ratshikana <BoipeloR@commissionsc.org.za>; Shannon S. Van Vuuren

<ShannonV@commissionsc.org.za>; Samukelisiwe Jali <SamukelisiweJ@commissionsc.org.za>; Sabina Lech

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Subject: FW: [Follow-up Query] RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Importance: High

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

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Warren Redcliffe

From: Warren Redcliffe

Sent: Friday, 08 November 2019 08:44

To: 'Wilson, Nicola'

Cc: Boipelo B. Ratshikana; Shannon S. Van Vuuren; Sabina Lech

Subject: RE: [Follow-up Query] RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Ms. Wilson.

Thank you for your reply.

I will follow up with the relevant internal party today and revert to you.

Yours sincerely.

Warren

From: Wilson, Nicola < Nicola. Wilson@Bain.com>
Sent: Thursday, 07 November 2019 16:55

To: Warren Redcliffe < Warren R@commissionsc.org.za>

Cc: Boipelo B. Ratshikana <BoipeloR@commissionsc.org.za>; Shannon S. Van Vuuren

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Cc: Secretary < Secretary@commissionsc.org.za >

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31 October 2019

LORD PETER HAIN

SUBMISSION TO THE JUDICIAL COMMISSION OF ENQUIRY INTO STATE CAPTURE THE GLOBAL DIMENSION

INTRODUCTION

- 1. State capture in South Africa was in part facilitated by the massive complicity of international financial institutions, global corporates and foreign governments (notably in India, Dubai and Hong Kong). These governments and corporates must now act in partnership with the South African Treasury to recover the billions of rands looted from SA taxpayers, much laundered abroad. Having spoken under parliamentary privilege in the UK House of Lords in September 2017 January 2018 on these matters, on the basis of interaction with whistle-blowers within the South African state and private sectors, my focus is upon the global dimension (especially money laundering) because without that state capture could not have been as monumentally lucrative to its perpetrators as it so tragically has been.
- It is incumbent upon the relevant foreign governments implicated and their enforcement and regulatory agencies to resource and prioritise cooperation to bring to justice those responsible for the international looting from South African taxpayers. The same must be the case for the global corporates involved. But, so far, neither has happened.
- 3. I am grateful for their advice and assistance in drafting this to a number of friends and contacts for their expertise without which my submission could not have been anything as comprehensive and also I hope authoritative.

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- leading to suspicious transactions being hidden in the accounts. Estate agents might receive laundered money into their client accounts during property purchases.
- 18. To provide insight into the scale of this problem, the Solicitors Regulation Authority (SRA) in the UK completed a review of whether 59 law firms in England and Wales were meeting their obligations to conduct money laundering checks. 26 of those 59 firms were ultimately referred into disciplinary processes. If the situation is this poor in a country that otherwise scores well on anti-corruption by other measures (e.g. the UK has a low ranking of 11th in Transparency International's annual Corruption Perception Index⁸) what does that suggest about the anti-money laundering capability of professional enablers in countries with a worse reputation?
- 19. As is set out in detail below, a number of professional enablers appear to have, or have themselves recognised that they assisted the Guptas in their looting from the South African people, including global brand names such as KPMG, Bain & Co and Hogan Lovells. The relevant allegations are to the effect that these firms profited while the Guptas hid funds stolen from South Africa; funds that would otherwise have been spent on essential public services and on helping to repair the colossal damage caused by the apartheid, still a huge deadweight on the country..
- 20. In 2018, I referred Hogan Lovells to the SRA for whitewashing corruption within the South African Revenue Service, requesting it be disbarred from practicing in the UK for its terrible complicity in state capture. But the SRA eventually accepted Hogan Lovells' own defence that it was only the international law firm it claimed to be for 'branding purposes', and that the SRA therefore had no locus to intervene in the reported corruption collusion of its South African branch. I note that Hogan Lovells has since deservedly lost South African business and been forced to restructure after it refused to admit obvious culpability, even when other global corporates did.
- 21. Another example of a professional enabler who assisted the Guptas is KPMG's South Africa Division. KPMG South Africa was responsible for auditing various Gupta companies in South Africa for around 15 years up until March 2016.⁹ During that period, it flagrantly ignored warnings regarding the integrity and ethics of the Guptas and falsely categorised spending (such as a wedding in 2013) as business expenses whilst earning significant fees for performing auditing services (such fees ultimately being paid for by laundered funds). Eventually the firm conducted an internal investigation which led to eight senior executives being fired and a promise to repay R40 million it had earned from auditing Gupta related companies to anti-corruption charities.¹⁰
- 22. A third example is that of Bain, the Boston-based consultancy firm, which was named in the Commission of Inquiry into Tax Administration and Governance by the South African Revenue Service (referred to as the "Nugent Commission") as having 'coached' Tom Moyane on how to implement the capturing of SARS a full year before he was appointed Commissioner. Several of these meetings took pace at Nkandla, the private homestead of President Zuma. "So serious were its actions that the Nugent commission recommends criminal prosecutions against Bain & Co. It found that Bain had engaged in a "premeditated offensive against SARS, strategised by the

A thematic review of trust and company service providers, Solicitors Regulation Authority, May 2019, http://www.sra.org.uk/sra/how-we-work/reports/aml-thematic-review.page

United Kingdom, Transparency International, https://www.transparency.org/country/GBR

⁹ KPMG South Africa executives dismissed over Gupta scandal, Financial Times, 15 September 2017, https://www.ft.com/content/ce8ddb84-9a01-11e7-a652-cde3f882dd7b

KPMG South Africa executives dismissed over Gupta scandal, Financial Times, 15 September 2017, https://www.ft.com/content/ce8ddb84-9a01-11e7-a652-cde3f882dd7b

local office of Bain & Company Inc, located in Boston, for [former SARS head] Mr [Tom] Moyane to seize SARS ... Mr Moyane's interest was to take control of SARS. Bain's interest was to make money."

23. Professional services firms have access to client data, meaning that they are well placed to monitor and recognise suspicious transactions and customer activities. It is essential that global professional services firms enact robust compliance policies and procedures to recognise and prevent money-laundering and actively educate all employees across all business areas and branches about the importance of those policies.

The suggested remedial measures that should be implemented in relation to professional enablers are considered in the *Part Two – Banks and Professional Enablers* section below (pages 11-15).

Corporates

- 24. Allegations of corruption are often directed at the state and government officials. However, South Africa is a living example of where privately owned companies can become intentional or unintentional facilitators of money laundering and bribery by doing business with criminals in order to win lucrative contracts or other commercial advantages, often in the state procurement space. Conduct of this nature has prompted many an investigation by a regulator, such as the UK's Serious Fraud Office's discussions with Acacia Mining in December 2018 in relation to employees in Tanzania engaging in corruption.¹²
- 25. A common typology of how a company might facilitate corruption (and commit criminal offences in doing so) is where a corrupt individual (such as a government official) offers a company a public contract in return for a commission payment (also known as 'rent seeking' and a form of bribery).

 13 In this scenario the company, frequently under the guise of a Black Empowerment Enterprise (BEE), is awarded a private or government contract at an agreed price (often an inflated amount to take into account various bribery payments to government officials and associates) without either (a) having to complete a fair bidding process (discouraging fair competition) or (b) having to prove their capability leading to contracts being awarded to parties who do not have the capability to fulfil them. Contracts infected with this form of corruption are rarely performed properly or even sometimes at all; even where the contract is effectively 'sold' to an ostensibly competent foreign company. Examples of this type of corruption are set out below.
- 26. Transnet Its senior executives assisted the Guptas in corrupting the state procurement process for commercial gain. In a contract obtained for providing locomotives South China Rail undertook to pay more than £250 million in bribes to

https://www.businesslive.co.za/bd/opinion/2019-07-01-ismail-momoniat-when-will-bain-tell-the-whole-truth-about-its-role-at-sars/

Acacia Mining falls 4% on report of SFO probe, Financial Time, 17 December 2018, https://www.ft.com/content/7d585320-01f2-11e9-9d01-cd4d49afbbe3

In South Africa a variant of this private-state collaboration in corruption is referred to as 'javelin-throwing', where corrupt officials sign off on a lucrative tender, knowing that they will be leaving the employ of government in the near future and that they will become part of the benefitting company either as a director or as a senior employee.

PART TWO: REMEDIAL MEASURES

- 38. The consequences of South Africa's crippling state capture demonstrate the need for the international community to re-affirm its collective commitment to preventing and eradicating financial crime. As explained in Part One, without the involvement of international actors and enablers, the devastating impact financial crime wrought on South Africa would have been significantly reduced. We must now treat South Africa's experience of state capture as an opportunity; an opportunity for the international community, including business and banking, to learn from the failures and weaknesses in the global regulatory system that enabled such stifling corruption to eventuate. Specific steps can and must be taken to prevent state capture afflicting South Africa or any other country in the future.
- 39. The following recommendations are made to foster a transparent international environment where there is pro-active co-operation between banks, professional enablers, companies and states, and where the perpetrators of corruption and money laundering are no longer able to hide in the shadows.

Banks and Professional Enablers

- 40. Successfully combating financial crime can only be achieved through a meaningful partnership between the private sector and the public sector, concentrating around shared strategic priorities and the alignment of resources.²⁷ Within the private sector, banks and professional enablers have arguably the most significant role to play in combatting financial crime. It should be a source of shame for the world's leading economies that banking institutions and professional enablers responsible for facilitating corrupt practices in foreign countries are headquartered in their jurisdictions (London, New York, Delhi and Shanghai, for instance). I note that the average, honest citizen on a modest or medium income is subject to all manner of frustrating and time-consuming procedures and requirements to open a bank account or legitimately move money, but somehow banks turn a blind eye to global crime such as that perpetrated by the Guptas, their cronies and allies, on a gargantuan scale. How can that be right?
- 41. Whilst it might seem counterintuitive to seek assistance from entities that are reported to have contributed to state capture and assisted corrupt persons to move stolen funds out of South Africa (for instance HSBC, Standard Chartered, Bank of Baroda, McKinsey, KPMG, Hogan Lovells, and Bain & Co, to name a few), their involvement is crucial to understanding the global picture of financial crime. For it is a fact that funds moved across the world today leave a digital footprint. Banks and professional enablers (particularly global banks) possess the technological and financial clout needed to force change and that power should be harnessed to assist regulators to target their often too limited resources.

Transparency of Ownership

Recommendation: (i) creation of a public register of beneficial owners (BOs) within the next six months; and (ii) strengthening the audit programme of banks and professional enablers' due diligence in South Africa

42. In order for banks and professional enablers to recognise suspicious customers or transactions, they must know the identity of the customer. Understanding who the beneficial owners (BOs) of corporate entities are is integral to enabling banks and

Economic Crime Plan 2019-22, HM Government and UK Finance, July 2019, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/816215/2019-22_Economic_Crime_Plan.pdf

CONCLUSION

- 87. In summary, my recommendations to the Commission are:
 - 87.1. Increase transparency around the beneficial owners of corporates and strengthen the programme for auditing the due diligence conducted by banks and professional enablers to ensure that they are fully complying with antimoney laundering legislation and polices.
 - 87.2. Increase the sharing of data within banks and professional enablers, between banks and professional enablers, and between banks, professional enablers and the state, so that there is greater visibility around the risk profile of customers and transactions.
 - 87.3. Create additional penalties (at both an organisational level and an individual level) for banks and professional enablers who fail to self-police and act in accordance with anti-money laundering legislation and procedures.
 - 87.4. Join the EITI so that there is greater transparency and accountability around the operation of the extractive industries; historically an area at higher risk of corruption.
 - 87.5. Increase transparency around the BEE programme to ensure that the legitimate aims of this initiative are not subverted for the personal gain of criminals.
 - 87.6. Ensure proper utilisation of anti-money laundering and corruption legislation in existence, as well as implementing additional legislation (to better hold public officials to account and to assist with recovery of assets) coupled with increased funding for regulators.
 - 87.7. Fully implement all of the FATF Recommendations.
 - 87.8. Increase mutual legal assistance between states.
 - 87.9. Encourage extradition agreements between states.

Transparency and Fairness

88. Making the changes needed to combat financial crime, investigate potential corruption and repatriate stolen funds will not be easy. However, the people of South Africa deserve better than the obscene looting and devastation caused by state capture and I hope that the recommendations referenced in this report are also recommended by the Commission, and then implemented by the Government. South Africa has had, and still does, a corruption near death experience that must not be repeated and must be eradicated if the country is to survive and prosper in the future – and if the values of the freedom struggle are to be realised.

Lord Peter Hain House of Lords London SW1A 0PW peter.hain@parliament.uk

Warren Redcliffe

From:

Warren Redcliffe

Sent:

Friday, 08 November 2019 13:59

To:

'Nicola.Wilson@Bain.com'

Subject:

FW: [Follow-up Query] RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Attachments:

Annexure 'A'.pdf

Dear Ms. Wilson.

Further to our previous correspondence on the above-mentioned matter, please find under cover hereof the relevant pages of Lord Hain's statement as requested.

Yours sincerely.

Warren Redcliffe

From: Wilson, Nicola < Nicola. Wilson@Bain.com >

Sent: Thursday, 07 November 2019 16:55

To: Warren Redcliffe < WarrenR@commissionsc.org.za >

Cc: Boipelo B. Ratshikana < BoipeloR@commissionsc.org.za >; Shannon S. Van Vuuren

<<u>ShannonV@commissionsc.org.za</u>>; Samukelisiwe Jali <<u>SamukelisiweJ@commissionsc.org.za</u>>; Sabina Lech

<SabinaL@commissionsc.org.za>

Subject: RE: [Follow-up Query] RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Mr Redcliffe,

Thank you for your response which is noted and understood.

We would just ask you to kindly confirm that we have all of the relevant pages in the supplied Annexure 'A'. In particular, it seems that the second half of paragraph 22 (page 7) might reference/implicate Bain. We have only received page 7 and not page 8.

Kind regards, Nicola

From: Warren Redcliffe < Warren R@commissionsc.org.za>

Sent: Thursday, November 7, 2019 3:34 PM
To: Wilson, Nicola < Nicola. Wilson@Bain.com>

Cc: Boipelo B. Ratshikana < BoipeloR@commissionsc.org.za >; Shannon S. Van Vuuren

<ShannonV@commissionsc.org.za>; Samukelisiwe Jali <SamukelisiweJ@commissionsc.org.za>; Sabina Lech

<SabinaL@commissionsc.org.za>

Subject: RE: [Follow-up Query] RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Ms. Wilson.

I note your request for the full version of Lord Hain's statement.

The Commission can and will provide to implicated parties those portions of any witness's statement wherein they are implicated.

If you have not received that portion of the statement that references Bain, we will provide same to you.

My mobile number is: 0718997024 in the event that you would like to discuss the matter.

Yours sincerely.

Warren Redcliffe

From: Boipelo B. Ratshikana < Boipelo R@commissionsc.org.za>

Sent: Thursday, 07 November 2019 14:49

To: Warren Redcliffe < WarrenR@commissionsc.org.za>; Shannon S. Van Vuuren

<<u>ShannonV@commissionsc.org.za</u>>; Sabina Lech <<u>SabinaL@commissionsc.org.za</u>>; Samukelisiwe Jali

<SamukelisiweJ@commissionsc.org.za>

Subject: FW: [Follow-up Query] RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Importance: High

From: Wilson, Nicola < Nicola.Wilson@Bain.com > Sent: Thursday, 07 November 2019 14:42

To: Boipelo B. Ratshikana < Boipelo R@commissionsc.org.za >

Cc: Secretary < Secretary@commissionsc.org.za >

Subject: [Follow-up Query] RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Importance: High

Dear Boipelo,

I tried calling today on the number below to follow up on my previous request.

Please would you let me know if it's possible to receive the full version of Lord Hain's submission, or to get a copy of the missing section that refers to Bain & Company?

Kind regards, Nicola

From: Wilson, Nicola

Sent: Monday, November 4, 2019 2:09 PM

To: 'boipelor@commissionsc.org.za' < boipelor@commissionsc.org.za >

Cc: 'Secretary' < Secretary@commissionsc.org.za > Subject: RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Boipelo,

I'm following up on my email from Friday.

Kindly advise if you're able to assist with the request below: to provide either the full version of the annexure, or at minimum the section that appears to be missing.

Kind regards, Nicola

From: Wilson, Nicola

Sent: Friday, November 1, 2019 4:25 PM

To: 'Secretary' < Secretary@commissionsc.org.za > Subject: RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Boipelo,

Thank you for sending through the attached Rule 3.3. Notice. I hereby acknowledge receipt.

Would it be possible to provide the full version of Annexure "A"? The attached copy appears to be missing information pertaining/relevant to Bain & Company on page 2 of the appendix as supplied (numbered as page 7; point 22.)

Kind regards, Nicola

From: Secretary <Secretary@commissionsc.org.za>

Sent: Friday, November 1, 2019 3:27 PM

To: Wilson, Nicola < Nicola. Wilson@Bain.com >
Subject: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto.

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,
Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193

Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za



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Secretary

From:

Min, Stuart <Stuart.Min@Bain.com>

Sent:

Tuesday, 12 November 2019 23:51

To: Cc: Secretary Min, Stuart

Subject:

Bain Response to Notice in Terms of Rule 3.3

Attachments:

191112 - Bain Response to State Capture Commission.pdf

Dear Secretary:

Attached please find Bain's response to the notice in terms of Rule 3.3 that we received on 1 November 2019.

Please do not hesitate to contact me if you have any questions or if I may be of further assistance.

Sincerely, Stuart Min

Stuart Min

Partner and General Counsel

Bain & Company, Inc. | 131 Dartmouth St. | Boston, MA 02116 | United States

1/10

Tel: +1 617 572 2574 Mobile: +1 617 283 3121 Web: www.bain.com | Email: Stuart.Min@Bain.com

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Bain & Company, Inc. 131 Dartmouth Street Boston, Massachusetts 02116 USA

Tel: +1 617 572 2000 Fax: +1 617 572 2427

12 November 2019

The 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

By Email: secretary@commissionsc.org.za

Attention: Adv. Andre Lamprecht, Ms. Shannon van Vuuren and Mr. Warren Redcliffe

Dear Sirs,

2193

BAIN CONSULTING SA || NOTICE IN TERMS OF RULE 3.3

- I refer to your notice 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
 ("Commission"), dated 1 November 2019. I refer in addition to pages 1, 7, 8, 12 and 23 of a
 statement made by Lord Peter Hain dated 31 October 2019 ("Statement Extract") as annexed to
 the notice. In the notice, our attention was drawn to paragraphs 19, 22 and 41 of the Statement
 Extract.
- 2. Bain is generally in agreement with, and supports, Lord Hain's recommendations and solutions relating to state capture, as set out in paragraphs 87 and 88 of the Statement Extract.
- 3. To this end, Bain has adopted a comprehensive remedy plan (the elements of which have already been publicly announced) in order to re-emphasise an ethical corporate environment, and to ensure that we can continue to add value to business in South Africa going forward. In addition, we have offered our cooperation to the relevant South African authorities in order to assist them in connection with their investigation of matters related to SARS.
- 4. That being said, certain allegations made by Lord Hain in his statement are unsubstantiated and are factually incorrect. These allegations are as follows:
 - (a) Bain "assisted the Guptas in their looting from the South African people." (paragraph 19)

BAIN & COMPANY (4)

- (b) Bain "profited while the Guptas hid funds stolen from South Africa..." (paragraph 19)
- (c) Bain "'coached' Tom Moyane on how to implement capturing SARS..." (paragraph 22)
- (d) Several meetings "took pace [sic] at Nkandla, the private homestead of president Zuma." (paragraph 22)
- (e) Bain "assisted corrupt persons to move stolen funds out of South Africa..." (paragraph 41)
- 5. Bain believes the above allegations to be false and has not found any evidence to support them, nor were any of these allegations found to be true by the Nugent Commission of Inquiry into Tax Administration and Governance by the South African Revenue Service ("Nugent Commission"). If Lord Hain has any evidence of any of these allegations, we would ask him to share this evidence with us in order to assist our ongoing investigatory and remediation efforts. In the absence of such evidence, these allegations go no further to assisting the Commission; indeed they may even distract the Commission in its work, and ought not to be advanced against Bain & Company. In particular, and in terms of the investigation Bain conducted:
 - (a) The Guptas had no connection with or involvement in Bain's work at SARS. Moreover, Bain has found no evidence that it did any business with the Guptas whatsoever. We understand that other international consulting firms and various other corporates have done substantial amounts of business with the Guptas, but (we repeat) Bain has not. It is possible that this is simply a case of mistaken identity in which case, we would invite Lord Hain to update his statement.
 - (b) Bain has found no evidence that any of our current or former employees attended Nkandla for any purpose.
 - The coaching that Bain has acknowledged and admitted providing to Tom Moyane was provided to prepare him for the position of Commissioner of the South African Revenue Service and not for the purpose as alleged by Lord Hain. Coaching of this type is a practice which is often conducted in the consulting industry for executives in private companies to support them in preparing for important moments in their careers. While Bain was not in any way involved in the appointment of Mr Moyane, Bain regrets the lack of judgement exhibited in applying its private sector executive engagement methodology to the public sector in this instance and has since implemented extraordinary measures to ensure that this does not take place ever again.
 - (d) Bain is an international management consultancy and the professional services we provide are not in any way related to international monetary transfers or providing any other banking, financial or legal professional service that is ancillary to such transfers. We therefore do not see how Bain could be considered a "Bank or Professional Enabler" to a corrupt international transfer of funds. For this reason, while we agree with the general sentiment that corporations in South Africa can and should have a role to play in remediating state capture and while Bain is playing this role in various ways including through assistance offered to the authorities, we nevertheless feel including Bain in this list of companies is incongruous.

BAIN & COMPANY

- 6. Bain does not interpret any further aspects of Lord Hain's statement to implicate Bain & Company in any acts of unlawful, illegal or improper conduct, including corruption, bribery, fraud, money laundering and/or tax evasion. In any event, we deny that Bain was involved any acts of corruption, bribery, fraud, money laundering or tax evasion.
- 7. In light of the above, and given the fact that this subject matter has been previously canvassed by the Nugent Commission, Bain does not intend at this stage to give evidence, call any witnesses, or cross-examine Lord Hain.
- 8. Bain recognises that our involvement in SARS was an unsuccessful and humbling episode and we are doing our utmost to make things right. However, in order to avoid perpetuating misleading or false media reports or rumours and thereby making the work of the Commission more difficult, we would invite Lord Hain to take account of the information in this letter when finalising his written evidence and giving his oral evidence to the Commission. Our legal representatives will be in attendance at the presentation of Lord Hain's evidence, scheduled to take place on 18 November 2019, in order to protect our rights and to ensure that the version advanced by Lord Hain in his testimony aligns with the above, failing which, we reserve our right to lead evidence, call witnesses and/or cross-examine Lord Hain in relation to his testimony.
- Please do not hesitate to contact us should you have any queries or wish to discuss anything in this regard.

Yours faithfully,

Stuart K. Min

Partner and General Counsel

MIO

Stax Mi

Joan Venter

From: Wilson, Nicola < Nicola.Wilson@Bain.com>

Sent: Friday, 01 November 2019 16:26

To: Secretary

Subject: RE: Notice in Terms of Rule 3.3/Lord Hain/Bain

Attachments: Annexure 'A'.pdf

Dear Boipelo,

Thank you for sending through the attached Rule 3.3. Notice. I hereby acknowledge receipt.

Would it be possible to provide the full version of Annexure "A"? The attached copy appears to be missing information pertaining/relevant to Bain & Company on page 2 of the appendix as supplied (numbered as page 7; point 22.)

Kind regards, Nicola

From: Secretary < Secretary@commissionsc.org.za>

Sent: Friday, November 1, 2019 3:27 PM
To: Wilson, Nicola < Nicola. Wilson@Bain.com>
Subject: Notice in Terms of Rule 3.3/Lord Hain/Bain

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto,

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193
Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za



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endorsed by Bain. Any personal information sent over e-mail to Bain will be processed in accordance with our Privacy Policy (https://www.bain.com/privacy).





Warren Redcliffe

From:

Warren Redcliffe

Sent:

Monday, 11 November 2019 16:24

To:

'michelle@nortonsinc.com'

Cc:

Andre J. Lamprecht; Shannon S. Van Vuuren; Sabina Lech

Subject:

Judicial Commission of Inquiry into State Capture

Attachments:

Letter to Nortons Inc 11112019.pdf

Dear Ms. Rawlinson.

Please find correspondence attached hereto for your urgent attention.

Yours sincerely.

Warren Redcliffe

COMMISSION OF INQUIRY INTO STATE CAPTURE

Hillside House, 17 Empire Road, Parktown, Johannesburg, 2193 | Gauteng | South Africa |

Email:warrenr@commissionsc.org.za | lwww.sastatecapture.org.za



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

11 November 2019

To:

Ms. Michelle Rawlinson

Nortons Inc.

By email:

michelle@nortonsinc.com

Dear Ms. Rawlinson.

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

- The Commission does not know what, if anything, Lord Hain intends to state in his
 evidence beyond that which is contained in the statement that he has furnished to the
 Commission. The only reference to your client in that statement is the reference in
 paragraph 28 to which the Commission has drawn your client's attention in the Rule 3.3
 notice.
- 2. The Commission does not intend privately to interrogate Lord Hain in relation to paragraph 28 of his statement. In the circumstances, we are unable to furnish your client with any further particularity in relation to the allegation made by Lord Hain in paragraph 28. If Lord Hain provides further particularity to this allegation in his public testimony to the Commission, the Commission will make no findings in relation to the allegation without affording your client a further opportunity to respond thereto.
- If, at this stage, your client has any concerns or evidence that it wants the Commission
 to put to Lord Hain in his public testimony, your client should set these out in an affidavit
 which the Commission will put to Lord Hain when he testifies, provided that the affidavit

is received by the Commission by close of business on Wednesday 13 November 2019. If, in such an affidavit, your client wishes to reserve its position to amplify its allegations after Lord Hain has testified, your client is welcome to do so.

4. Please do not hesitate to contact Mr. Warren Redcliffe (warrenr@commissionsc.org.za) and/or Shannon Van Vuuren (shannonv@commissionsc.org.za) regarding any further queries on this matter.

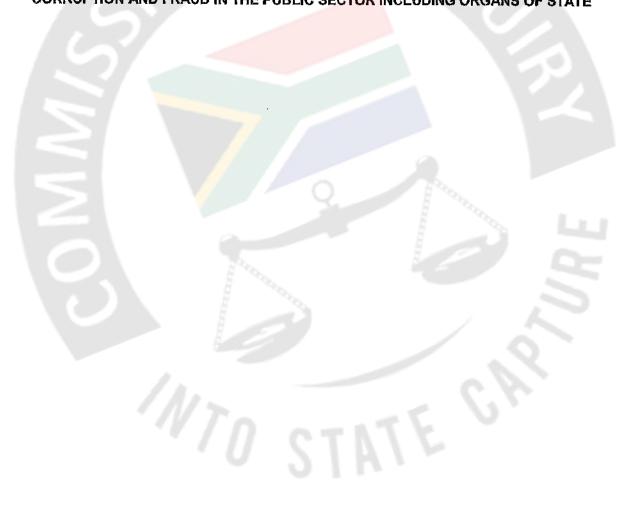
Yours faithfully.

Ms. KB Shabalala

Acting Secretary

JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,

CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE



Trudi T. McCracken

From: Michelle Rawlinson < Michelle@nortonsinc.com>

Sent: Thursday, 14 November 2019 16:02

To: Warren Redcliffe

Cc: Andre J. Lamprecht; Shannon S. Van Vuuren; Sabina Lech; Secretary

Subject: RE: Judicial Commission of Inquiry into State Capture

Attachments: Letter to the Commission - 14.11.19.pdf

Dear Mr Redcliffe

We refer to your letter of 11 November 2019 and attach a letter in response.

Kind regards

Michelle

From: Warren Redcliffe [mailto:WarrenR@commissionsc.org.za]

Sent: Monday, November 11, 2019 4:24 PM

To: Michelle Rawlinson < Michelle@nortonsinc.com>

Cc: Andre J. Lamprecht <AndreL@commissionsc.org.za>; Shannon S. Van Vuuren <ShannonV@commissionsc.org.za>; Sabina Lech <SabinaL@commissionsc.org.za>

Subject: Judicial Commission of Inquiry into State Capture

Dear Ms. Rawlinson.

Please find correspondence attached hereto for your urgent attention.

Yours sincerely.

Warren Redcliffe

COMMISSION OF INQUIRY INTO STATE CAPTURE

Hillside House, 17 Empire Road, Parktown, Johannesburg, 2193 | Gauteng | South Africa |

Email:warrenr@commissionsc.org.za | lwww.sastatecapture.org.za



Michelle Rawlinson Consultant

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http://www.nortonsinc.com

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Company Registration Number: 2009/006902/21

VAT Registration Number: 4510252580

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Commission of Inquiry into State Capture

ortons Inc

Attention: Ms K B Shabalala

cc. Advocate Andre Lamprecht / Ms Shannon Van Vuuren / Mr Warren Redcliffe

By email: secretary@commissionsc.org.za

14 November 2019

Dear Ms Shabalala

NOTICE IN TERMS OF RULE 3.3: SAP SOUTH AFRICA

- We refer to the above matter and your letter dated 11 November 2019, the contents of which have been noted.
- 2. Given that the statement made in respect of SAP in paragraph 28 of Lord Hain's statement is extremely vague and wide-ranging, and that the Commission is unable at this stage to provide further particularity in relation to the testimony to be presented by Lord Hain to the Commission in relation to SAP, we are instructed that SAP is not able at this juncture to give consideration to any potentially relevant evidence or concerns, which it wishes to be put to Lord Hain.
- 3. We understand, however, from your letter that in the event that Lord Hain's testimony provides further particularity to the contents of his statement insofar as it pertains to SAP, then SAP will be afforded an opportunity to respond to any specific allegations in regard to SAP, should it consider it necessary to

Competition Law Specialists . Litigation Attorneys . Regulatory Advice

Directors: Anthony Norton • Anton Roets • Paul Russell • John Oxenham • Warwick Radford
Principal Senior Associate: Nicola Ilgner

Senior Associates: Nicci van der Walt • Michael-James Currie

Consultant: Michelle Rawlinson

do so. We trust that, in such event, SAP will be afforded adequate opportunity to consider the testimony of Lord Hain and sufficient time to prepare a comprehensive response to the testimony.

4. SAP's rights are reserved in their entirety.

Yours sincerely

[Unsigned due to electronic transmission.]
Anthony Norton / Michelle Rawlinson
Nortons Inc.

Competition Law Specialists . Litigation Attorneys . Regulatory Advice

Directors: Anthony Norton • Anton Roets • Paul Russell • John Oxenham • Warwick Radford
Principal Senior Associate: Nicola Ilgner
Senior Associates: Nicol van der Walt • Michael-James Currie
Consultant: Michelle Rawlinson

Warren Redcliffe

From: Warren Redcliffe

Sent: Thursday, 14 November 2019 16:10

To: 'Michelle Rawlinson'

Cc: Andre J. Lamprecht; Shannon S. Van Vuuren; Sabina Lech; Secretary

Subject: RE: Judicial Commission of Inquiry into State Capture

Dear Ms. Rawlinson.

Thank you for your e-mail and attachments – we confirm receipt.

The aforementioned correspondence will be transmitted to the relevant evidence leader for consideration.

Yours sincerely.

Warren Redcliffe

From: Michelle Rawlinson < Michelle@nortonsinc.com>

Sent: Thursday, 14 November 2019 16:02

To: Warren Redcliffe < Warren R@commissionsc.org.za>

Cc: Andre J. Lamprecht <AndreL@commissionsc.org.za>; Shannon S. Van Vuuren

<ShannonV@commissionsc.org.za>; Sabina Lech <SabinaL@commissionsc.org.za>; Secretary

<Secretary@commissionsc.org.za>

Subject: RE: Judicial Commission of Inquiry into State Capture

Dear Mr Redcliffe

We refer to your letter of 11 November 2019 and attach a letter in response.

Kind regards

Michelle

From: Warren Redcliffe [mailto:WarrenR@commissionsc.org.za]

Sent: Monday, November 11, 2019 4:24 PM

To: Michelle Rawlinson < Michelle@nortonsinc.com>

Cc: Andre J. Lamprecht < <u>AndreL@commissionsc.org.za</u>>; Shannon S. Van Vuuren < <u>ShannonV@commissionsc.org.za</u>>; Sabina Lech < <u>SabinaL@commissionsc.org.za</u>>

Subject: Judicial Commission of Inquiry into State Capture

Dear Ms. Rawlinson.

Please find correspondence attached hereto for your urgent attention.

Yours sincerely.

Warren Redcliffe

COMMISSION OF INQUIRY INTO STATE CAPTURE

Hillside House, 17 Empire Road, Parktown, Johannesburg, 2193 | Gauteng | South Africa |

Email:warrenr@commissionsc.org.za | lwww.sastatecapture.org.za



Michelle Rawlinson Consultant

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1/10







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Trudi T. McCracken

From: Bham, Nadine < Nadine.Bham@sc.com >

Sent: Friday, 15 November 2019 17:31 To: Secretary: Matthew Chaskalson

Bedu Addo, Kweku; Ahmed Gany, Rozanne; Matchaba, Geraldine; Gitwekere, Samuel Cc:

Subject: RE: Notice in Terms of Rule 3.3/Lord Hain/Standard Chartered Bank

Attachments: Affidavit in response to Rule 3.3 of the Commission of Inquiry into State Capture

15112019.pdf

Importance: Hìgh

Confidential and Legally Privileged

Attention: Matthew Chaskalson (Adv.) and Andre Lamprecht (Adv.)

Dear Sirs

The Commission's notice in terms of Rule 3.3 of the Rules of the Judicial Commission of Inquiry into State Capture sent to Standard Chartered Bank(SCB) on 1 November 2019, has reference. Attached is an affidavit in response to same which SCB would be grateful for the Commission to consider at the hearing. I confirm further that SCB does not intend to attend the inquiry hearing.

I trust you find the above in order. Kindly contact me should you have any queries.

Regards Nadine

Email:

Nadine Bham

Head of Legal Legal, South Africa Standard Chartered Bank +27 (0) 63 404 3191 Mobile: +27 (0) 11 291 8299 Phone: Fax: +27 (0) 11 217 6621

Nadine.Bham@sc.com Address: 2nd Floor, 115 West Street, Sandton, 2196, Gauteng, South Africa

P O Box 782080, Sandton, 2146, Gauteng, South Africa

Website: http://www.standardchartered.com

From: Secretary <Secretary@commissionsc.org.za>

Sent: Friday, November 1, 2019 3:31 PM To: Bham, Nadine < Nadine.Bham@sc.com>

Subject: [External] Notice in Terms of Rule 3.3/Lord Hain/Standard Chartered Bank

This e-mail originated from outside of Standard Chartered Bank

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto.

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,

Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
Hillside House, 2rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193
Tel: 010 214 0651 | Mobile: 071 319 7843 | Email: boipelor@commissionsc.org.za | www.sastatecapture.org.za



This email and any attachments are confidential and may also be privileged. If you are not the intended recipient, please delete all copies and notify the sender immediately. You may wish to refer to the incorporation details of Standard Chartered PLC, Standard Chartered Bank and their subsidiaries at https://www.sc.com/en/our-locations. Please refer to https://www.sc.com/en/privacy-policy/ for Standard Chartered Bank's Privacy Policy.

1/10

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

AFFIDAVIT IN RESPONSE TO NOTICE ISSUED IN TERMS OF RULE 3.3 OF THE RULES OF THE JUDICIAL COMMISSION OF INQURY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE

I, the undersigned,

SIRJITKUR NADINE BHAM

do hereby make oath and say that:

- 1. I am an adult female, employed as Head of Legal at Standard Chartered Bank Johannesburg Branch (SCBJ).
- I am authorised to and depose to this affidavit, on behalf of SCBJ, in accordance with the provisions of the Bank's power of attorney, a copy of which can be made available upon request.
- 3. The facts contained in this affidavit are, to the best of my knowledge and belief, both true and correct and are, save where otherwise stated or indicated by the context, within my personal knowledge.
- 4. I note the statements made by Lord Peter Hain in respect of Standard Chartered Bank (SCB). I deny any and all allegations in their entirety insofar as they relate to SCB being complicit in supporting state capture and in particular as it relates to accounts with apparent connections to the Gupta family (Guptas). SCB does not approve, nor does it support, any activities in respect of state capture.
- 5. With particular reference to the comments made in Paragraph 15 of Lord Hain's written statement, I completely refute and rebut the suggestion that SCB was in any way reluctant to engage with Lord Hain on this matter.
- SCB takes its responsibility to combat financial crime very seriously and is fully committed to doing business in accordance with local and international regulatory and legal requirements.
- 7. In this case, SCB has conducted a thorough investigation into all the allegations. As part of this investigation, SCB has made disclosures to the appropriate authorities in a number of jurisdictions. SCB has fully discharged all its legal and regulatory obligations wherever they have arisen, and wherever possible have provided support and assistance to law enforcement investigations into the allegations.
- 8. I confirm SCB's commitment to working with the South African regulators and anti-crime organisations to combat corruption and financial crimes.

AKIMB.

- 9. SCB is only able to disclose information where that information is lawfully requested via the appropriate legal channels. SCB's disclosure of information by any other means risks breach of applicable regulatory and/or contractual confidentiality obligations to our clients, which we cannot ignore.
- 10. I understand that SCB United Arab Emirates (SCB UAE) has made the necessary disclosures in accordance with its local regulatory obligations in relation to the accounts with apparent connections to the Guptas.
- 11. SCBJ does not however have access to the SCB UAE customer account information, nor would SCBJ be able to provide UAE account information to you in response to a South African production order.

SIRJITKUR NADINE BHAM

Thus signed and sworn to at About 1000 on this 1500 day of November 2019 the deponent having acknowledged that she knows and understands the contents of this affidavit, that she has no objection to taking the prescribed oath, that the oath which she has taken in respect thereof is binding on her conscience, and that the contents of this affidavit are both true and correct.

MID

COMMISSIONER OF OATHS

Andrew Kenneth Strachan
15 Alice Lane
Sandton
Commissioner of Oaths Ex Officio
Practising Attorney
Republic of South Africa

YK? B

Trudi T. McCracken

From: Matthew Chaskalson

Sent: Friday, 15 November 2019 17:43

To: Bham, Nadine; Secretary

Cc: Bedu Addo, Kweku; Ahmed Gany, Rozanne; Matchaba, Geraldine; Gitwekere, Samuel

Subject: Re: Notice in Terms of Rule 3.3/Lord Hain/Standard Chartered Bank

I acknowledge receipt of the affidavit.

Regards

M CHASKALSON SC

COMMISSION OF INQUIRY INTO STATE CAPTURE

Hillside House, 3rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193, Gauteng South Africa.

email: MatthewC@commisionsc.org.za

mobile: +27844001448

Website: www.sastatecapture.org.za

Legal Division



From: Bham, Nadine < Nadine.Bham@sc.com> Sent: Friday, November 15, 2019 5:31:16 PM

To: Secretary; Matthew Chaskalson

Cc: Bedu Addo, Kweku; Ahmed Gany, Rozanne; Matchaba, Geraldine; Gitwekere, Samuel

Subject: RE: Notice in Terms of Rule 3.3/Lord Hain/Standard Chartered Bank

Confidential and Legally Privileged

Attention: Matthew Chaskalson (Adv.) and Andre Lamprecht (Adv.)

Dear Sirs

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I trust you find the above in order. Kindly contact me should you have any queries.

Regards Nadine

Nadine Bham

Head of Legal Legal, South Africa

Standard Chartered Bank Mobile: +27 (0) 63 404 3191 Phone: +27 (0) 11 291 8299

Phone: +27 (0) 11 291 8299
Fax: +27 (0) 11 217 6621
Email: Nadine.Bham@sc.com

Address: 2nd Floor, 115 West Street, Sandton, 2196, Gauteng, South Africa P O Box 782080, Sandton, 2146, Gauteng, South Africa Website: http://www.standardchartered.com

From: Secretary < Secretary@commissionsc.org.za>

Sent: Friday, November 1, 2019 3:31 PM **To:** Bham, Nadine <Nadine.Bham@sc.com>

Subject: [External] Notice in Terms of Rule 3.3/Lord Hain/Standard Chartered Bank

This e-mail originated from outside of Standard Chartered Bank.

Dear Sir/Madam

Please find the attached Rule 3.3 Notice in respect of Lord Hain's evidence for your attention.

Please also find Annexure A attached hereto.

Kindly acknowledge receipt hereof and contact us regarding any queries you may have in this regard.

Kind Regards,
Boipelo Ratshikana
Executive Assistant to the Secretary
COMMISSION OF INQUIRY INTO STATE CAPTURE
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11/15/2019

Reply all |



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RE: Affidavit from Standard Chartered



Bham, Nadine < Nadine.Bham@sc.com>

Yesterday, 11:02 AM

Matthew Chaskalson; +2 more ¥

♠ Reply all | ∨

Inbox

Dear Advocate Chaskalson

Thank you for your call today.

The below is noted. Regards Nadine

Nadine Bham

Head of Legal

Legal, South Africa

Standard Chartered Bank

Phone: +27 (0) 11 291 8299 +27 (0) 11 217 6621

Email: Nadine.Bham@sc.com

Address: 2nd Ffoor, 115 West Street Sandton, 2196, Gauteng, South Africa

P O Box 782080, Sandton, 2146, Gauteng, South Africa

Website: http://www.standardchartered.com

From: Matthew Chaskalson < Matthew C@commissionsc.org.za>

Sent: Thursday, November 14, 2019 10:09 AM To: Bham, Nadine < Nadine.Bham@sc.com>

Cc: Mabongi M. Masilo <MabongiM@commissionsc.org.za> Subject: [External] Affidavit from Standard Chartered

Dear Ms Bham

I refer to our telephone conversation earlier today and confirm that any affidavit submitted to the Commission may be put to Lord Hain in his public testimony next week, in which event it will become a public document.



×

Regards

M CHASKALSON SC

COMMISSION OF INQUIRY INTO STATE CAPTURE

Hillside House, 3rd Floor, 17 Empire Road, Parktown, Johannesburg, 2193, Gauteng South Africa,

email: MatthewC@commisionsc.org.za

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Legal Division

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MID